

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

February 27, 2012
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB12-1240 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1 Amend printed bill, page 5, after line 3 insert:

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

4 **22-7-1018. Cost study.** (2) The entity selected to conduct the cost
5 study shall submit reports to the department of education and the
6 department of higher education in accordance with the following
7 timeline:

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

10 Renumber succeeding sections accordingly.

11 Page 10, line 23, strike "OR A".

12 Page 10, line 24, strike "LETTER OF CREDIT".

13 Page 11, after line 14 insert:

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

16 **22-2-107. State board - power.** (1) The state board has the
17 power:

18 (s) To approve programs by nonpublic, nonparochial schools to
19 provide educational services to students pursuant to section 22-33-203,

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

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

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

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

12 **22-60.5-107. Grounds for denying, annulling, suspending, or**
13 **revoking license, certificate, endorsement, or authorization.** (10) THE
14 COMMISSIONER OF EDUCATION MAY ISSUE SUBPOENAS TO COMPEL THE
15 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY
16 EVIDENCE, AND MATERIALS IN SUPPORT OF THE DEPARTMENT'S
17 INVESTIGATION OF ALLEGATIONS THAT, IF TRUE, MAY ESTABLISH GROUNDS
18 FOR DENYING, ANNULLING, REVOKING, OR SUSPENDING AN EDUCATOR
19 LICENSE, CERTIFICATE, ENDORSEMENT, OR AUTHORIZATION. UPON
20 FAILURE OF A PERSON TO COMPLY WITH SUCH SUBPOENA, THE DISTRICT
21 COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON RESIDES OR
22 CONDUCTS BUSINESS, UPON APPLICATION BY THE DEPARTMENT WITH
23 NOTICE TO THE SUBPOENAED PERSON, MAY ISSUE TO THE SUBPOENAED
24 PERSON AN ORDER REQUIRING THAT PERSON TO PRODUCE THE RELEVANT
25 PAPERS, BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO
26 ORDERED, OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER
27 INVESTIGATION OR QUESTION. FAILURE TO OBEY THE ORDER OF THE COURT
28 MAY BE PUNISHED BY THE COURT AS CONTEMPT OF COURT.

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

31 **22-2-130. Supplemental on-line education grant program -**
32 **legislative declaration - definitions - creation - eligibility - award -**
33 **fund.** (2) As used in this section, unless the context otherwise requires:

34 (b) "Eligible charter school" means:

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

38 (II) An institute charter school that is authorized pursuant to part
39 5 of article 30.5 of this title, that enrolls fewer than three thousand
40 students, as determined by the institute charter school's pupil enrollment
41 certified by the state charter school institute on behalf of the institute

1 charter school to the state board pursuant to section 22-30.5-513 (3) (a),
2 and that does not operate an on-line program OR AS AN ON-LINE SCHOOL.

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

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

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

13 (28) "Public school" shall have the same meaning as provided in
14 section 22-1-101 and includes, but is not limited to, a district charter
15 school, an institute charter school, **and** an on-line program, as defined in
16 section 22-30.7-102 (9), AND AN ON-LINE SCHOOL, AS DEFINED IN SECTION
17 22-30.7-102 (9.5).

18 **SECTION 25.** In Colorado Revised Statutes, 22-11-307, **amend**
19 (2.5) as follows:

20 **22-11-307. Accreditation of public schools.** (2.5) In adopting its
21 school accreditation policies for its on-line programs AND ON-LINE
22 SCHOOLS, as defined in ~~section~~ SECTIONS 22-30.7-102 (9) AND
23 22-30.7-102 (9.5), a local school board or the institute board shall include
24 a review of the on-line program's OR SCHOOL'S alignment to the quality
25 standards outlined in section 22-30.7-105 (3) (b).

26 **SECTION 26.** In Colorado Revised Statutes, 22-20-109, **amend**
27 (2.5) (a), (4) (a), (5) (a), (6), (7) introductory portion, (7) (b), (7) (c), and
28 (7) (d) as follows:

29 **22-20-109. Tuition - rules.** (2.5) (a) When a child with a
30 disability is placed out of the home in a group home and attends school
31 in an administrative unit other than the child's administrative unit of
32 residence and the school does not provide the child with an on-line
33 program OR ON-LINE SCHOOL pursuant to article 30.7 of this title, the
34 district of residence shall be responsible for paying the tuition charge for
35 educating the child to the administrative unit of attendance.

36 (4) (a) When a child with a disability enrolls and attends a school
37 in an administrative unit other than the child's administrative unit of
38 residence pursuant to the provisions of section 22-36-101, and the school
39 does not provide the child an on-line program OR ON-LINE SCHOOL
40 pursuant to article 30.7 of this title, the district of residence shall be
41 responsible for paying the tuition charge for educating the child to the
42 administrative unit of attendance.

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

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

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

20 (c) The on-line provider shall provide notice to the administrative
21 unit of attendance, the administrative unit of residence, and the district of
22 residence if it is not an administrative unit, in accordance with state board
23 rules adopted pursuant to subsection (7) of this section when a child with
24 a disability applies to enroll in the on-line program OR ON-LINE SCHOOL.
25 The notice shall be in writing and shall also be sent to the special
26 education directors for the administrative units of residence and of
27 attendance. If the on-line provider does not intend to seek tuition costs,
28 notification is not required.

29 (d) The amount of the tuition charge shall be determined pursuant
30 to rules adopted by the state board pursuant to subsection (7) of this
31 section. The tuition responsibility shall be reflected in a contract entered
32 into by the administrative unit of residence, the district of residence if it
33 is not an administrative unit, the administrative unit of attendance, and the
34 district of attendance if it is not an administrative unit. Under the
35 circumstances described in this subsection (6), the provisions of section
36 22-20-108 (8) shall not apply.

37 (7) For the 2004-05 budget year and budget years thereafter, the
38 state board shall promulgate rules pertaining to the education of children
39 with disabilities in charter schools and rules pertaining to the education
40 of children with disabilities through on-line programs AND ON-LINE
41 SCHOOLS. Both sets of rules shall include, but need not be limited to, rules
42 to:

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

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

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

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

15 **22-30.5-103. Definitions.** As used in this part 1, unless the
16 context otherwise requires:

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

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

21 (b) For the 2008-09 budget year, and for each budget year
22 thereafter, a child who receives educational services predominantly
23 through a multi-district ~~program~~ ON-LINE SCHOOL, as defined in section
24 22-30.7-102 ~~(6)~~ (9.5), created pursuant to article 30.7 of this title.

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

27 **22-30.5-104. Charter school - requirements - authority.** (8) A
28 charter school shall be authorized to offer any educational program,
29 including but not limited to an on-line program OR ON-LINE SCHOOL
30 CREATED pursuant to article 30.7 of this title, that may be offered by a
31 school district and that is research-based and has been proven to be
32 effective, unless expressly prohibited by state law.

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

35 **22-30.5-112. Charter schools - financing - definitions -**
36 **guidelines.** (2) (a.7) For the 2000-01 budget year through the 2008-09
37 budget year, each charter school shall annually allocate the minimum per
38 pupil dollar amount specified in section 22-54-105 (2) (b), multiplied by
39 the number of students enrolled in the charter school who are not students
40 enrolled in an on-line program OR AN ON-LINE SCHOOL, as defined in
41 ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), to a fund
42 created by the charter school for capital reserve purposes, as set forth in

1 section 22-45-103 (1) (c) and (1) (e), or solely for the management of
2 risk-related activities, as identified in section 24-10-115, C.R.S., and
3 article 13 of title 29, C.R.S., or among such allowable funds. Said moneys
4 shall be used for the purposes set forth in section 22-45-103 (1) (c) and
5 (1) (e) and may not be expended by the charter school for any other
6 purpose. Any moneys remaining in ~~such~~ THE fund that have not been
7 expended prior to the 2009-10 budget year shall be budgeted for the
8 purposes set forth in section 22-45-103 (1) (c) and (1) (e) in the 2009-10
9 budget year or any budget year thereafter.

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

12 **22-30.5-112.1. Charter schools - definitions - exclusive**
13 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**

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

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

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

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

24 **22-30.5-112.3. Charter schools - additional aid from district.**

25 (1) (a.7) (II) As used in this paragraph (a.7), "pupils" means
26 pupils, other than pupils enrolled in an on-line program OR ON-LINE
27 SCHOOL, as defined in ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102
28 (9.5), who are enrolled in a charter school.

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

31 **22-30.5-502. Definitions.** As used in this part 5, unless the
32 context otherwise requires:

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

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

37 (b) For the 2008-09 budget year, and for each budget year
38 thereafter, a child who receives educational services predominantly
39 through a multi-district ~~program~~ ON-LINE SCHOOL, as defined in section
40 22-30.7-102 (6), created pursuant to article 30.7 of this title.

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

1 **22-30.5-507. Institute charter school - requirements -**
2 **authority.** (9) An institute charter school is authorized to offer any
3 educational program, including but not limited to an on-line program OR
4 ON-LINE SCHOOL pursuant to article 30.7 of this title, that may be offered
5 by a school district, unless expressly prohibited by its charter contract or
6 by state law.

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

9 **22-30.5-513. Institute charter schools - definitions - funding.**

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

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

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

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

20 **22-30.5-514. Institute charter school - capital reserve, risk**
21 **management, and instructional purposes.** (1) For the 2004-05 budget
22 year through the 2008-09 budget year, each institute charter school shall
23 annually allocate the minimum per pupil dollar amount specified in
24 section 22-54-105 (2) (b), multiplied by the number of students enrolled
25 in the institute charter school who are not students enrolled in an on-line
26 program OR ON-LINE SCHOOL, as defined in ~~section~~ SECTIONS 22-30.7-102
27 (9) AND 22-30.7-102 (9.5), to a fund created by the institute charter school
28 for capital reserve purposes, as set forth in section 22-45-103 (1) (c) and
29 (1) (e), or solely for the management of risk-related activities, as
30 identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S.,
31 or among such allowable funds. Said moneys shall be used for the
32 purposes set forth in section 22-45-103 (1) (c) and (1) (e) and may not be
33 expended by the institute charter school for any other purpose. Any
34 moneys remaining in ~~such~~ THE fund that have not been expended prior to
35 the 2009-10 budget year shall be budgeted for the purposes set forth in
36 section 22-45-103 (1) (c) and (1) (e) in the 2009-10 budget year or any
37 budget year thereafter.

38 (2) For the 2004-05 budget year through the 2008-09 budget year,
39 each institute charter school shall annually allocate the minimum per
40 pupil dollar amount specified in section 22-54-105 (1) (b), multiplied by
41 the number of students enrolled in the institute charter school who are not
42 students enrolled in an on-line program OR ON-LINE SCHOOL, as defined

1 in ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), to accounts
2 created by the institute charter school for instructional supplies and
3 materials, instructional capital outlays, or other instructional purposes, as
4 set forth in section 22-45-103 (1) (a) (II), or among such accounts.
5 Moneys may be transferred among the three accounts. The moneys in the
6 accounts shall be used for the purposes set forth in section 22-45-103 (1)
7 (a) (II) and may not be expended by the institute charter school for any
8 other purpose. Any moneys in the accounts that are not projected to be
9 expended during a budget year shall be budgeted for the purposes set
10 forth in section 22-45-103 (1) (a) (II) in the next budget year. Nothing in
11 this subsection (2) shall be construed to require that interest on moneys
12 in the accounts be specifically allocated to the accounts. Any moneys
13 remaining in any ~~such~~ THE account that have not been expended prior to
14 the 2009-10 budget year shall be budgeted for the purposes set forth in
15 section 22-45-103 (1) (a) (II) in the 2009-10 budget year or any budget
16 year thereafter.

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

19 **22-30.5-515. Institute charter school - additional aid.**
20 (1) (b) As used in this subsection (1), "pupils" means pupils other than
21 pupils enrolled in an on-line program OR ON-LINE SCHOOL, as defined in
22 ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), who are
23 enrolled in a qualified charter school.

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

26 **22-30.7-101. Legislative declaration.** (1) The general assembly
27 hereby finds and declares that:

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

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

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

37 **22-30.7-102. Definitions.** As used in this article, unless the
38 context otherwise requires:

39 (2) "Authorizer" means an entity that authorizes an on-line
40 program OR ON-LINE SCHOOL. "Authorizer" shall include a school district,
41 any group of two or more school districts, a board of cooperative services

1 created pursuant to section 22-5-104, or the state charter school institute
2 established pursuant to section 22-30.5-503.

3 (6) "Multi-district ~~program~~ ON-LINE SCHOOL" means an on-line
4 ~~program~~ SCHOOL that serves a student population drawn from two or
5 more school districts.

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

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

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

21 **22-30.7-103. Division of on-line learning - created - duties.**

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

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

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

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

30 (b) To evaluate applications for certification of multi-district
31 ~~programs~~ ON-LINE SCHOOLS using criteria adopted by rules promulgated
32 by the state board pursuant to section 22-30.7-106 and to recommend that
33 the state board grant or deny certification based upon the criteria;

34 (d) To recommend to the state board on or before September 1,
35 2007, a process, timeline, and standard MOU form for use by
36 multi-district ~~programs~~ ON-LINE SCHOOLS and school districts in crafting
37 memoranda of understanding pursuant to section 22-30.7-111 regarding
38 the placement of learning centers within the boundaries of a school
39 district. At a minimum, the standard MOU form shall include the
40 information specified in section 22-30.7-111 (1) (b).

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

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

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

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

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

19 **22-30.7-105. Program criteria - guidelines - quality standards**
20 **- records - rules.** (1) (a) A school district ~~a group of two or more school~~
21 ~~districts, a board of cooperative services created pursuant to section~~
22 ~~22-5-104,~~ and the state charter school institute established pursuant to
23 section 22-30.5-503 are hereby authorized to create or oversee
24 single-district ON-LINE programs OR SINGLE-DISTRICT ON-LINE SCHOOLS.

25 (b) A school district, a group of two or more school districts, a
26 board of cooperative services created pursuant to section 22-5-104, and
27 the state charter school institute established pursuant to section
28 22-30.5-503 are hereby authorized to create or oversee multi-district
29 ~~programs~~ ON-LINE SCHOOLS, subject to the requirement that the authorizer
30 apply to the on-line division for certification of the multi-district ~~program~~
31 ON-LINE SCHOOL as described in section 22-30.7-106.

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

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

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

1 (b) Each student participating in an on-line program OR ON-LINE
2 SCHOOL shall be subject to the statewide assessments administered
3 pursuant to section 22-7-409.

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

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

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

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

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

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

25 (III) Technological capacity and support;

26 (IV) Internet safety;

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

28 (VI) Student academic performance and improvement;

29 (VII) Monitoring and assessment of student academic
30 performance and improvement;

31 (VIII) Course completion measurements;

32 (IX) Attendance tracking procedures;

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

34 (XI) Guidance counseling;

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

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

39 (XIV) Program evaluation and improvement.

40 (c) Repealed.

41 (4) (a) The records of each student participating in a multi-district
42 program ON-LINE SCHOOL shall be maintained on a permanent basis by the

1 authorizer of the multi-district ~~program~~ ON-LINE SCHOOL; except that, if
2 a charter school provides the multi-district ~~program~~ ON-LINE SCHOOL,
3 only the charter school and not the authorizer shall be required to
4 maintain the records. The records shall include, but need not be limited
5 to:

- 6 (I) Attendance data;
- 7 (II) Test, evaluation, and statewide assessment results;
- 8 (III) Immunization records, as required by sections 25-4-902 and
9 25-4-903, C.R.S.; and
- 10 (IV) Such other records as are required under law concerning
11 enrolled students, including but not limited to records required by state or
12 federal statutes concerning the education of students with disabilities.

13 (b) (I) If a student enrolled in a school within a school district
14 transfers to an on-line program OR ON-LINE SCHOOL, the school district
15 shall transmit to the on-line program OR ON-LINE SCHOOL all performance,
16 attendance, and assessment data concerning the student within thirty days
17 after the school district receives notice from the on-line program OR
18 ON-LINE SCHOOL that the student has enrolled in the on-line program OR
19 ON-LINE SCHOOL.

20 (II) If a student enrolled in an on-line program OR ON-LINE
21 SCHOOL transfers to a school within a school district, the on-line program
22 OR ON-LINE SCHOOL shall transmit to the school all performance,
23 attendance, and assessment data concerning the student within thirty days
24 after the on-line program OR ON-LINE SCHOOL receives notice from the
25 school district that the student has enrolled in the school.

26 (5) Each student participating in an on-line program OR ON-LINE
27 SCHOOL shall be a resident of this state and shall demonstrate that he or
28 she possesses the appropriate electronic equipment and resources to
29 participate in the program OR SCHOOL; except that an on-line program OR
30 ON-LINE SCHOOL may provide such equipment and resources to a student
31 to enable the student to participate in the on-line program OR ON-LINE
32 SCHOOL.

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

35 **22-30.7-106. Certification of multi-district on-line schools -**
36 **criteria - rules.** (1) If a school district, a group of two or more school
37 districts, a board of cooperative services created pursuant to section
38 22-5-104, or the state charter school institute established pursuant to
39 section 22-30.5-503 chooses to authorize a multi-district ~~program~~
40 ON-LINE SCHOOL, the school district, group of two or more school
41 districts, board of cooperative services, or state charter school institute
42 shall, prior to authorizing the multi-district ~~program~~ ON-LINE SCHOOL,

1 apply to the on-line division for certification of the multi-district program
2 ON-LINE SCHOOL.

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

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

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

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

- 27 (I) Curriculum and instruction;
- 28 (II) Use of software applications and technology;
- 29 (III) Data gathering, analysis, and reporting;
- 30 (IV) Human resources management;
- 31 (V) Financial management, facilities management, and risk
32 management; and
- 33 (VI) Other relevant public education administration functions;

34 (b) Whether the plan for operating and monitoring the
35 multi-district program ON-LINE SCHOOL agreed to by the authorizer of the
36 multi-district program ON-LINE SCHOOL and the principal, director, or
37 other chief administrator of the multi-district program ON-LINE SCHOOL
38 adequately addresses, at a minimum, consideration of the following
39 elements:

- 40 (I) The multi-district program's ON-LINE SCHOOL'S vision, mission,
41 and goals;

- 1 (II) The multi-district ~~program's~~ ON-LINE SCHOOL'S organizational
2 structure and governance, including governing board and school policies
3 and procedures;
- 4 (III) Equitable access for all students;
- 5 (IV) Guidance counseling for all students enrolled in the
6 multi-district ~~program~~ ON-LINE SCHOOL;
- 7 (V) Student academic credit policies;
- 8 (VI) Student achievement and attendance policies, including but
9 not limited to monitoring graduation and dropout rates;
- 10 (VII) Student records policies and procedures;
- 11 (VIII) Student admission and placement policies and procedures;
- 12 (IX) Staff development plans;
- 13 (X) Student services, including counseling and tutorial support;
- 14 (XI) Staff, student, and parent handbooks;
- 15 (XII) Employment and contractor policies and procedures;
- 16 (XIII) Annual budgeting and finance practices;
- 17 (XIV) Facility plans, including any contemplated physical sites;
- 18 (XV) Risk management;
- 19 (XVI) Data development, analysis, and reporting; and
- 20 (XVII) Policies and procedures for facilitating communication
21 between the multi-district ~~program~~ ON-LINE SCHOOL, parents, and school
22 districts in which students who are enrolled in the multi-district ~~program~~
23 ON-LINE SCHOOL reside; and
- 24 (c) The degree to which the multi-district ~~program~~ ON-LINE
25 SCHOOL will satisfy the quality standards for on-line programs AND
26 ON-LINE SCHOOLS described in section 22-30.7-105.
- 27 (5) On or before January 1, 2008, the state board shall promulgate
28 rules establishing processes and timelines by which a prospective
29 authorizer may apply to the on-line division for certification of a
30 multi-district ~~program~~ ON-LINE SCHOOL pursuant to this section.
- 31 (6) On or before January 1, 2008, the state board shall create an
32 expedited procedure for the approval or denial of certification for
33 multi-district ~~programs~~ ON-LINE SCHOOLS that were operating as of
34 January 1, 2007.
- 35 (7) Notwithstanding any provision of this section to the contrary,
36 an authorizer of a multi-district ~~program~~ ON-LINE SCHOOL that was
37 operating as of January 1, 2007, may continue to operate until August 1,
38 2008, without receiving certification of the ~~program~~ SCHOOL by the
39 on-line division pursuant to this section.
- 40 (8) The state board shall not approve the certification of a
41 multi-district ~~program~~ ON-LINE SCHOOL until the state board has
42 promulgated rules for such certification pursuant to this section.

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

3 **22-30.7-107. Funding.** (2) For the 2008-09 budget year, and for
4 each budget year thereafter, for purposes of determining total program
5 funding pursuant to article 54 of this title:

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

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

23 (b) (I) A school district that is providing a multi-district ~~program~~
24 ON-LINE SCHOOL, or a school district in which a district charter school is
25 providing a multi-district ~~program~~ ON-LINE SCHOOL, shall include each
26 student who is enrolled in the multi-district ~~program~~ ON-LINE SCHOOL as
27 of October 1 of the applicable budget year in the school district's on-line
28 pupil enrollment for the applicable budget year and shall receive on-line
29 funding, as specified in section 22-54-104 (4.5).

30 (II) An institute charter school that is providing a multi-district
31 ~~program~~ ON-LINE SCHOOL shall include each student who is enrolled in
32 the multi-district ~~program~~ ON-LINE SCHOOL as of October 1 of the
33 applicable budget year in the institute charter school's on-line enrollment
34 for the applicable budget year and shall receive on-line funding, as
35 specified in section 22-54-104 (4.5).

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

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

3 **22-30.7-108. Extracurricular and interscholastic activities.**
4 (1) A student who is participating in an on-line program OR AN ON-LINE
5 SCHOOL, other than a student who is participating in the on-line program
6 OR ON-LINE SCHOOL after having been expelled from a public school, may
7 participate on an equal basis in any extracurricular or interscholastic
8 activity offered by a public school or offered by a private school, at the
9 private school's discretion, as provided in section 22-32-116.5.

10 **SECTION 44.** In Colorado Revised Statutes, **amend**
11 22-30.7-109.5 as follows:

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

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

32 **22-30.7-111. Learning centers - memoranda of understanding**
33 **- rules - appeal process.** (1) (a) A multi-district ~~program~~ ON-LINE
34 SCHOOL that intends to provide instruction to students within one or more
35 learning centers shall, before providing such instruction, seek to enter into
36 a memorandum of understanding with each school district in which the
37 multi-district ~~program~~ ON-LINE SCHOOL intends to provide instruction
38 within a learning center.

39 (b) A multi-district ~~program~~ ON-LINE SCHOOL that intends to
40 provide instruction to students within a learning center shall notify the
41 school district in which the proposed learning center is located of the

1 multi-district program's ON-LINE SCHOOL'S intention in writing at least
2 ninety days before the multi-district program ON-LINE SCHOOL intends to
3 commence providing such instruction. The notice shall include the
4 standard MOU form that addresses, at a minimum, the following
5 information as it applies to each learning center to be located within the
6 school district:

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

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

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

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

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

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

17 (VII) Measures to ensure compliance with state and federal laws
18 concerning educator licensing and fingerprint-based criminal history
19 record checks;

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

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

25 (c) Within forty-five days after receiving the notice and standard
26 MOU form from a multi-district program ON-LINE SCHOOL pursuant to
27 paragraph (b) of this subsection (1), the school district and the
28 multi-district program ON-LINE SCHOOL shall meet to discuss the terms of
29 the memorandum of understanding, based on the standard MOU form
30 provided with the notice. The school district and the multi-district
31 program ON-LINE SCHOOL may mutually agree to change the information
32 in the standard MOU form provided with the notice or to include
33 information in the memorandum of understanding in addition to that
34 included in the standard MOU form.

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

41 (e) No later than forty-five days after the school district receives
42 the notice and standard MOU form pursuant to paragraph (b) of this

1 subsection (1), the school district shall notify the multi-district program
2 ON-LINE SCHOOL, the on-line division, and the state board in writing of the
3 school district's decision whether to enter into a memorandum of
4 understanding with the multi-district program ON-LINE SCHOOL for
5 operation of a learning center within the school district. If the school
6 district does not provide notice of its decision within forty-five days, the
7 standard MOU form provided by the multi-district program ON-LINE
8 SCHOOL with the notice shall become effective on the forty-sixth day
9 following the school district's receipt of the notice and standard MOU
10 form, and the multi-district program ON-LINE SCHOOL may proceed under
11 the terms of the standard MOU form as provided to the school district.

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

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

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

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

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

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

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

40 (2) A memorandum of understanding entered into by a school
41 district and a multi-district program ON-LINE SCHOOL pursuant to the
42 provisions of this section shall be effective for three years. A school

1 district and a multi-district ~~program~~ ON-LINE SCHOOL may enter into an
2 unlimited number of successive memoranda of understanding.

3 (3) If a school district and a multi-district ~~program~~ ON-LINE
4 SCHOOL enter into a memorandum of understanding pursuant to the
5 provisions of this section, the memorandum of understanding shall
6 include consideration of all learning centers that the multi-district
7 ~~program~~ ON-LINE SCHOOL proposes, at the time the memorandum of
8 understanding is crafted, to operate within the school district, and the
9 memorandum of understanding shall supersede any memorandum of
10 understanding previously entered into by the school district and the
11 multi-district ~~program~~ ON-LINE SCHOOL.

12 (4) (a) If a multi-district ~~program~~ ON-LINE SCHOOL is operating a
13 learning center within a school district under the terms of a memorandum
14 of understanding, and the multi-district ~~program~~ ON-LINE SCHOOL seeks
15 to operate an additional learning center within the school district, which
16 additional learning center is not contemplated in an existing memorandum
17 of understanding, the multi-district ~~program~~ ON-LINE SCHOOL shall
18 provide notice to the school district of the multi-district ~~program's~~
19 ON-LINE SCHOOL'S intention to operate an additional learning center. The
20 notice shall include the standard MOU form.

21 (b) Upon receiving notice from a multi-district ~~program~~ ON-LINE
22 SCHOOL as described in paragraph (a) of this subsection (4), the school
23 district shall decide whether to seek to craft a new memorandum of
24 understanding with the multi-district ~~program~~ ON-LINE SCHOOL, and the
25 school district shall notify the multi-district ~~program~~ ON-LINE SCHOOL of
26 the school district's decision within thirty days after receiving the notice
27 described in paragraph (a) of this subsection (4).

28 (c) (I) If the multi-district ~~program~~ ON-LINE SCHOOL receives
29 notice within thirty days that the school district has decided to seek to
30 craft a new memorandum of understanding, the multi-district ~~program~~
31 ON-LINE SCHOOL and the school district shall seek to craft a new
32 memorandum of understanding pursuant to the provisions of this section.

33 (II) If the multi-district ~~program~~ ON-LINE SCHOOL does not receive
34 notice within thirty days after the school district's decision, or the
35 multi-district ~~program~~ ON-LINE SCHOOL receives notice that the school
36 district has decided not to seek to craft a new memorandum of
37 understanding, the multi-district ~~program~~ ON-LINE SCHOOL may begin to
38 operate the additional learning center.

39 (5) On or before October 1, 2007, the state board shall approve the
40 standard MOU form, which shall, at a minimum, include the information
41 specified in paragraph (b) of subsection (1) of this section. The standard
42 MOU form approved by the state board shall be based on the standard

1 MOU form recommended by the on-line division pursuant to section
2 22-30.7-103 (3) (d).

3 (6) (a) On or before January 1, 2008, the state board shall
4 promulgate rules establishing procedures and timelines by which a
5 multi-district ~~program~~ ON-LINE SCHOOL may appeal to the state board a
6 decision by a school district to refuse to enter into a memorandum of
7 understanding with the multi-district ~~program~~ ON-LINE SCHOOL for the
8 operation of a learning center within the school district.

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

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

27 (7) Notwithstanding any provision of this section to the contrary,
28 a multi-district ~~program~~ ON-LINE SCHOOL that operates one or more
29 learning centers within a school district as of January 1, 2007, may
30 continue to operate learning centers within the school district until August
31 1, 2008, without entering into a memorandum of understanding with the
32 school district. A multi-district ~~program~~ ON-LINE SCHOOL that operates
33 one or more learning centers within a school district as of January 1,
34 2007, shall provide notification to the school district on or before
35 September 1, 2007, of any learning centers being operated by the
36 multi-district ~~program~~ ON-LINE SCHOOL within the school district. The
37 notice shall include the information described in subparagraphs (I)
38 through (VIII) of paragraph (b) of subsection (1) of this section.

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

41 **22-33-104. Compulsory school attendance.** (1) (c) A student
42 who participates in an on-line program OR ON-LINE SCHOOL pursuant to

1 the provisions of article 30.7 of this title shall be deemed to attend school
2 in accordance with the requirements of this subsection (1).

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

5 **22-33-105. Suspension, expulsion, and denial of admission.**

6 (5) (a) Whenever a petition filed in juvenile court alleges that a child at
7 least twelve years of age but under eighteen years of age has committed
8 an offense that would constitute unlawful sexual behavior, as defined in
9 section 16-22-102 (9), C.R.S., or a crime of violence, as defined in
10 section 18-1.3-406, C.R.S., if committed by an adult or whenever charges
11 filed in district court allege that a child has committed such an offense,
12 basic identification information concerning such child and the details of
13 the alleged delinquent act or offense shall be provided immediately to the
14 school district in which the child is enrolled in accordance with the
15 provisions of section 19-1-304 (5), C.R.S. Upon receipt of such
16 information, the board of education of the school district or its designee
17 shall determine whether the student has exhibited behavior that is
18 detrimental to the safety, welfare, and morals of the other students or of
19 school personnel in the school and whether educating the student in the
20 school may disrupt the learning environment in the school, provide a
21 negative example for other students, or create a dangerous and unsafe
22 environment for students, teachers, and other school personnel. The
23 determination may be made in executive session to the extent allowed by
24 section 24-6-402 (4) (h), C.R.S. If the board of education or its designee,
25 in accordance with the provisions of this subsection (5), makes a
26 determination that the student should not be educated in the school, it may
27 proceed with suspension or expulsion in accordance with subsection (2)
28 of this section and section 22-33-106. Alternatively, the board of
29 education or its designee may determine that it will wait until the
30 conclusion of the juvenile proceedings to consider the expulsion matter,
31 in which case it shall be the responsibility of the district to provide the
32 student with an appropriate alternate education program, including but not
33 limited to an on-line program OR ON-LINE SCHOOL authorized pursuant to
34 article 30.7 of this title, or a home-based education program during the
35 period pending the resolution of the juvenile proceedings. Information
36 made available to the school district and not otherwise available to the
37 public pursuant to the provisions of section 19-1-304, C.R.S., shall
38 remain confidential.

39 **SECTION 48.** In Colorado Revised Statutes, 22-54-103, **amend**
40 (8.5) (a) (II) and (10) (a) (II) (B) as follows:

41 **22-54-103. Definitions - repeal.** As used in this article, unless the
42 context otherwise requires:

1 (8.5) (a) "On-line pupil enrollment" means:
2 (II) For the 2008-09 budget year, and for budget years thereafter,
3 the number of pupils, on October 1 within the applicable budget year or
4 the school day nearest said date, enrolled in, attending, and actively
5 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in
6 section 22-30.7-102 (6), created pursuant to article 30.7 of this title.

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

12 **SECTION 49.** In Colorado Revised Statutes, 22-54-126, **amend**
13 (1) (b) as follows:

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

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

24 **SECTION 50.** In Colorado Revised Statutes, 22-58-101, **amend**
25 (2) as follows:

26 **22-58-101. Legislative declaration.** (2) The general assembly
27 therefore finds that it is in the best interests of the state to encourage
28 school districts and charter schools to test alternative models of school
29 funding by collecting data to show the effects a model would have if it
30 were implemented, while continuing to receive actual funding pursuant
31 to the "Public School Finance Act of 1994", article 54 of this title. School
32 districts and charter schools are encouraged to consider funding models
33 that may address, at a minimum, the unique challenges of funding
34 students who are significantly at risk of academic failure, students who
35 are gifted and talented, students enrolled in on-line programs OR ON-LINE
36 SCHOOLS, students who return to public school after dropping out, and
37 students concurrently enrolled in high school and higher education
38 classes. School districts and charter schools are also encouraged to
39 consider models of education funding based on achievement rather than
40 attendance or hours of participation.

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

1 **22-82.9-104. Child nutrition school lunch protection program**
2 **- creation - administration - objectives.** (3) The department shall
3 approve a multi-district on-line ~~program~~ SCHOOL operating in learning
4 centers, as defined in section 22-30.7-102 (4), to participate in the
5 program and in the school lunch program so long as the multi-district
6 on-line ~~program~~ SCHOOL complies with the federal requirements for
7 participating in the school lunch program, including but not limited to
8 completing and submitting the required federal application form for each
9 student who chooses to participate in the school lunch program."

10 Renumber succeeding section accordingly.

** *** ** *** **