Sustain Fund Rules Feedback FAQ

This FAQ summarizes common feedback themes raised across the rulemaking process for 1 CCR 301-117, Rules for the Administration of Postsecondary and Workforce Readiness Sustain Funding. Feedback was collected from February – April 2026 in various ways, including:

- Informal survey (81 respondents)
- Six group feedback sessions over Zoom (150+ participants)
- Approximately 15 meetings with constituent groups
- 30+ public comment letters and form submissions
- Conversations at two State Board of Education meetings

The FAQ is intended to show feedback themes and frequency, what did or did not change in the rules as a result of the feedback, and the rationale for changes, all of which are reflected in the rulemaking materials posted on BoardDocs:

- Sustain Fund rules **vote** at the May 14, 2026 state board meeting
- Sustain Fund **rulemaking hearing** at the April 8, 2026 state board meeting
- Sustain Fund **notice of rulemaking** at the February 4, 2026 state board meeting

The Colorado Department of Education (CDE) will post further updates on the Senate Bill 25-315 Implementation webpage.

At-a-Glance Summary

Topic	Final Outcome	High-Level Reason
Student eligibility for Sustain funding	Added/clarified	Revised to ensure students participating in P-TECH and TREP will be included, transition students are included, full-time students are counted and clarifies the outcomes eligibility window is July 1 – June 30.
P-TECH and related student outcomes eligibility clarity	Added/clarified	The state board requested added clarity that outcomes earned by PT-ECH students are eligible for Sustain funding.
Adding other types of postsecondary credit as eligible for Sustain funding, such as CLEP and prior learning assessment credit	Not added in this version	Data availability, transferability questions, and program-of-study limitations prevented inclusion now.
Process for LEPs to review Big Three student outcome data and submit corrections	Clarified	LEPs will have access to Cognos reports for each of The Big Three categories to show how many student outcomes were funded. For postsecondary credit, the sources for data match are the official records on file with colleges and vendors. For industry-recognized credentials and work-based learning, these are the data LEPs self-report

		to CDE via the PWR Collection. Also, there is currently not enough CDE staff capacity to develop and manage a corrections process.
Annual work-based learning 60-hour requirement	Not changed	The final rules kept a single statewide threshold in this version.
Weighting funding by student and local education provider (LEP) characteristics	Added student and LEP weights	Feedback favored weighting to account for barriers faced by rural LEPs and students with higher needs.
LEP annual Sustain funding cap	Changed to 10% cap per Big Three category with charter schools clarification	Feedback was mixed; final rule increased the cap to 10% from the earlier 5% concept and clarified how district-authorized charter schools should be treated.
How funding flows to charter schools	Clarified	The state board requested added clarity, so final rules added authorizer submission language and CDE information-sharing language.
Requiring LEPs to pay for costs associated with Big Three student outcomes	Not added	Feedback overwhelmingly favored encouraging LEPs to pay for costs but not requiring LEPs pay.
Limits on the number of Big Three student outcomes a LEP may receive for one student	Added/clarified	Sustain is intended to incentivize all high school students having access to and taking advantage of the Big Three with limited funding, so annual limits were added.
Big Three category funding amounts for 2026-27	Not changed	Year-one (2026-27) percentages are set in statute so they are not able to be modified.
Additions beyond statute of what the state board should consider when setting future years' Sustain funding in each Big Three category	Added	Added "Student matriculation into postsecondary education and training" based on feedback.
Monitoring and support	Added	The state board requested a monitoring and support section to replace the originally proposed audit language and clarified CDE's ability to recover funds based on monitoring.

Detailed FAQ

What were the biggest feedback themes across both rounds of feedback?

Applies to rule sections: 1.0–7.0 (cross-cutting).

Across both rounds of feedback, the most consistent themes were: (1) whether Sustain funding should be weighted to better account for equity and access barriers; (2) concern about data reporting burden, timing, and staff capacity, especially for smaller and rural LEPs; (3) requests for stronger alignment with existing Career and Technical Education (CTE) and other reporting structures; (4) questions about which postsecondary credit outcomes should count; (5) concern about the structure and size of any LEP funding cap; (6) requests for clearer language for how funding flows to charter schools; and (7) concerns about auditing and monitoring requirements.

Did the final rules clarify which students are eligible for Sustain Funding?

Applies to rule sections: 3.1(1)–(8).

Yes. The final rules clarify that eligible students are enrolled in grades 9 and above, may be enrolled in P-TECH, may be participating in TREP, may be receiving transition services under the Exceptional Children's Education Act, must be identified for full-time funding in the annual October Count in the same budget year the outcome is achieved, and that outcomes earned by summer graduates will count in the following budget year. Some feedback reflected a desire to include part-time students, but based on direction from the state board and keeping in mind that there is a limited pool of Sustain funds that are intended to support the ~270,000 full-time high school students annually, full-time students remain in the rules. Other feedback expressed concerns about the July 1 – June 30 timing for student outcomes earned, particularly in the context of summer graduates, but there must be a non-overlapping cut off for reporting purposes, so the time window remains July 1 – June 30.

Did the final rules clarify that P-TECH outcomes are eligible?

Applies to rule sections: 3.1(4); 4.1(1)(b).

Yes. Final rule language was added to make clear that students may be enrolled in a P-TECH program and that qualifying postsecondary credit earned through a P-TECH program may count for Sustain funding.

Did the final rules fully adopt requests to broaden "transferable" college credit beyond guaranteed transfer pathways and other credit types outlined in SB25-315?

Applies to rule sections: 2.5; 4.1(1)(a)–(d).

No. Stakeholders raised concerns that a narrow interpretation of "transferable" could exclude valuable college coursework. As outlined in statute, transferability is an important part of the definition of postsecondary credit - 22-54-202(7), C.R.S., states that ""Postsecondary credit attainment" means a transferrable college credit that may be attained while a student is in high school…". The Colorado Department of Higher Education (CDHE) is responsible for defining and identifying transferability, and there is currently a Colorado Commission on Higher Education (CCHE) Transfer sub-committee that is discussing this. More information about CDHE/CCHE transfer efforts can be found on their Improving Statewide Transfer webpage. On the other hand, CDE's responsibility with the Sustain Fund rules is to define what is eligible for Sustain funding in alignment with SB25-315 statutory language.

Did the final rules expand the postsecondary credit Big Three category to include Advanced Placement (AP) credits that are not guaranteed to transfer?

Applies to rule sections: 4.1(1)(a)–(d).

No. AP exams that are not included on the guaranteed transfer matrix were not added as transferability is included in Senate Bill 25-315 (outlined in the response above) . Department analysis shows that over 90% of AP exams taken by high school students are part of guaranteed transfer pathways.

Did the final rules expand the postsecondary credit Big Three category to include College-Level Exam Program (CLEP) credits?

Applies to rule sections: 4.1(1)(a)–(d).

No, not in this version. CLEP was not added because the necessary student-level data is not part of CDE's current agreement with College Board, the CLEP vendor. CDE staff are actively pursuing updates to the agreement that would allow CDE to get student-level data and anticipate being able to add CLEP to the Sustain rules when they are re-opened spring 2027. This may be impacted by decisions about statewide accountability updates necessitated by HB25-1278.

Did the final rules expand the postsecondary credit Big Three category to include Prior Learning Assessment (PLA) credits through the Colorado Community College?

Applies to rule sections: 4.1(1)(a)–(d).

No. PLA credit through CCCS was not added because the CCCS board policy SP 9-42 requires a student to be admitted to college and to have chosen a program of study, which would exclude many high school students. Also, other forms of PLA are already allowed in the Sustain Fund rules for postsecondary credit, such as Advanced Placement and International Baccalaureate exams.

Did the final rules create a process for LEPs to review Big Three student outcome data and submit corrections?

Applies to rule sections: 4.1(2)(a).

Partially. LEPs will have access to Cognos reports for each of The Big Three categories to show how many student outcomes are being funded, but there will not be a corrections process. For postsecondary credit, the sources for data match are the official records on file with colleges and vendors. Also, for students taking concurrent enrollment courses through a community college, there are two opportunities for LEPs to verify the students taking classes. All CCCS colleges conduct "roster checks" early in the semester to confirm which of the LEP's students are enrolled in college courses and verify LEP approval. This is done for high school students in all course locations, at LEP site(s), on the college campus, and online. Later in the term after all of the adds/drops have processed, colleges send every LEP partner a bill for the concurrent enrollment courses taken by their students. These bills list every student enrollment.

For industry-recognized credentials and work-based learning, these are the data LEPs self-report to CDE via the PWR Collection.

Currently there is not enough CDE staff capacity to develop and manage a corrections process.

Did the final rules reduce or delay first-year reporting because of implementation concerns?

Applies to rule sections: 3.1(7)–(8); 4.1(2)–(2)(a); 7.0–7.3.

No. During the April state board meeting, board members confirmed rule changes proposed at that time that would impact data collection. The final rules still contemplate 2025-26 PWR Data Collection to feed into 2026-27 Sustain distributions. There are data collection implementation supports such as trainings and office hours.

Did the final rules change the work-based learning 60-hour requirement to fully align it with the CTE 30 hours of work-based learning over multiple years?

Applies to rule sections: 4.3(1)–(2).

No. Some feedback asked for greater flexibility, differentiated hour requirements, and stronger alignment with CCCS requirements and guidance. Sustain funding may be used to support the approximately 50% of students that do not participate in CTE. The final clean rules continue to require 60 cumulative hours in a single academic year for eligible work-based learning experiences, which is the equivalent of a week and a half of full-time work.

Did the final rules add equity-focused weighting?

Applies to rule sections: 2.1; 5.2(2)–(6).

Yes. The final rules provide additional weighting for outcomes earned by rural LEPs and for outcomes earned by students identified as free and reduced-price lunch eligible, special education, multilingual learners, and highly mobile students. This reflects the overall direction of much of the feedback in round 1, which generally favored some form of equity-focused weighting.

Did the final rules keep the LEP funding cap?

Applies to rule sections: 5.2(7)–(10).

Yes, but the final version changed the cap and clarified how it works. The final rules set the cap at 10 percent of the total funding available in each of the three outcome categories in a single budget year. Rulemaking materials explain that this was revised upward from an earlier 5 percent concept. The stated rationale was that the school district with the largest high school student population, Denver Public Schools, represents roughly 10 percent of the statewide high school population and Jefferson County is close behind, so a 10 percent cap was viewed as more aligned with the size of the state's largest LEPs. Feedback about the cap remained mixed.

Did the final rules address charter school concerns related to the cap and funding flow?

Applies to rule sections: 5.2(7)(a); 5.5(1)–(4).

Yes, in part. The final rules clarify that a district's 10 percent cap calculation excludes any district-authorized charter school that is recognized as a separate LEP under the rules. The final rules also add language requiring charter school authorizers to include all eligible charter school outcomes in their data submission and requiring CDE to provide authorizers with information needed to determine what must be forwarded to each charter school. These edits were intended to improve operational clarity and reduce ambiguity in how funding flows to charter schools.

Some feedback requested that the rules address who receives funding if a student from a charter school takes a class through a LEP and earns a Big Three outcome. This was not directly addressed in the rules, but section 5.4 of the rules clarifies that funding for industry-recognized credentials and work-based learning will be provided to the LEP that submits the outcome for funding. Any cost and/or outcomes funding sharing would be decided at the local level between the charter high school and LEP.

Did the final rules require LEPs to pay for costs associated with Big Three student outcomes?

Applies to rule sections: 5.2(8)

No. Feedback overwhelmingly favored encouraging LEPs to pay for costs but not requiring that as there is no mechanism/data collection to verify LEP spending for this purpose.

Did the final rules limit the number of Big Three student outcomes a LEP may be reimbursed for in one budget year?

Applies to rule sections: 5.3(1)-(3).

Yes, in part. Sustain is intended to incentivize all high school students having access to and taking advantage of the Big Three with limited funding, so annual limits were added. An LEP may receive Sustain funding once a budget year for the same student earning 12 postsecondary credits, an industry-recognized credential and/or participating in 60 hours of work-based learning. An LEP may receive Sustain funding for that same student earning outcomes in another budget year.

Did the final rules change the Big Three percentage split for 2026-27?

Applies to rule sections: 5.1(1)(a)–(e).

No. The 2026-27 percentages remain 20 percent for postsecondary credit attainment, 40 percent for industry-recognized credentials and 35 percent for work-based learning, as these percentages are set in statute for year one. The State Board's discretion to revisit category percentages begins in 2027-28.

Did the final rules address concern about the fixed pool and the possibility that funding could decline as more LEPs participate?

Applies to rule sections: 5.1; 5.2; 5.3.

Not directly. Stakeholders raised concerns that a fixed pool could dilute per-LEP or per-student amounts over time as participation grows. The final rules do not create a baseline protection or automatic growth mechanism to address that concern. Instead, the rules follow the statutory structure for year one and provide for annual board review of category percentages in later years.

Did the final rules create a new monitoring and support structure?

Applies to rule sections: 7.0–7.3.

Yes. The final rules add a Department Monitoring and Support of Local Education Providers section. That section authorizes CDE to verify student eligibility, student outcomes, and expenditure eligibility; to review required supporting documentation; and to recover or withhold Sustain funding when LEPs are not entitled to the funds or have not maintained the necessary documentation. TThis section was added in response to state board direction and was meant to replace a simpler audit concept with a more defined monitoring-and-support approach.