Dora

Department of Regulatory Agencies

Office of Policy, Research and Regulatory Reform

2008 Sunset Review:
Fire Service Training and
Certification Advisory Board

On-Line Learning Advisory Board

October 15, 2008

Consumer Protection

DoRa
Department of Regulatory Agencies

Executive Director's Office
D. Rico Munn
Executive Director

Bill Ritter, Jr.
Governor

October 15, 2008

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The mission of the Department of Regulatory Agencies (DORA) is consumer protection. As a part of the Executive Director's Office within DORA, the Office of Policy, Research and Regulatory Reform seeks to fulfill its statutorily mandated responsibility to conduct sunset reviews with a focus on protecting the health, safety and welfare of all Coloradans.

DORA has completed its evaluations of the Fire Service Training and Certification Advisory Board and the On-Line Learning Advisory Board. I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2009 legislative committees of reference. The report is submitted pursuant to section 2-3-1203(2)(b)(III), Colorado Revised Statutes, which states in part:

> The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section. The department of regulatory agencies shall submit a report to the office of legislative legal services by October 15 of the year preceding the date established for termination.

The report discusses the effectiveness of the committees in carrying out the intention of the statutes and makes recommendations as to whether the advisory committees should be continued.

Sincerely,

D. Rico Munn
Executive Director

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On-Line Learning Advisory Board

Creation, Mission and Make-Up

The On-Line Learning Advisory Board (OLAB) was created by Senate Bill 07-215 (SB 215), which also created the Division of On-Line Learning (Division) in the Colorado Department of Education (CDE).

An on-line program is one that offers a full-time on-line education program or a school authorized to deliver a sequential program of synchronous or asynchronous instruction from a teacher to a student primarily through the use of technology via the Internet in a virtual or remote setting.[14]

On-line programs do not include supplemental programs, which are those that offer one or more on-line courses to students to augment an educational program provided by a school district, charter school, or board of cooperative services.[15]

In creating the Division and OLAB, the General Assembly found that the state should,

> Avail itself of enhanced technological services, which are available as a result of technological advances, to serve the educational needs of the citizens of the state more appropriately; and [to] take immediate action to ensure quality and accountability in the on-line educational programs offered within the state.[16]

The purpose of the Division is to:[17]

- Support on-line programs, students, parents, authorizers, and other entities related to on-line learning by providing information and access to available data; and

- Facilitate the certification of multi-district programs in accordance with rules promulgated by the State Board of Education (State Board).

The purpose of OLAB is to advise the Division, the State Board, and CDE regarding a variety of on-line programmatic issues, such as the appropriateness of existing requirements, documenting the number and demographics of students who participate in on-line programs, and how to measure the academic growth of such students.[18]

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[14] § 22-30.7-102(9), C.R.S.
[15] § 22-30.7-102(16), C.R.S.
[16] § 22-30.7-101(3), C.R.S.
[17] § 22-30.7-103(2), C.R.S.
[18] §§ 22-30.7-104(3)(c) and 22-30.7-104(4), C.R.S.

The OLAB is comprised of 11 Governor-appointed members:[19]

- One member who is a parent of a student who has been enrolled in a multi-district program for two or more years;

- One member who is a business person and who has no personal or professional affiliations with an on-line program;

- One member who is a board member of an entity that has authorized an on-line program;

- One member who is a superintendent or senior administrator of an entity that has authorized an on-line program;

- One member who is a district director in a school district that has not authorized an on-line program;

- One member who is a superintendent or senior administrator of a school district that has not authorized an on-line program and who has experience working with single-district programs;

- One member who is a teacher who has experience working with at-risk and special needs students;

- One member who is an on-line learning expert who has experience with supplemental programs; and

- Three members who are on-line learning experts, one of whom has experience with single-district programs, one of whom has experience with multi-district programs, and one of whom has experience with learning centers.

The Governor must consider ethnicity, gender and geographic representation in appointing members of OLAB.[20] According to information provided by the Division, gender diversity has been accomplished by the appointment of three women. Geographic diversity has been accomplished by the appointment of individuals from Aurora (two members), Arvada, Centennial, Colorado Springs, Denver, Grand Junction, Lakewood, Parker, Pueblo, and Rocky Ford. Information regarding ethnic diversity was not available.

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[19] § 22-30.7-104(1), C.R.S.
[20] § 22-30.7-104(2), C.R.S.

Responsibilities of the OLAB

OLAB's statutory responsibilities are two-fold: to prepare annual reports and to provide recommendations to the Division and on-line programs on certain issues.

On or before February 1 each year, OLAB is to report to the State Board:[21]

- A summary of the operations and activities of multi-district programs and single-district programs in the state;

- A summary of the operations and activities of supplemental programs in the state; and

- Recommendations regarding the appropriateness of existing policies and statutory requirements concerning on-line programs.

OLAB's annual report must also be made available to the public via the CDE website.[22]

OLAB's first annual report, due in February 2008, was required to contain recommendations to the State Board regarding any provisions of SB 215 that should not be waived by the State Board.[23]

Additionally, OLAB must make recommendations to the Division and to on-line programs regarding:[24]

- A standardized process for documenting the number of students enrolled in an on-line program on October 1 of each budget year;

- A method for summarizing the demographics of the student population of each on-line program; and

- Measures by which an on-line program may determine the longitudinal academic growth of students participating in the on-line program.

Revenues and Expenditures

Although OLAB members are not compensated for their service, the Division compensates them for their reasonable, actual and allowable travel expenses, as well as payment for substitute teachers for the teacher on OLAB.

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[21] § 22-30.7-104(3), C.R.S.
[22] § 22-30.7-104(3), C.R.S.
[23] § 22-307-104(6), C.R.S.
[24] § 22-30.7-104(4), C.R.S.

The Division spent a total of $5,954 between November 2007 and June 2008 on OLAB-related expenses for the nine OLAB meetings. Table 2 displays the travel-related expenses of the OLAB.

Table 2
Travel-Related Expenses Reimbursed

Meeting Date	Total for all Members
November 9, 2007	$42.80
November 19, 2007	$580.73
December 3, 2007	$597.42
December 10, 2007	$558.50
December 17, 2007	$320.44
January 10, 2008	$42.18
January 14, 2008	$233.96
April 2, 2008	$668.28
June 4, 2008	$268.94
Total	$3,313.25

Travel-related expenses vary from meeting to meeting depending upon which members attended and where the meeting was held.

Additionally, the Division spent $2,181 on lunches for OLAB meetings and $460 on substitute teachers.

Meetings of the OLAB

The OLAB must meet at least once every three months, and, according to information provided by the Division, this requirement has been more than satisfied. As Table 2 indicates, the OLAB met twice in November 2007, three times in December 2007, twice in January 2008, once three months later in April 2008, and two months after that in June 2008.

Proposals and Their Status

The OLAB has made two proposals, both of which have been adopted by the State Board.

The OLAB proposed a definition of the term "complete educational program," which the State Board adopted and promulgated as a rule. In short, this term is defined as,

> a sequential k-12 program of instruction, managed and operated by a local school district, for the education of a child that is intended to qualify for per pupil revenues under the Public School Finance Act of 1994 and, for children under seventeen years of age, qualifies the child by his or her attendance to be in compliance with Colorado compulsory school attendance laws.[25]

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[25] 1 C.C.R. 301-71-2.03.1

Specifically excluded from this definition are those on-line programs that are not delivered in a learning center[26] and those learning centers that operate in a district pursuant to a memorandum of understanding with the district or the State Board.[27]

Additionally, the OLAB recommended 15 quality standards for on-line programs, which the State Board adopted and promulgated as a rule. In short, on-line programs must meet or exceed the following standards:[28]

1. The on-line program involves representatives of the on-line program's community, as well as staff, in a collaborative process to develop and communicate the on-line program's vision, mission, goals and results, in a manner appropriate to the on-line model for that program. The on-line program provides leadership, governance, and structure to support this vision and these supports are used by all staff to guide the decision-making.

2. The adopted curriculum of the on-line program is aligned with the Colorado Model Content Standards, assessment frameworks, and is consistent with grade level expectations. Assessment results are used by staff to obtain information on student learning, monitor student progress, support other academic plans, identify achievement and curricular gaps, and to refine instruction.

3. The on-line program has, or has a plan and a timeline in place to accomplish, the technological infrastructure capable of meeting the needs of students and staff, and of supporting teaching and learning. The on-line program uses a variety of technology tools and has a user-friendly interface. The on-line program meets industry accepted accessibility standards for interoperability and appropriate access for learners with special needs. Technological support structures and programs are in place to reduce barriers to learning for all students.

4. The on-line program has, and implements, a technology plan that includes, but is not limited to, documentation that all students and parents know and understand acceptable use of the Internet in accordance with all federal and state statutes. When providing direct services (e.g., Internet service provider, computer equipment or "at location") to students, the on-line program will use filtering software to prevent access to inappropriate materials.

5. On-line programs must comply with all statutory requirements, including the existing budgetary reporting procedures under state law, as well as being consistent with the format required by the authorizing entity. Budget and accounting records must be transparent, open to the public, and demonstrate support of student academic achievement.

6. Instructional strategies and learning are designed to promote individual student academic growth, master of content standards, and individual growth toward performance expectations at grade level consistent with other models. Instructional strategies are informed by analysis of on-going assessment results for individual students.

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[26] 1 C.C.R. 301-71-2.03.2
[27] 1 C.C.R. 301-71-2.03.3
[28] 1 C.C.R. 301-71-3.02

7. The on-line program's teachers use ongoing, research-based formative and summative assessments to measure student academic performance. Students have varied opportunities to demonstrate mastery of skills, show academic progress, and receive meaningful feedback on their learning.

8. An on-line program has a policy regarding course completion.

9. An on-line program follows policies for tracking attendance, participation, and truancy. The policy includes documentation of teacher-student interaction.

10. The on-line program has a policy, and the infrastructure to store, retrieve, analyze and report, required student, teacher, financial, and other required data collections.

11. The on-line program has a policy providing guidance counseling services as appropriate to grade level and student need.

12. The on-line program has a policy guiding school-home communication about student and program progress, program governance, and program accountability that is relevant, regular, and available in native language where reasonable.

13. Instructional strategies, practices, and content address various learning needs and styles of students. The on-line program uses a body of evidence to identify advanced, under-performing, economically disadvantaged, or other special-needs students. The on-line program will work with its authorizing entity to ensure that support structures and programs, including, but not limited to Title I, English as a Second Language, special education, and gifted and talented, are integrated into the school's instructional program to promote and support student learning.

14. The on-line program evaluates the degree to which it achieves the goals and objectives for student learning. There is a systematic process for collecting, disaggregating, managing, and analyzing data that enables the on-line program's leadership, teachers, parents, students, community members and other stakeholders to determine areas of strength and challenge. The data collected are analyzed using a systems approach, and the analysis includes the use of the Student Accountability Report and other state accountability reports.

15. The on-line program shall ensure that background checks in accordance with law are performed on all volunteers and paid staff, including, but not limited to mentors, teachers, administrators, and any other people in unsupervised contact with the student, except parents supervising their children's educational program.

These standards serve as the cornerstone of accountability in on-line programs. Applicants for multi-district certification must describe how their on-line programs meet each quality standard. Each on-line program is now required to inform the Division of how it satisfies each standard on an annual basis.

Reasons to Sunset the OLAB

The OLAB has fulfilled its statutory mandates by defining the term "complete educational program" and by recommending standards to the State Board, which were adopted, regarding on-line programs.

Since the OLAB has fulfilled its statutory mandates, nothing remains for it to do.

Analysis and Recommendation

On-line education is a rapidly evolving field, both in terms of applicable technology and the way in which student achievement is measured and monitored. Recognizing this, and the fact that on-line education is a viable alternative to traditional brick and mortar schools for many of Colorado's students, the General Assembly created the Division and OLAB to advise it.

The Division and the State Board, not OLAB, are responsible for administering the laws and regulations created by SB 215. As a result, OLAB should be sunsetted. If the Division or the State Board find that either needs the advice offered by OLAB, they can convene *ad hoc* committees to address issues as they arise. The need for a standing advisory committee has passed.

As a result, the General Assembly should sunset OLAB.