

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**PREAMENDED**

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

LLS NO. 12-0678.02 Jane Ritter x4342

**HOUSE BILL 12-1240**

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**HOUSE SPONSORSHIP**

**Kerr A.,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**

Education  
Finance  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING STATUTORY CHANGES TO K-12 EDUCATION.**

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**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://www.leg.state.co.us/billsummaries>.)*

The bill contains several statutory changes proposed by the department of education (department), including:

- ! A requirement will be placed on the office of legislative legal services to report any introduced legislation concerning education data to the education data advisory committee.
- ! The date for the adoption of graduation guidelines by the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

state board of education is extended from December 15, 2011, to May 15, 2013. The provision that the state board of education receive, maintain, and post copies of collective bargaining agreements are repealed.

- ! The pool of potential sources for gifts, grants, and donations for S.B. 10-191 is expanded by allowing the department to accept moneys outside of federal moneys.
- ! The date for the inclusion of diploma endorsements in performance indicators is extended.
- ! The criteria for awarding the John Irwin Schools of Excellence Award is changed to include those schools with the highest level of attainment on the performance indicator concerning student achievement levels.
- ! The difference between an "on-line program" and an "on-line school" is clarified.
- ! The military dependent supplemental pupil enrollment aid program is repealed.
- ! The number of charter school food authorities is increased from 6 to 10 and the deadline is extended to 2016.
- ! Ongoing deficit is defined.
- ! The department will notify a local board of education if it approves a letter of intent on emergency reserves.
- ! The requirement that a school district receiving an impact assistance grant must certify the amount of that grant to the state board of education is removed.
- ! Specifies that if a charter school or institute charter school offers a full-day kindergarten program, the supplemental funding should be passed to the charter school or institute charter school.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-2-106, **amend** (1)

3 (a.5) introductory portion as follows:

4 **22-2-106. State board - duties.** (1) It is the duty of the state  
5 board:

6 (a.5) To adopt, on or before ~~December 15, 2011~~ MAY 15, 2013,  
7 a comprehensive set of guidelines for the establishment of high school  
8 graduation requirements to be used by each school district board of

1 education in developing local high school graduation requirements. Each  
2 school district board of education shall retain the authority to develop its  
3 own unique high school graduation requirements, so long as those local  
4 high school graduation requirements meet or exceed any minimum  
5 standards or basic core competencies or skills identified in the  
6 comprehensive set of guidelines for high school graduation developed by  
7 the state board pursuant to this paragraph (a.5). In developing the  
8 guidelines for high school graduation, the state board shall utilize the  
9 recommendations of the state graduation guidelines development council  
10 established in section 22-7-414, as it existed prior to July 1, 2008, and  
11 shall:

12 **SECTION 2.** In Colorado Revised Statutes, 22-32-109, **amend**  
13 (1) (kk) (I) as follows:

14 **22-32-109. Board of education - specific duties.** (1) In addition  
15 to any other duty required to be performed by law, each board of  
16 education shall have and perform the following specific duties:

17 (kk) (I) To undertake a community-based process to develop a  
18 blueprint for the education system in the community and to determine the  
19 skills students will need to be successful after graduation. Each board of  
20 education shall seek input from the community at large, which may  
21 include, but need not be limited to, students, parents, business persons,  
22 neighboring school districts, and regional boards of cooperative services.  
23 Each board of education shall use this blueprint, together with the  
24 guidelines for high school graduation requirements developed by the state  
25 board pursuant to section 22-2-106 (1) (a.5), to establish local high school  
26 graduation requirements applicable to students enrolling in ninth grade  
27 beginning in the ~~2012-13~~ 2014-15 school year. To assist the state board

1 of education in fulfilling its duties under part 10 of article 7 of this title,  
2 each board of education shall provide to the state board of education  
3 information concerning the blueprint and the input received in developing  
4 the blueprint. A board of education that has undertaken a comprehensive  
5 community-based process and has revised its high school graduation  
6 requirements within the previous two years shall not be required to  
7 develop a new blueprint for the education system in its community or  
8 make any revisions to its high school graduation requirements.

9 **SECTION 3.** In Colorado Revised Statutes, 22-2-109, **repeal** (1)  
10 (r) as follows:

11 **22-2-109. State board of education - additional duties - teacher**  
12 **standards - principal standards.** (1) The state board of education shall:

13 ~~(r) Receive the true and correct copies of all school district~~  
14 ~~collective bargaining agreements submitted pursuant to the "Colorado~~  
15 ~~School Collective Bargaining Agreement Sunshine Act", section~~  
16 ~~22-32-109.4, and shall:~~

17 ~~(I) Create a repository for all of said current collective bargaining~~  
18 ~~agreements that is available to the public for inspection during regular~~  
19 ~~business hours in a convenient and identified location; and~~

20 ~~(H) Post copies of all of said current collective bargaining~~  
21 ~~agreements on the department's web site. The posting may be done~~  
22 ~~through a link to an individual school district's web site.~~

23 **SECTION 4.** In Colorado Revised Statutes, **add** 22-2-308 as  
24 follows:

25 **22-2-308. Data reporting requirements - office of legislative**  
26 **legal services.** NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-505,  
27 C.R.S., THE OFFICE OF LEGISLATIVE LEGAL SERVICES, CREATED IN SECTION

1 2-3-501, C.R.S., SHALL NOTIFY EDAC OF ANY LEGISLATION INTRODUCED  
2 THAT CREATES BY SPECIFIC LANGUAGE A NEW DATA REPORTING  
3 REQUIREMENT TO ANY STATE OR FEDERAL AGENCY.

4 **SECTION 5.** In Colorado Revised Statutes, 22-7-1018, **amend**  
5 (2) (c) as follows:

6 **22-7-1018. Cost study.** (2) The entity selected to conduct the cost  
7 study shall submit reports to the department of education and the  
8 department of higher education in accordance with the following  
9 timeline:

10 (c) On or before October 1, ~~2012~~, 2014, a report of the costs  
11 pertaining to implementation of the diploma endorsements.

12 **SECTION 6.** In Colorado Revised Statutes, 22-9-105.7, **amend**  
13 (1) as follows:

14 **22-9-105.7. Great teachers and leaders fund - created - gifts,**  
15 **grants, and donations.** (1) The department is authorized to seek, accept,  
16 and expend ~~federal grants~~ GIFTS, GRANTS, AND DONATIONS for the  
17 implementation of section 22-9-105.5; except that the department may not  
18 accept a gift, grant, or donation ~~except from federal moneys~~ that is subject  
19 to conditions that are inconsistent with this or any law of the state. The  
20 department shall transmit all ~~federal~~ moneys received to the state  
21 treasurer, who shall credit the same to the great teachers and leaders fund,  
22 which fund is hereby created and referred to in this section as the "fund".  
23 Moneys in the fund are continuously appropriated to the department for  
24 the direct and indirect costs associated with implementing section  
25 22-9-105.5.

26 **SECTION 7.** In Colorado Revised Statutes, 22-11-204, **amend**  
27 (4) (a) (II) as follows:

1           **22-11-204. Performance indicators - measures.** (4) The  
2 department shall determine the level of attainment of each public high  
3 school, each school district, the institute, and the state as a whole on the  
4 postsecondary and workforce readiness indicator by using, at a minimum,  
5 the following measures:

6           (a) For each public high school, the department shall calculate:

7           (II) ~~Beginning with the 2011-12 school year and for each school~~  
8 ~~year thereafter~~ AS SOON AS THE DATA IS AVAILABLE, the percentage of  
9 students graduating from the public high school who receive a diploma  
10 that includes a postsecondary and workforce readiness endorsement as  
11 described in section 22-7-1009 (1) and the percentage who receive a  
12 diploma that includes an endorsement for exemplary demonstration of  
13 postsecondary and workforce readiness as described in section 22-7-1009  
14 (2); and

15           **SECTION 8.** In Colorado Revised Statutes, 22-11-602, **amend**  
16 (2) as follows:

17           **22-11-602. Colorado school awards program - John Irwin**  
18 **schools of excellence awards - rules.** (2) Of the moneys available for  
19 the program pursuant to this part 6, one third shall be awarded to the  
20 public schools ~~whose~~ WITH THE HIGHEST level of attainment on the  
21 performance indicator concerning student achievement levels, as  
22 calculated pursuant to section 22-11-204 (3). ~~is within the top eight~~  
23 ~~percent of all public schools in the state.~~ An award granted pursuant to  
24 this section shall be known as a "John Irwin Schools of Excellence  
25 Award".

26           **SECTION 9.** In Colorado Revised Statutes, 30-25-302, **repeal** (5)  
27 (b) as follows:

1           **30-25-302. Eligibility - determination of impact - procedures**  
2   **- legislative declaration.** (5) (b) ~~Any school district which receives an~~  
3 ~~impact assistance grant pursuant to this section shall certify the amount~~  
4 ~~of said grant to the state board of education.~~

5           **SECTION 10.** In Colorado Revised Statutes, 22-30.5-112, **add**  
6 (2) (c) (III) as follows:

7           **22-30.5-112. Charter schools - financing - definitions -**  
8 **guidelines.** (2) (c) (III) IF A CHARTER SCHOOL OPERATES A FULL-DAY  
9 KINDERGARTEN PROGRAM, FOR PURPOSES OF CALCULATING THE CHARTER  
10 SCHOOL'S FUNDING PURSUANT TO THIS SUBSECTION (2), THE NUMBER OF  
11 PUPILS ENROLLED IN THE CHARTER SCHOOL SHALL INCLUDE THE  
12 SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION  
13 22-54-103 (15).

14           **SECTION 11.** In Colorado Revised Statutes, 22-30.5-112.1, **add**  
15 (3) (c) as follows:

16           **22-30.5-112.1. Charter schools - definitions - exclusive**  
17 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**  
18 (3) (c) IF A CHARTER SCHOOL OPERATES A FULL-DAY KINDERGARTEN  
19 PROGRAM, FOR PURPOSES OF CALCULATING THE CHARTER SCHOOL'S  
20 FUNDING PURSUANT TO THIS SUBSECTION (3), THE NUMBER OF PUPILS  
21 ENROLLED IN THE CHARTER SCHOOL SHALL INCLUDE THE SUPPLEMENTAL  
22 KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15).

23           **SECTION 12.** In Colorado Revised Statutes, 22-30.5-513, **add**  
24 (2) (b.5) as follows:

25           **22-30.5-513. Institute charter schools - definitions - funding.**  
26 (2) (b.5) IF AN INSTITUTE CHARTER SCHOOL OPERATES A FULL-DAY  
27 KINDERGARTEN PROGRAM, FOR PURPOSES OF CALCULATING THE INSTITUTE

1 CHARTER SCHOOL'S FUNDING PURSUANT TO THIS SUBSECTION (2), THE  
2 NUMBER OF PUPILS ENROLLED IN THE INSTITUTE'S CHARTER SCHOOL SHALL  
3 INCLUDE THE SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED  
4 IN SECTION 22-54-103 (15).

5 **SECTION 13.** In Colorado Revised Statutes, 22-30.7-107, **repeal**  
6 (3) as follows:

7 **22-30.7-107. Funding.** (3) ~~For the 2008-09 budget year, and for~~  
8 ~~each budget year thereafter, an authorizer that is providing an on-line~~  
9 ~~program may receive funding for each student enrolled in the on-line~~  
10 ~~program, regardless of whether the student was included in the pupil~~  
11 ~~enrollment or on-line pupil enrollment of a school district or institute~~  
12 ~~charter school for the preceding school year.~~

13 **SECTION 14.** In Colorado Revised Statutes, 22-30.7-102,  
14 **amend** (9) and **add** (9.5) as follows:

15 **22-30.7-102. Definitions.** As used in this article, unless the  
16 context otherwise requires:

17 (9) "On-line program" means a full-time, on-line education  
18 program ~~or school~~ authorized pursuant to this article that delivers a  
19 sequential program of synchronous or asynchronous instruction from a  
20 teacher to a student primarily through the use of ~~technology. via the~~  
21 ~~internet in a virtual or remote setting.~~ THE INTERNET. "On-line program"  
22 does not include a supplemental program. ACCOUNTABILITY FOR EACH  
23 STUDENT IN AN ON-LINE PROGRAM IS ATTRIBUTED BACK TO A DESIGNATED  
24 SCHOOL THAT HOUSES THE ON-LINE PROGRAM.

25 (9.5) "ON-LINE SCHOOL" MEANS A FULL-TIME, ON-LINE EDUCATION  
26 SCHOOL AUTHORIZED PURSUANT TO THIS ARTICLE THAT DELIVERS A  
27 SEQUENTIAL PROGRAM OF SYNCHRONOUS OR ASYNCHRONOUS



1 INSTRUCTION FROM A TEACHER TO A STUDENT PRIMARILY THROUGH THE  
2 USE OF THE INTERNET. AN ON-LINE SCHOOL HAS AN ASSIGNED SCHOOL  
3 CODE AND OPERATES WITH ITS OWN ADMINISTRATOR, A SEPARATE  
4 BUDGET, AND A COMPLETE INSTRUCTIONAL PROGRAM. AN ON-LINE  
5 SCHOOL IS RESPONSIBLE FOR FULFILLING ALL REPORTING REQUIREMENTS  
6 AND WILL BE HELD TO STATE AND FEDERALLY MANDATED  
7 ACCOUNTABILITY PROCESSES.

8 **SECTION 15.** In Colorado Revised Statutes, 22-32-109.4,  
9 **amend** (3) (a) and **repeal** (3) (b) as follows:

10 **22-32-109.4. "Colorado School Collective Bargaining**  
11 **Agreement Sunshine Act" - board of education - specific duties.**

12 (3) In addition to any other duty required to be performed by law, each  
13 board of education shall cause, within thirty days following August 8,  
14 2001, a true and correct copy of each collective bargaining agreement  
15 entered into by the board of education and in effect as of said date and all  
16 subsequent collective bargaining agreements entered into by the board of  
17 education, within thirty working days following the date of ratification of  
18 each agreement, to be:

19 (a) Posted on the web site of the school district; ~~if the school~~  
20 ~~district maintains a web site;~~

21 (b) ~~Filed with the state board of education;~~

22 **SECTION 16.** In Colorado Revised Statutes, 22-32-120, **amend**  
23 (7) (b) (V) as follows:

24 **22-32-120. Food services - facilities - school food authorities -**  
25 **rules.** (7) On or before October 1, 2009, the state board of education  
26 shall promulgate rules establishing:

27 (b) A timeline, standards, and procedures for the department of

1 education to use in granting or denying authorization as a school food  
2 authority to a district charter school or an institute charter school. The  
3 standards shall include, at a minimum, the following requirements:

4 (V) The department of education shall not grant authorization as  
5 a school food authority to more than ~~six~~ TEN applicant district charter  
6 schools or institute charter schools until July 1, ~~2011~~ 2016, including any  
7 district charter schools or institute charter schools that have been granted  
8 provisional authorization pursuant to subsection (6) of this section.

9 **SECTION 17.** In Colorado Revised Statutes, 22-44-102, **add**  
10 (7.5) as follows:

11 **22-44-102. Definitions.** As used in this part 1, unless the context  
12 otherwise requires:

13 (7.5) "ONGOING DEFICIT" MEANS ANY NEGATIVE AMOUNT  
14 REPORTED IN THE ANNUAL FINANCIAL AUDIT OR SUBMITTED THROUGH THE  
15 DEPARTMENT'S FINANCIAL DATA-COLLECTION PROCESS BY THE SCHOOL  
16 DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR  
17 CHARTER SCHOOL INSTITUTE IN THE UNASSIGNED FUND BALANCE FOR  
18 GOVERNMENTAL FUNDS OR UNRESTRICTED NET ASSETS FOR PROPRIETARY  
19 FUNDS AS IDENTIFIED IN THE STANDARD STATEWIDE CHART OF ACCOUNTS.

20 **SECTION 18.** In Colorado Revised Statutes, 22-44-105, **add** (1)  
21 (c.4) as follows:

22 **22-44-105. Budget - contents - mandatory.** (1) The budget shall  
23 be presented in the standard budget report format established by the state  
24 board of education by rule pursuant to subsection (5) of this section. The  
25 standard budget report format established by the state board shall be  
26 substantially consistent from year to year and shall adhere to the  
27 following guidelines:

1 (c.4) UPON REVIEW OF THE LETTER OF INTENT SUBMITTED TO THE  
2 STATE TREASURER AND THE DEPARTMENT OF EDUCATION, THE  
3 DEPARTMENT OF EDUCATION WILL NOTIFY THE BOARD OF EDUCATION OF  
4 THE ACCEPTANCE, IF APPROPRIATE, OF THE USE OF REAL PROPERTY ■ ■  
5 FOR THE ESTABLISHMENT OF A DISTRICT EMERGENCY RESERVE PURSUANT  
6 TO PARAGRAPH (c.5) OF THIS SUBSECTION (1).

7 **SECTION 19.** In Colorado Revised Statutes, 22-54-115, **amend**  
8 (1) (a) as follows:

9 **22-54-115. Distribution from state public school fund.** (1) No  
10 later than June 30 of each year, the state board shall determine the amount  
11 of the state's share of the district's total program for the budget year  
12 beginning on July 1, and the total thereof for all districts, which amount  
13 shall be payable in twelve approximately equal monthly payments during  
14 such budget year; except that:

15 (a) Such payments shall be adjusted following the certification of  
16 pupil enrollments, the certification of valuations for assessment to the  
17 state board pursuant to section 22-54-112 (1) and (2), ~~the certification of~~  
18 ~~the amount of any impact assistance grants on behalf of school districts~~  
19 ~~pursuant to section 30-25-302, C.R.S.,~~ and the certification of any  
20 payments in lieu of taxes received by school districts pursuant to section  
21 39-3-114.5, C.R.S.;

22 **SECTION 20.** In Colorado Revised Statutes, **repeal** 22-54-128.

23 **SECTION 21.** In Colorado Revised Statutes, 22-2-107, **amend**  
24 (1) (s), (1) (t); and **add** (1) (u) as follows:

25 **22-2-107. State board - power.** (1) The state board has the  
26 power:

27 (s) To approve programs by nonpublic, nonparochial schools to

1 provide educational services to students pursuant to section 22-33-203,  
2 and to approve services to be provided to at-risk students pursuant to  
3 agreements entered into pursuant to section 22-33-204; and

4 (t) To render a decision on the appeal of the state charter school  
5 institute's approval or denial of an institute charter school application or  
6 the revocation or nonrenewal of an institute charter school contract  
7 pursuant to part 5 of article 30.5 of this title; AND

8 (u) TOPROMULGATERULES CONCERNING PARENTAL NOTIFICATION  
9 WHEN A SCHOOL EMPLOYEE IS CHARGED WITH OR ARRESTED FOR A  
10 CRIMINAL OFFENSE.

11 **SECTION 22.** In Colorado Revised Statutes, 22-60.5-107, add  
12 (10) as follows:

13 **22-60.5-107. Grounds for denying, annulling, suspending, or**  
14 **revoking license, certificate, endorsement, or authorization.** (10) THE  
15 COMMISSIONER OF EDUCATION MAY ISSUE SUBPOENAS TO COMPEL THE  
16 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
17 EVIDENCE, AND MATERIALS IN SUPPORT OF THE DEPARTMENT'S  
18 INVESTIGATION OF ALLEGATIONS THAT, IF TRUE, MAY ESTABLISH GROUNDS  
19 FOR DENYING, ANNULLING, REVOKING, OR SUSPENDING AN EDUCATOR  
20 LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION. UPON  
21 FAILURE OF A PERSON TO COMPLY WITH SUCH SUBPOENA, THE DISTRICT  
22 COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON RESIDES OR  
23 CONDUCTS BUSINESS, UPON APPLICATION BY THE DEPARTMENT WITH  
24 NOTICE TO THE SUBPOENAED PERSON, MAY ISSUE TO THE SUBPOENAED  
25 PERSON AN ORDER REQUIRING THAT PERSON TO PRODUCE THE RELEVANT  
26 PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO  
27 ORDERED, OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER

1 INVESTIGATION OR QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT  
2 MAY BE PUNISHED BY THE COURT AS CONTEMPT OF COURT.

3 **SECTION 23.** In Colorado Revised Statutes, 22-2-130, **amend** (2)  
4 (b) and (2) (c) as follows:

5 **22-2-130. Supplemental on-line education grant program -**  
6 **legislative declaration - definitions - creation - eligibility - award -**  
7 **fund.** (2) As used in this section, unless the context otherwise requires:

8 (b) "Eligible charter school" means:

9 (I) A charter school that is authorized by an eligible school district  
10 pursuant to part 1 of article 30.5 of this title and that does not operate an  
11 on-line program OR AS AN ON-LINE SCHOOL; or

12 (II) An institute charter school that is authorized pursuant to part  
13 5 of article 30.5 of this title, that enrolls fewer than three thousand  
14 students, as determined by the institute charter school's pupil enrollment  
15 certified by the state charter school institute on behalf of the institute  
16 charter school to the state board pursuant to section 22-30.5-513 (3) (a),  
17 and that does not operate an on-line program OR AS AN ON-LINE SCHOOL.

18 (c) "Eligible school district" means a school district that does not  
19 export an on-line program OR ON-LINE SCHOOL to students receiving the  
20 program at a location outside of the school district's geographic  
21 boundaries and that enrolls fewer than three thousand students, as  
22 determined by the school district's pupil enrollment certified to the state  
23 board pursuant to section 22-54-112.

24 **SECTION 24.** In Colorado Revised Statutes, 22-11-103, **amend**  
25 (28) as follows:

26 **22-11-103. Definitions.** As used in this article, unless the context  
27 otherwise requires:

1 (28) "Public school" shall have the same meaning as provided in  
2 section 22-1-101 and includes, but is not limited to, a district charter  
3 school, an institute charter school, and an on-line program, as defined in  
4 section 22-30.7-102 (9), AND AN ON-LINE SCHOOL, AS DEFINED IN SECTION  
5 22-30.7-102 (9.5).

6 **SECTION 25.** In Colorado Revised Statutes, 22-11-307, amend  
7 (2.5) as follows:

8 **22-11-307. Accreditation of public schools.** (2.5) In adopting its  
9 school accreditation policies for its on-line programs AND ON-LINE  
10 SCHOOLS, as defined in ~~section~~ SECTIONS 22-30.7-102 (9) AND  
11 22-30.7-102 (9.5), a local school board or the institute board shall include  
12 a review of the on-line program's OR SCHOOL'S alignment to the quality  
13 standards outlined in section 22-30.7-105 (3) (b).

14 **SECTION 26.** In Colorado Revised Statutes, 22-20-109, amend  
15 (2.5) (a), (4) (a), (5) (a), (6), (7) introductory portion, (7) (b), (7) (c), and  
16 (7) (d) as follows:

17 **22-20-109. Tuition - rules.** (2.5) (a) When a child with a  
18 disability is placed out of the home in a group home and attends school  
19 in an administrative unit other than the child's administrative unit of  
20 residence and the school does not provide the child with an on-line  
21 program OR ON-LINE SCHOOL pursuant to article 30.7 of this title, the  
22 district of residence shall be responsible for paying the tuition charge for  
23 educating the child to the administrative unit of attendance.

24 (4) (a) When a child with a disability enrolls and attends a school  
25 in an administrative unit other than the child's administrative unit of  
26 residence pursuant to the provisions of section 22-36-101, and the school  
27 does not provide the child an on-line program OR ON-LINE SCHOOL

1 pursuant to article 30.7 of this title, the district of residence shall be  
2 responsible for paying the tuition charge for educating the child to the  
3 administrative unit of attendance.

4 (5) (a) When a child with a disability enrolls in and attends a  
5 district charter school pursuant to the provisions of part 1 of article 30.5  
6 of this title or an institute charter school pursuant to part 5 of article 30.5  
7 of this title, including a district or institute charter school that provides an  
8 on-line program OR OPERATES AS AN ON-LINE SCHOOL pursuant to article  
9 30.7 of this title, the district of residence shall be responsible for paying  
10 to the district or institute charter school the tuition charge for the excess  
11 costs incurred in educating the child.

12 (6) (a) When a child with a disability enrolls in and attends an  
13 on-line program OR ON-LINE SCHOOL pursuant to article 30.7 of this title  
14 that is not provided by a district or institute charter school, the district of  
15 residence shall be responsible for paying to the provider of the on-line  
16 program OR ON-LINE SCHOOL the tuition charge for the excess costs  
17 incurred in educating the child.

18 (b) The provider of the on-line program OR ON-LINE SCHOOL shall  
19 not charge the district of residence tuition for the excess costs incurred in  
20 educating a child with a disability who receives educational services from  
21 the provider of the on-line program OR ON-LINE SCHOOL unless the child  
22 meets the criteria for funding pursuant to section 22-20-114 (1) (c) (II).

23 (c) The on-line provider shall provide notice to the administrative  
24 unit of attendance, the administrative unit of residence, and the district of  
25 residence if it is not an administrative unit, in accordance with state board  
26 rules adopted pursuant to subsection (7) of this section when a child with  
27 a disability applies to enroll in the on-line program OR ON-LINE SCHOOL.

1 The notice shall be in writing and shall also be sent to the special  
2 education directors for the administrative units of residence and of  
3 attendance. If the on-line provider does not intend to seek tuition costs,  
4 notification is not required.

5 (d) The amount of the tuition charge shall be determined pursuant  
6 to rules adopted by the state board pursuant to subsection (7) of this  
7 section. The tuition responsibility shall be reflected in a contract entered  
8 into by the administrative unit of residence, the district of residence if it  
9 is not an administrative unit, the administrative unit of attendance, and the  
10 district of attendance if it is not an administrative unit. Under the  
11 circumstances described in this subsection (6), the provisions of section  
12 22-20-108 (8) shall not apply.

13 (7) For the 2004-05 budget year and budget years thereafter, the  
14 state board shall promulgate rules pertaining to the education of children  
15 with disabilities in charter schools and rules pertaining to the education  
16 of children with disabilities through on-line programs AND ON-LINE  
17 SCHOOLS. Both sets of rules shall include, but need not be limited to, rules  
18 to:

19 (b) Define the types and amounts of allowable costs in excess of  
20 the per pupil funding for the child with a disability, as determined  
21 pursuant to article 54 of this title, and any other state and federal revenues  
22 received for educating the child, that a charter school, ~~or~~ on-line program,  
23 OR ON-LINE SCHOOL may charge as tuition to a district of residence;

24 (c) Define other applicable revenues that a district of residence of  
25 a child with a disability shall apply in paying the tuition charge for excess  
26 costs incurred in educating the child at a charter school or through an  
27 on-line program OR ON-LINE SCHOOL;



1 (d) Specify the limitations on the number of staff members per  
2 number of students that a charter school, ~~or~~ on-line program, OR ON-LINE  
3 SCHOOL shall provide in educating children with disabilities;

4 **SECTION 27.** In Colorado Revised Statutes, 22-30.5-103,  
5 **amend** (6) as follows:

6 **22-30.5-103. Definitions.** As used in this part 1, unless the  
7 context otherwise requires:

8 (6) "On-line pupil" means:

9 (a) For the 2007-08 budget year, a child who receives educational  
10 services predominantly through an on-line program OR ON-LINE SCHOOL  
11 created pursuant to article 30.7 of this title.

12 (b) For the 2008-09 budget year, and for each budget year  
13 thereafter, a child who receives educational services predominantly  
14 through a multi-district ~~program~~ ON-LINE SCHOOL, as defined in section  
15 22-30.7-102 ~~(6)~~ (9.5), created pursuant to article 30.7 of this title.

16 **SECTION 28.** In Colorado Revised Statutes, 22-30.5-104,  
17 **amend** (8) as follows:

18 **22-30.5-104. Charter school - requirements - authority.** (8) A  
19 charter school shall be authorized to offer any educational program,  
20 including but not limited to an on-line program OR ON-LINE SCHOOL  
21 CREATED pursuant to article 30.7 of this title, that may be offered by a  
22 school district and that is research-based and has been proven to be  
23 effective, unless expressly prohibited by state law.

24 **SECTION 29.** In Colorado Revised Statutes, 22-30.5-112,  
25 **amend** (2) (a.7) as follows:

26 **22-30.5-112. Charter schools - financing - definitions -**  
27 **guidelines.** (2) (a.7) For the 2000-01 budget year through the 2008-09

1 budget year, each charter school shall annually allocate the minimum per  
2 pupil dollar amount specified in section 22-54-105 (2) (b), multiplied by  
3 the number of students enrolled in the charter school who are not students  
4 enrolled in an on-line program OR AN ON-LINE SCHOOL, as defined in  
5 ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), to a fund  
6 created by the charter school for capital reserve purposes, as set forth in  
7 section 22-45-103 (1) (c) and (1) (e), or solely for the management of  
8 risk-related activities, as identified in section 24-10-115, C.R.S., and  
9 article 13 of title 29, C.R.S., or among such allowable funds. Said moneys  
10 shall be used for the purposes set forth in section 22-45-103 (1) (c) and  
11 (1) (e) and may not be expended by the charter school for any other  
12 purpose. Any moneys remaining in ~~such~~ THE fund that have not been  
13 expended prior to the 2009-10 budget year shall be budgeted for the  
14 purposes set forth in section 22-45-103 (1) (c) and (1) (e) in the 2009-10  
15 budget year or any budget year thereafter.

16 **SECTION 30.** In Colorado Revised Statutes, 22-30.5-112.1,  
17 **amend** (1) (k) (II) as follows:

18 **22-30.5-112.1. Charter schools - definitions - exclusive**  
19 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**

20 (1) As used in this section, unless the context otherwise requires:

21 (k) "On-line pupil enrollment" means:

22 (II) For the 2008-09 budget year, and for budget years thereafter,  
23 the number of pupils, on October 1 within the applicable budget year or  
24 the school day nearest said date, enrolled in, attending, and actively  
25 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in  
26 section 22-30.7-102 (6), created pursuant to article 30.7 of this title, by  
27 the district charter school.

1           **SECTION 31.** In Colorado Revised Statutes, 22-30.5-112.3,  
2 **amend** (1) (a.7) (II) as follows:

3           **22-30.5-112.3. Charter schools - additional aid from district.**

4           (1) (a.7) (II) As used in this paragraph (a.7), "pupils" means  
5 pupils, other than pupils enrolled in an on-line program OR ON-LINE  
6 SCHOOL, as defined in ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102  
7 (9.5), who are enrolled in a charter school.

8           **SECTION 32.** In Colorado Revised Statutes, 22-30.5-502,  
9 **amend** (9) as follows:

10           **22-30.5-502. Definitions.** As used in this part 5, unless the  
11 context otherwise requires:

12           (9) "On-line pupil" means:

13           (a) For the 2007-08 budget year, a child who receives educational  
14 services predominantly through an on-line program OR ON-LINE SCHOOL  
15 created pursuant to article 30.7 of this title;

16           (b) For the 2008-09 budget year, and for each budget year  
17 thereafter, a child who receives educational services predominantly  
18 through a multi-district ~~program~~ ON-LINE SCHOOL, as defined in section  
19 22-30.7-102 (6), created pursuant to article 30.7 of this title.

20           **SECTION 33.** In Colorado Revised Statutes, 22-30.5-507,  
21 **amend** (9) as follows:

22           **22-30.5-507. Institute charter school - requirements -**

23 **authority.** (9) An institute charter school is authorized to offer any  
24 educational program, including but not limited to an on-line program OR  
25 ON-LINE SCHOOL pursuant to article 30.7 of this title, that may be offered  
26 by a school district, unless expressly prohibited by its charter contract or  
27 by state law.

1           **SECTION 34.** In Colorado Revised Statutes, 22-30.5-513,  
2 **amend** (1) (j) (II) as follows:

3           **22-30.5-513. Institute charter schools - definitions - funding.**

4 (1) As used in this section, unless the context otherwise requires:

5           (j) "On-line pupil enrollment" means:

6           (II) For the 2008-09 budget year, and for budget years thereafter,  
7 the number of pupils, on October 1 within the applicable budget year or  
8 the school day nearest said date, enrolled in, attending, and actively  
9 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in  
10 section 22-30.7-102 (6), created pursuant to article 30.7 of this title by the  
11 institute charter school.

12           **SECTION 35.** In Colorado Revised Statutes, **amend** 22-30.5-514  
13 as follows:

14           **22-30.5-514. Institute charter school - capital reserve, risk**  
15 **management, and instructional purposes.** (1) For the 2004-05 budget  
16 year through the 2008-09 budget year, each institute charter school shall  
17 annually allocate the minimum per pupil dollar amount specified in  
18 section 22-54-105 (2) (b), multiplied by the number of students enrolled  
19 in the institute charter school who are not students enrolled in an on-line  
20 ~~program~~ OR ON-LINE SCHOOL, as defined in ~~section~~ SECTIONS 22-30.7-102  
21 (9) AND 22-30.7-102 (9.5), to a fund created by the institute charter school  
22 for capital reserve purposes, as set forth in section 22-45-103 (1) (c) and  
23 (1) (e), or solely for the management of risk-related activities, as  
24 identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S.,  
25 or among such allowable funds. Said moneys shall be used for the  
26 purposes set forth in section 22-45-103 (1) (c) and (1) (e) and may not be  
27 expended by the institute charter school for any other purpose. Any

1 moneys remaining in ~~such~~ THE fund that have not been expended prior to  
2 the 2009-10 budget year shall be budgeted for the purposes set forth in  
3 section 22-45-103 (1) (c) and (1) (e) in the 2009-10 budget year or any  
4 budget year thereafter.

5 (2) For the 2004-05 budget year through the 2008-09 budget year,  
6 each institute charter school shall annually allocate the minimum per  
7 pupil dollar amount specified in section 22-54-105 (1) (b), multiplied by  
8 the number of students enrolled in the institute charter school who are not  
9 students enrolled in an on-line program OR ON-LINE SCHOOL, as defined  
10 in ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), to accounts  
11 created by the institute charter school for instructional supplies and  
12 materials, instructional capital outlays, or other instructional purposes, as  
13 set forth in section 22-45-103 (1) (a) (II), or among such accounts.  
14 Moneys may be transferred among the three accounts. The moneys in the  
15 accounts shall be used for the purposes set forth in section 22-45-103 (1)  
16 (a) (II) and may not be expended by the institute charter school for any  
17 other purpose. Any moneys in the accounts that are not projected to be  
18 expended during a budget year shall be budgeted for the purposes set  
19 forth in section 22-45-103 (1) (a) (II) in the next budget year. Nothing in  
20 this subsection (2) shall be construed to require that interest on moneys  
21 in the accounts be specifically allocated to the accounts. Any moneys  
22 remaining in any ~~such~~ THE account that have not been expended prior to  
23 the 2009-10 budget year shall be budgeted for the purposes set forth in  
24 section 22-45-103 (1) (a) (II) in the 2009-10 budget year or any budget  
25 year thereafter.

26 **SECTION 36.** In Colorado Revised Statutes, 22-30.5-515,  
27 **amend** (1) (b) as follows:

1           **22-30.5-515. Institute charter school - additional aid.**

2           (1) (b) As used in this subsection (1), "pupils" means pupils other than  
3           pupils enrolled in an on-line program OR ON-LINE SCHOOL, as defined in  
4           section SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), who are  
5           enrolled in a qualified charter school.

6           **SECTION 37.** In Colorado Revised Statutes, 22-30.7-101, **amend**  
7           (1) (e) and (1) (f) as follows:

8           **22-30.7-101. Legislative declaration.** (1) The general assembly  
9           hereby finds and declares that:

10           (e) On-line programs AND ON-LINE SCHOOLS must be accountable  
11           to students and parents and to the institutions that accredit on-line  
12           programs AND ON-LINE SCHOOLS;

13           (f) The state has a role in ensuring quality oversight of on-line  
14           programs AND ON-LINE SCHOOLS, but the state should not replace a school  
15           district or an authorizing entity in directly administering on-line programs  
16           AND ON-LINE SCHOOLS;

17           **SECTION 38.** In Colorado Revised Statutes, 22-30.7-102,  
18           **amend** (2), (6), (8), and (13) as follows:

19           **22-30.7-102. Definitions.** As used in this article, unless the  
20           context otherwise requires:

21           (2) "Authorizer" means an entity that authorizes an on-line  
22           program OR ON-LINE SCHOOL. "Authorizer" shall include a school district,  
23           any group of two or more school districts, a board of cooperative services  
24           created pursuant to section 22-5-104, or the state charter school institute  
25           established pursuant to section 22-30.5-503.

26           (6) "Multi-district ~~program~~ ON-LINE SCHOOL" means an on-line  
27           ~~program~~ SCHOOL that serves a student population drawn from two or

1 more school districts.

2 (8) "On-line learning expert" means a person with special  
3 knowledge of and experience in the teaching or administration of  
4 ~~multi-district programs, single district programs,~~ SINGLE-DISTRICT  
5 ON-LINE PROGRAMS AND ON-LINE SCHOOLS, MULTI-DISTRICT ON-LINE  
6 SCHOOLS, or supplemental programs for students in kindergarten through  
7 twelfth grade.

8 (13) "Single-district ON-LINE program" OR "SINGLE-DISTRICT  
9 ON-LINE SCHOOL" means an on-line program OR ON-LINE SCHOOL that  
10 serves only students who reside within a single school district. ~~or, in the  
11 case of a program authorized by one or more districts or a board of  
12 cooperative services, an on-line program that serves only students who  
13 reside within the authorizing districts or within the member districts of  
14 the authorizing board of cooperative services.~~

15 **SECTION 39.** In Colorado Revised Statutes, 22-30.7-103,  
16 **amend** (2), (3) (b), (3) (d), (3) (i), (3) (j), (3) (l), and (3) (m) as follows:

17 **22-30.7-103. Division of on-line learning - created - duties.**

18 (2) **Purposes.** The purposes of the on-line division are:

19 (a) To support on-line programs AND ON-LINE SCHOOLS, students,  
20 parents, authorizers, and other entities related to on-line learning by  
21 providing information and access to available data; and

22 (b) To facilitate the certification of multi-district ~~programs~~  
23 ON-LINE SCHOOLS in accordance with rules promulgated by the state board  
24 pursuant to section 22-30.7-106.

25 (3) **Duties.** The on-line division shall have the following duties:

26 (b) To evaluate applications for certification of multi-district  
27 ~~programs~~ ON-LINE SCHOOLS using criteria adopted by rules promulgated

1 by the state board pursuant to section 22-30.7-106 and to recommend that  
2 the state board grant or deny certification based upon the criteria;

3 (d) To recommend to the state board on or before September 1,  
4 2007, a process, timeline, and standard MOU form for use by  
5 multi-district programs ON-LINE SCHOOLS and school districts in crafting  
6 memoranda of understanding pursuant to section 22-30.7-111 regarding  
7 the placement of learning centers within the boundaries of a school  
8 district. At a minimum, the standard MOU form shall include the  
9 information specified in section 22-30.7-111 (1) (b).

10 (i) To establish a process and timeline for documenting and  
11 tracking complaints concerning on-line programs AND ON-LINE SCHOOLS;

12 (j) To collect resources to support the implementation of quality  
13 on-line programs AND ON-LINE SCHOOLS and make the resources available  
14 to on-line programs AND ON-LINE SCHOOLS upon request;

15 (l) To annually collect and review information concerning sound  
16 financial and accounting practices and resources for each on-line program  
17 AND ON-LINE SCHOOL. The information may be the same information  
18 submitted by on-line charter schools pursuant to section 22-30.5-109 (1);  
19 and

20 (m) If the on-line division has reason to believe that an on-line  
21 program OR ON-LINE SCHOOL is not in substantial compliance with one or  
22 more of the statutory or regulatory requirements applicable to on-line  
23 programs AND ON-LINE SCHOOLS, to provide notice to the on-line program  
24 OR ON-LINE SCHOOL, and its authorizer, and require that the on-line  
25 program OR ON-LINE SCHOOL, together with its authorizer, address a plan  
26 for coming into compliance. The plan may be included in the school plan  
27 required pursuant to section 22-11-210 (2).



1           **SECTION 40.** In Colorado Revised Statutes, **amend 22-30.7-105**  
2 as follows:

3           **22-30.7-105. Program criteria - guidelines - quality standards**  
4 **- records - rules.** (1) (a) A school district ~~a group of two or more school~~  
5 ~~districts, a board of cooperative services created pursuant to section~~  
6 ~~22-5-104,~~ and the state charter school institute established pursuant to  
7 section 22-30.5-503 are hereby authorized to create or oversee  
8 single-district ON-LINE programs OR SINGLE-DISTRICT ON-LINE SCHOOLS.

9           (b) A school district, a group of two or more school districts, a  
10 board of cooperative services created pursuant to section 22-5-104, and  
11 the state charter school institute established pursuant to section  
12 22-30.5-503 are hereby authorized to create or oversee multi-district  
13 ~~programs~~ ON-LINE SCHOOLS, subject to the requirement that the authorizer  
14 apply to the on-line division for certification of the multi-district ~~program~~  
15 ON-LINE SCHOOL as described in section 22-30.7-106.

16           (c) Nothing in this article shall be construed to prohibit an on-line  
17 program OR ON-LINE SCHOOL from providing supplemental on-line  
18 courses.

19           (2) The following guidelines shall apply to each on-line program  
20 OR ON-LINE SCHOOL that is created or overseen pursuant to the provisions  
21 of this article:

22           (a) A student who is participating in an on-line program OR  
23 ON-LINE SCHOOL shall be subject to compulsory school attendance as  
24 provided in article 33 of this title and shall be deemed to comply with the  
25 compulsory attendance requirements through participation in the on-line  
26 program OR ON-LINE SCHOOL.

27           (b) Each student participating in an on-line program OR ON-LINE

1 SCHOOL shall be subject to the statewide assessments administered  
2 pursuant to section 22-7-409.

3 (c) The provisions of article 36 of this title concerning schools of  
4 choice shall apply to an on-line program OR ON-LINE SCHOOL  
5 implemented pursuant to this article.

6 (d) The provisions of the "Education Accountability Act of 2009",  
7 article 11 of this title, shall apply to an on-line program OR ON-LINE  
8 SCHOOL implemented pursuant to this article in the same manner as said  
9 provisions apply to the other public schools operating in this state.

10 (3) (a) An on-line program OR ON-LINE SCHOOL that is  
11 administered pursuant to the provisions of this article shall satisfy the  
12 quality standards established by rules promulgated by the state board  
13 pursuant to paragraph (b) of this subsection (3).

14 (b) On or before January 1, 2008, the state board, in consultation  
15 with the on-line division, shall promulgate rules establishing quality  
16 standards for on-line programs AND ON-LINE SCHOOLS administered  
17 pursuant to the provisions of this article. The rules shall include, but need  
18 not be limited to, the establishment of quality standards in the following  
19 areas:

20 (I) An on-line program's OR ON-LINE SCHOOL'S governance, vision,  
21 and organization;

22 (II) Standards-based curricula and data-driven instructional  
23 practices;

24 (III) Technological capacity and support;

25 (IV) Internet safety;

26 (V) Sound financial and accounting practices and resources;

27 (VI) Student academic performance and improvement;

1 (VII) Monitoring and assessment of student academic  
2 performance and improvement;

3 (VIII) Course completion measurements;

4 (IX) Attendance tracking procedures;

5 (X) Data analysis, management, and reporting;

6 (XI) Guidance counseling;

7 (XII) Engagement of parents and communities in on-line  
8 programs AND ON-LINE SCHOOLS;

9 (XIII) Provisions for students with special needs, including gifted  
10 and talented students and English language learners; and

11 (XIV) Program evaluation and improvement.

12 (c) Repealed.

13 (4) (a) The records of each student participating in a multi-district  
14 program ON-LINE SCHOOL shall be maintained on a permanent basis by the  
15 authorizer of the multi-district program ON-LINE SCHOOL; except that, if  
16 a charter school provides the multi-district program ON-LINE SCHOOL,  
17 only the charter school and not the authorizer shall be required to  
18 maintain the records. The records shall include, but need not be limited  
19 to:

20 (I) Attendance data;

21 (II) Test, evaluation, and statewide assessment results;

22 (III) Immunization records, as required by sections 25-4-902 and  
23 25-4-903, C.R.S.; and

24 (IV) Such other records as are required under law concerning  
25 enrolled students, including but not limited to records required by state or  
26 federal statutes concerning the education of students with disabilities.

27 (b) (I) If a student enrolled in a school within a school district

1 transfers to an on-line program OR ON-LINE SCHOOL, the school district  
2 shall transmit to the on-line program OR ON-LINE SCHOOL all performance,  
3 attendance, and assessment data concerning the student within thirty days  
4 after the school district receives notice from the on-line program OR  
5 ON-LINE SCHOOL that the student has enrolled in the on-line program OR  
6 ON-LINE SCHOOL.

7 (II) If a student enrolled in an on-line program OR ON-LINE  
8 SCHOOL transfers to a school within a school district, the on-line program  
9 OR ON-LINE SCHOOL shall transmit to the school all performance,  
10 attendance, and assessment data concerning the student within thirty days  
11 after the on-line program OR ON-LINE SCHOOL receives notice from the  
12 school district that the student has enrolled in the school.

13 (5) Each student participating in an on-line program OR ON-LINE  
14 SCHOOL shall be a resident of this state and shall demonstrate that he or  
15 she possesses the appropriate electronic equipment and resources to  
16 participate in the program OR SCHOOL; except that an on-line program OR  
17 ON-LINE SCHOOL may provide such equipment and resources to a student  
18 to enable the student to participate in the on-line program OR ON-LINE  
19 SCHOOL.

20 **SECTION 41.** In Colorado Revised Statutes, **amend 22-30.7-106**  
21 as follows:

22 **22-30.7-106. Certification of multi-district on-line schools -**  
23 **criteria - rules.** (1) If a school district, a group of two or more school  
24 districts, a board of cooperative services created pursuant to section  
25 22-5-104, or the state charter school institute established pursuant to  
26 section 22-30.5-503 chooses to authorize a multi-district program  
27 ON-LINE SCHOOL, the school district, group of two or more school

1 districts, board of cooperative services, or state charter school institute  
2 shall, prior to authorizing the multi-district program ON-LINE SCHOOL,  
3 apply to the on-line division for certification of the multi-district program  
4 ON-LINE SCHOOL.

5 (2) Notwithstanding the provisions of subsection (1) of this  
6 section, the state board may, in its discretion, waive the requirement that  
7 an authorizer that chooses to authorize a multi-district program ON-LINE  
8 SCHOOL apply to the on-line division for certification of the program  
9 SCHOOL if the multi-district program ON-LINE SCHOOL that the authorizer  
10 seeks to authorize has ten or fewer students from outside the school  
11 district enrolled in the program SCHOOL.

12 (3) Notwithstanding the provisions of subsection (1) of this  
13 section, an authorizer of a single-district ON-LINE program OR ON-LINE  
14 SCHOOL that becomes a multi-district program ON-LINE SCHOOL shall not  
15 be required to apply to the on-line division for certification of the  
16 multi-district program ON-LINE SCHOOL in the event that ten or fewer  
17 students from outside the school district in which the single-district  
18 ON-LINE program OR ON-LINE SCHOOL is operating enroll in the program  
19 MULTI-DISTRICT ON-LINE SCHOOL.

20 (4) The state board shall promulgate rules specifying criteria to be  
21 used by the on-line division in certifying multi-district programs ON-LINE  
22 SCHOOLS. The criteria shall include, but need not be limited to, the  
23 following:

24 (a) Whether the authorizer of the multi-district program ON-LINE  
25 SCHOOL possesses adequate resources and the capacity to oversee the  
26 multi-district program ON-LINE SCHOOL, including but not limited to  
27 oversight of the following components of the multi-district program

- 1 ON-LINE SCHOOL:
- 2 (I) Curriculum and instruction;
- 3 (II) Use of software applications and technology;
- 4 (III) Data gathering, analysis, and reporting;
- 5 (IV) Human resources management;
- 6 (V) Financial management, facilities management, and risk
- 7 management; and
- 8 (VI) Other relevant public education administration functions;
- 9 (b) Whether the plan for operating and monitoring the
- 10 multi-district program ON-LINE SCHOOL agreed to by the authorizer of the
- 11 multi-district program ON-LINE SCHOOL and the principal, director, or
- 12 other chief administrator of the multi-district program ON-LINE SCHOOL
- 13 adequately addresses, at a minimum, consideration of the following
- 14 elements:
- 15 (I) The multi-district program's ON-LINE SCHOOL'S vision, mission,
- 16 and goals;
- 17 (II) The multi-district program's ON-LINE SCHOOL'S organizational
- 18 structure and governance, including governing board and school policies
- 19 and procedures;
- 20 (III) Equitable access for all students;
- 21 (IV) Guidance counseling for all students enrolled in the
- 22 multi-district program ON-LINE SCHOOL;
- 23 (V) Student academic credit policies;
- 24 (VI) Student achievement and attendance policies, including but
- 25 not limited to monitoring graduation and dropout rates;
- 26 (VII) Student records policies and procedures;
- 27 (VIII) Student admission and placement policies and procedures;

- 1 (IX) Staff development plans;
- 2 (X) Student services, including counseling and tutorial support;
- 3 (XI) Staff, student, and parent handbooks;
- 4 (XII) Employment and contractor policies and procedures;
- 5 (XIII) Annual budgeting and finance practices;
- 6 (XIV) Facility plans, including any contemplated physical sites;
- 7 (XV) Risk management;
- 8 (XVI) Data development, analysis, and reporting; and
- 9 (XVII) Policies and procedures for facilitating communication
- 10 between the multi-district program ON-LINE SCHOOL, parents, and school
- 11 districts in which students who are enrolled in the multi-district program
- 12 ON-LINE SCHOOL reside; and

13 (c) The degree to which the multi-district program ON-LINE  
14 SCHOOL will satisfy the quality standards for on-line programs AND  
15 ON-LINE SCHOOLS described in section 22-30.7-105.

16 (5) On or before January 1, 2008, the state board shall promulgate  
17 rules establishing processes and timelines by which a prospective  
18 authorizer may apply to the on-line division for certification of a  
19 multi-district program ON-LINE SCHOOL pursuant to this section.

20 (6) On or before January 1, 2008, the state board shall create an  
21 expedited procedure for the approval or denial of certification for  
22 multi-district programs ON-LINE SCHOOLS that were operating as of  
23 January 1, 2007.

24 (7) Notwithstanding any provision of this section to the contrary,  
25 an authorizer of a multi-district program ON-LINE SCHOOL that was  
26 operating as of January 1, 2007, may continue to operate until August 1,  
27 2008, without receiving certification of the program SCHOOL by the

1 on-line division pursuant to this section.

2 (8) The state board shall not approve the certification of a  
3 multi-district ~~program~~ ON-LINE SCHOOL until the state board has  
4 promulgated rules for such certification pursuant to this section.

5 **SECTION 42.** In Colorado Revised Statutes, 22-30.7-107,  
6 **amend** (2) and (3) as follows:

7 **22-30.7-107. Funding.** (2) For the 2008-09 budget year, and for  
8 each budget year thereafter, for purposes of determining total program  
9 funding pursuant to article 54 of this title:

10 (a) (I) A school district that is providing a single-district ON-LINE  
11 program OR ON-LINE SCHOOL, or a school district in which a district  
12 charter school is providing a single-district ON-LINE program OR ON-LINE  
13 SCHOOL, shall include each student who is enrolled in the single-district  
14 ON-LINE program OR ON-LINE SCHOOL as of October 1 of the applicable  
15 budget year in the school district's pupil enrollment for the applicable  
16 budget year and shall receive the school district's per-pupil funding for  
17 each student enrolled in the single-district ON-LINE program OR ON-LINE  
18 SCHOOL.

19 (II) An institute charter school that is providing a single-district  
20 ON-LINE program OR ON-LINE SCHOOL shall include each student who is  
21 enrolled in the single-district ON-LINE program OR ON-LINE SCHOOL as of  
22 October 1 of the applicable budget year in the institute charter school's  
23 pupil enrollment for the applicable budget year and shall receive the  
24 per-pupil funding of the institute charter school's accounting district for  
25 each student enrolled in the single-district ON-LINE program OR ON-LINE  
26 SCHOOL.

27 (b) (I) A school district that is providing a multi-district ~~program~~



1 ON-LINE SCHOOL, or a school district in which a district charter school is  
2 providing a multi-district program ON-LINE SCHOOL, shall include each  
3 student who is enrolled in the multi-district program ON-LINE SCHOOL as  
4 of October 1 of the applicable budget year in the school district's on-line  
5 pupil enrollment for the applicable budget year and shall receive on-line  
6 funding, as specified in section 22-54-104 (4.5).

7 (II) An institute charter school that is providing a multi-district  
8 program ON-LINE SCHOOL shall include each student who is enrolled in  
9 the multi-district program ON-LINE SCHOOL as of October 1 of the  
10 applicable budget year in the institute charter school's on-line enrollment  
11 for the applicable budget year and shall receive on-line funding, as  
12 specified in section 22-54-104 (4.5).

13 (3) For the 2008-09 budget year, and for each budget year  
14 thereafter, an authorizer that is providing an on-line program OR ON-LINE  
15 SCHOOL may receive funding for each student enrolled in the on-line  
16 program OR ON-LINE SCHOOL, regardless of whether the student was  
17 included in the pupil enrollment or on-line pupil enrollment of a school  
18 district or institute charter school for the preceding school year.

19 **SECTION 43.** In Colorado Revised Statutes, 22-30.7-108,  
20 **amend** (1) as follows:

21 **22-30.7-108. Extracurricular and interscholastic activities.**

22 (1) A student who is participating in an on-line program OR AN ON-LINE  
23 SCHOOL, other than a student who is participating in the on-line program  
24 OR ON-LINE SCHOOL after having been expelled from a public school, may  
25 participate on an equal basis in any extracurricular or interscholastic  
26 activity offered by a public school or offered by a private school, at the  
27 private school's discretion, as provided in section 22-32-116.5.

1           **SECTION 44.** In Colorado Revised Statutes, **amend**  
2 22-30.7-109.5 as follows:

3           **22-30.7-109.5. On-line programs and on-line schools - report**  
4 **to authorizer and department.** Each on-line program AND ON-LINE  
5 SCHOOL shall annually submit to its authorizer and to the department  
6 information, pursuant to state board rules, concerning sound financial and  
7 accounting practices and resources. A multi-district on-line program  
8 SCHOOL shall notify its authorizer and the department of any intent to  
9 amend the program's OR SCHOOL'S application for certification, which  
10 shall include any intent to expand grade levels served by the program OR  
11 SCHOOL, any intent to change education service providers, or other  
12 intended changes, as defined by the state board. If the department  
13 concludes that the on-line program OR ON-LINE SCHOOL should not be  
14 permitted to amend its application for certification, based on the quality  
15 standards established by the state board pursuant to section 22-30.7-105,  
16 the department shall notify the authorizer and the on-line program OR  
17 ON-LINE PROGRAM of its decision within thirty days of receiving the  
18 notification from the program OR SCHOOL. The authorizer shall then have  
19 thirty days to appeal the department's decision to the state board, pursuant  
20 to the state board's administrative policies.

21           **SECTION 45.** In Colorado Revised Statutes, **amend** 22-30.7-111  
22 as follows:

23           **22-30.7-111. Learning centers - memoranda of understanding**  
24 **- rules - appeal process.** (1) (a) A multi-district program ON-LINE  
25 SCHOOL that intends to provide instruction to students within one or more  
26 learning centers shall, before providing such instruction, seek to enter into  
27 a memorandum of understanding with each school district in which the

1 multi-district program ON-LINE SCHOOL intends to provide instruction  
2 within a learning center.

3 (b) A multi-district program ON-LINE SCHOOL that intends to  
4 provide instruction to students within a learning center shall notify the  
5 school district in which the proposed learning center is located of the  
6 multi-district program's ON-LINE SCHOOL'S intention in writing at least  
7 ninety days before the multi-district program ON-LINE SCHOOL intends to  
8 commence providing such instruction. The notice shall include the  
9 standard MOU form that addresses, at a minimum, the following  
10 information as it applies to each learning center to be located within the  
11 school district:

12 (I) A description of any curricula that will be offered by the  
13 multi-district program ON-LINE SCHOOL at the learning center;

14 (II) The proposed location of the learning center;

15 (III) The grade levels to be served at the learning center;

16 (IV) The number of students projected to attend the multi-district  
17 program ON-LINE SCHOOL at the learning center;

18 (V) Any building permits or certifications of building safety that  
19 may be required by law;

20 (VI) A list of all staff positions at the learning center, including  
21 a description of duties for each position;

22 (VII) Measures to ensure compliance with state and federal laws  
23 concerning educator licensing and fingerprint-based criminal history  
24 record checks;

25 (VIII) The name of and contact information for the multi-district  
26 program ON-LINE SCHOOL and the names of and contact information for  
27 all learning center administrators; and

1 (IX) The plans for one or more public meetings to be held prior  
2 to the opening of a learning center.

3 (c) Within forty-five days after receiving the notice and standard  
4 MOU form from a multi-district program ON-LINE SCHOOL pursuant to  
5 paragraph (b) of this subsection (1), the school district and the  
6 multi-district program ON-LINE SCHOOL shall meet to discuss the terms of  
7 the memorandum of understanding, based on the standard MOU form  
8 provided with the notice. The school district and the multi-district  
9 program ON-LINE SCHOOL may mutually agree to change the information  
10 in the standard MOU form provided with the notice or to include  
11 information in the memorandum of understanding in addition to that  
12 included in the standard MOU form.

13 (d) Within forty-five days after receiving the notice and the  
14 standard MOU form pursuant to paragraph (b) of this subsection (1), the  
15 school district and the multi-district program ON-LINE SCHOOL shall hold  
16 at least one public meeting at which they shall receive public input  
17 concerning location of one or more learning centers within the school  
18 district.

19 (e) No later than forty-five days after the school district receives  
20 the notice and standard MOU form pursuant to paragraph (b) of this  
21 subsection (1), the school district shall notify the multi-district program  
22 ON-LINE SCHOOL, the on-line division, and the state board in writing of the  
23 school district's decision whether to enter into a memorandum of  
24 understanding with the multi-district program ON-LINE SCHOOL for  
25 operation of a learning center within the school district. If the school  
26 district does not provide notice of its decision within forty-five days, the  
27 standard MOU form provided by the multi-district program ON-LINE

1 SCHOOL with the notice shall become effective on the forty-sixth day  
2 following the school district's receipt of the notice and standard MOU  
3 form, and the multi-district program ON-LINE SCHOOL may proceed under  
4 the terms of the standard MOU form as provided to the school district.

5 (f) A school district may refuse to enter into a memorandum of  
6 understanding with a multi-district program ON-LINE SCHOOL for the  
7 operation of a learning center within the school district only if:

8 (I) The standard MOU form provided by the multi-district  
9 program ON-LINE SCHOOL fails to satisfy the requirements described in  
10 paragraph (b) of this subsection (1); or

11 (II) The school district reasonably determines that the  
12 multi-district program ON-LINE SCHOOL is contrary to the best interests of  
13 the pupils, parents, community, or school district.

14 (g) If a school district refuses to enter into a memorandum of  
15 understanding with a multi-district program ON-LINE SCHOOL for  
16 operation of a learning center, the multi-district program ON-LINE SCHOOL  
17 may appeal the school district's decision to the state board pursuant to the  
18 provisions of subsection (6) of this section.

19 (h) Notwithstanding any provision of this section to the contrary,  
20 a multi-district program ON-LINE SCHOOL that seeks to operate a learning  
21 center within a school district shall not be required to enter into a  
22 memorandum of understanding with the school district if the school  
23 district is the authorizer of the multi-district program ON-LINE SCHOOL.

24 (i) Notwithstanding any provision of this section to the contrary,  
25 a school district and a multi-district program ON-LINE SCHOOL may  
26 mutually agree in writing to decline to enter into a memorandum of  
27 understanding.

1 (j) To ensure that all students have a reasonable opportunity to  
2 benefit from on-line education, a school district and a multi-district  
3 program ON-LINE SCHOOL shall make good faith efforts to craft and enter  
4 into a memorandum of understanding pursuant to the provisions of this  
5 section.

6 (2) A memorandum of understanding entered into by a school  
7 district and a multi-district program ON-LINE SCHOOL pursuant to the  
8 provisions of this section shall be effective for three years. A school  
9 district and a multi-district program ON-LINE SCHOOL may enter into an  
10 unlimited number of successive memoranda of understanding.

11 (3) If a school district and a multi-district program ON-LINE  
12 SCHOOL enter into a memorandum of understanding pursuant to the  
13 provisions of this section, the memorandum of understanding shall  
14 include consideration of all learning centers that the multi-district  
15 program ON-LINE SCHOOL proposes, at the time the memorandum of  
16 understanding is crafted, to operate within the school district, and the  
17 memorandum of understanding shall supersede any memorandum of  
18 understanding previously entered into by the school district and the  
19 multi-district program ON-LINE SCHOOL.

20 (4) (a) If a multi-district program ON-LINE SCHOOL is operating a  
21 learning center within a school district under the terms of a memorandum  
22 of understanding, and the multi-district program ON-LINE SCHOOL seeks  
23 to operate an additional learning center within the school district, which  
24 additional learning center is not contemplated in an existing memorandum  
25 of understanding, the multi-district program ON-LINE SCHOOL shall  
26 provide notice to the school district of the multi-district program's  
27 ON-LINE SCHOOL'S intention to operate an additional learning center. The

1 notice shall include the standard MOU form.

2 (b) Upon receiving notice from a multi-district program ON-LINE  
3 SCHOOL as described in paragraph (a) of this subsection (4), the school  
4 district shall decide whether to seek to craft a new memorandum of  
5 understanding with the multi-district program ON-LINE SCHOOL, and the  
6 school district shall notify the multi-district program ON-LINE SCHOOL of  
7 the school district's decision within thirty days after receiving the notice  
8 described in paragraph (a) of this subsection (4).

9 (c) (I) If the multi-district program ON-LINE SCHOOL receives  
10 notice within thirty days that the school district has decided to seek to  
11 craft a new memorandum of understanding, the multi-district program  
12 ON-LINE SCHOOL and the school district shall seek to craft a new  
13 memorandum of understanding pursuant to the provisions of this section.

14 (II) If the multi-district program ON-LINE SCHOOL does not receive  
15 notice within thirty days after the school district's decision, or the  
16 multi-district program ON-LINE SCHOOL receives notice that the school  
17 district has decided not to seek to craft a new memorandum of  
18 understanding, the multi-district program ON-LINE SCHOOL may begin to  
19 operate the additional learning center.

20 (5) On or before October 1, 2007, the state board shall approve the  
21 standard MOU form, which shall, at a minimum, include the information  
22 specified in paragraph (b) of subsection (1) of this section. The standard  
23 MOU form approved by the state board shall be based on the standard  
24 MOU form recommended by the on-line division pursuant to section  
25 22-30.7-103 (3) (d).

26 (6) (a) On or before January 1, 2008, the state board shall  
27 promulgate rules establishing procedures and timelines by which a

1 multi-district program ON-LINE SCHOOL may appeal to the state board a  
2 decision by a school district to refuse to enter into a memorandum of  
3 understanding with the multi-district program ON-LINE SCHOOL for the  
4 operation of a learning center within the school district.

5 (b) If the state board determines that a school district's decision to  
6 refuse to enter into a memorandum of understanding was contrary to the  
7 best interests of the pupils, parents, community, or school district, the  
8 state board shall issue an order directing the school district to enter into  
9 a final memorandum of understanding with the multi-district program  
10 ON-LINE SCHOOL regarding the placement of one or more learning centers  
11 within the school district and to use the standard MOU form provided  
12 with the notice pursuant to paragraph (b) of subsection (1) of this section  
13 as the basis for the final memorandum of understanding.

14 (c) Upon receiving notice from a multi-district program ON-LINE  
15 SCHOOL that the multi-district program ON-LINE SCHOOL is appealing a  
16 decision by a school district to refuse to enter into a memorandum of  
17 understanding with the multi-district program ON-LINE SCHOOL, the state  
18 board shall resolve the dispute within forty-five days by either affirming  
19 the school district's decision or issuing an order directing the school  
20 district to enter into a memorandum of understanding with the  
21 multi-district program ON-LINE SCHOOL, as described in paragraph (b) of  
22 this subsection (6).

23 (7) Notwithstanding any provision of this section to the contrary,  
24 a multi-district program ON-LINE SCHOOL that operates one or more  
25 learning centers within a school district as of January 1, 2007, may  
26 continue to operate learning centers within the school district until August  
27 1, 2008, without entering into a memorandum of understanding with the



1 school district. A multi-district program ON-LINE SCHOOL that operates  
2 one or more learning centers within a school district as of January 1,  
3 2007, shall provide notification to the school district on or before  
4 September 1, 2007, of any learning centers being operated by the  
5 multi-district program ON-LINE SCHOOL within the school district. The  
6 notice shall include the information described in subparagraphs (I)  
7 through (VIII) of paragraph (b) of subsection (1) of this section.

8 **SECTION 46.** In Colorado Revised Statutes, 22-33-104, amend  
9 (1) (c) as follows:

10 **22-33-104. Compulsory school attendance.** (1) (c) A student  
11 who participates in an on-line program OR ON-LINE SCHOOL pursuant to  
12 the provisions of article 30.7 of this title shall be deemed to attend school  
13 in accordance with the requirements of this subsection (1).

14 **SECTION 47.** In Colorado Revised Statutes, 22-33-105, amend  
15 (5) (a) as follows:

16 **22-33-105. Suspension, expulsion, and denial of admission.**  
17 (5) (a) Whenever a petition filed in juvenile court alleges that a child at  
18 least twelve years of age but under eighteen years of age has committed  
19 an offense that would constitute unlawful sexual behavior, as defined in  
20 section 16-22-102 (9), C.R.S., or a crime of violence, as defined in  
21 section 18-1.3-406, C.R.S., if committed by an adult or whenever charges  
22 filed in district court allege that a child has committed such an offense,  
23 basic identification information concerning such child and the details of  
24 the alleged delinquent act or offense shall be provided immediately to the  
25 school district in which the child is enrolled in accordance with the  
26 provisions of section 19-1-304 (5), C.R.S. Upon receipt of such  
27 information, the board of education of the school district or its designee

1 shall determine whether the student has exhibited behavior that is  
2 detrimental to the safety, welfare, and morals of the other students or of  
3 school personnel in the school and whether educating the student in the  
4 school may disrupt the learning environment in the school, provide a  
5 negative example for other students, or create a dangerous and unsafe  
6 environment for students, teachers, and other school personnel. The  
7 determination may be made in executive session to the extent allowed by  
8 section 24-6-402 (4) (h), C.R.S. If the board of education or its designee,  
9 in accordance with the provisions of this subsection (5), makes a  
10 determination that the student should not be educated in the school, it may  
11 proceed with suspension or expulsion in accordance with subsection (2)  
12 of this section and section 22-33-106. Alternatively, the board of  
13 education or its designee may determine that it will wait until the  
14 conclusion of the juvenile proceedings to consider the expulsion matter,  
15 in which case it shall be the responsibility of the district to provide the  
16 student with an appropriate alternate education program, including but not  
17 limited to an on-line program OR ON-LINE SCHOOL authorized pursuant to  
18 article 30.7 of this title, or a home-based education program during the  
19 period pending the resolution of the juvenile proceedings. Information  
20 made available to the school district and not otherwise available to the  
21 public pursuant to the provisions of section 19-1-304, C.R.S., shall  
22 remain confidential.

23 **SECTION 48.** In Colorado Revised Statutes, 22-54-103, **amend**  
24 (8.5) (a) (II) and (10) (a) (II) (B) as follows:

25 **22-54-103. Definitions - repeal.** As used in this article, unless the  
26 context otherwise requires:

27 (8.5) (a) "On-line pupil enrollment" means:

1 (II) For the 2008-09 budget year, and for budget years thereafter,  
2 the number of pupils, on October 1 within the applicable budget year or  
3 the school day nearest said date, enrolled in, attending, and actively  
4 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in  
5 section 22-30.7-102 (6), created pursuant to article 30.7 of this title.

6 (10) (a) (II) "Pupil enrollment" shall include:

7 (B) For the 2008-09 budget year, and for budget years thereafter,  
8 a pupil who is enrolled in, attending, and actively participating in a  
9 single-district on-line program OR ON-LINE SCHOOL operated pursuant to  
10 article 30.7 of this title.

11 **SECTION 49.** In Colorado Revised Statutes, 22-54-126, **amend**

12 (1) (b) as follows:

13 **22-54-126. Declining enrollment districts with new charter**  
14 **schools - additional aid - definitions.** (1) As used in this section, unless  
15 the context otherwise requires:

16 (b) "New charter school enrollment" means the number of pupils  
17 enrolled in a new district charter school of a declining enrollment district  
18 on October 1 or the school date nearest said date in the budget year in  
19 which the new district charter school is opened in the declining  
20 enrollment district minus the number of pupils enrolled as of that date in  
21 an on-line program OR AN ON-LINE SCHOOL who are also enrolled in the  
22 new district charter school of the declining enrollment district.

23 **SECTION 50.** In Colorado Revised Statutes, 22-58-101, **amend**

24 (2) as follows:

25 **22-58-101. Legislative declaration.** (2) The general assembly  
26 therefore finds that it is in the best interests of the state to encourage  
27 school districts and charter schools to test alternative models of school

1 funding by collecting data to show the effects a model would have if it  
2 were implemented, while continuing to receive actual funding pursuant  
3 to the "Public School Finance Act of 1994", article 54 of this title. School  
4 districts and charter schools are encouraged to consider funding models  
5 that may address, at a minimum, the unique challenges of funding  
6 students who are significantly at risk of academic failure, students who  
7 are gifted and talented, students enrolled in on-line programs OR ON-LINE  
8 SCHOOLS, students who return to public school after dropping out, and  
9 students concurrently enrolled in high school and higher education  
10 classes. School districts and charter schools are also encouraged to  
11 consider models of education funding based on achievement rather than  
12 attendance or hours of participation.

13 **SECTION 51.** In Colorado Revised Statutes, 22-82.9-104,  
14 **amend** (3) as follows:

15 **22-82.9-104. Child nutrition school lunch protection program**  
16 **- creation - administration - objectives.** (3) The department shall  
17 approve a multi-district on-line ~~program~~ SCHOOL operating in learning  
18 centers, as defined in section 22-30.7-102 (4), to participate in the  
19 program and in the school lunch program so long as the multi-district  
20 on-line ~~program~~ SCHOOL complies with the federal requirements for  
21 participating in the school lunch program, including but not limited to  
22 completing and submitting the required federal application form for each  
23 student who chooses to participate in the school lunch program.

24 **SECTION 52. Safety clause.** The general assembly hereby finds,  
25 determines, and declares that this act is necessary for the immediate  
26 preservation of the public peace, health, and safety.