

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0173.01 Julie Pelegrin x2700

HOUSE BILL 12-1124

HOUSE SPONSORSHIP

Massey, Fields, Hamner, Holbert, Levy, Peniston

SENATE SPONSORSHIP

Johnston,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING A STUDY OF DIGITAL LEARNING IN COLORADO.**

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 directs the department of education (department) to commission a study of the issues surrounding integration of digital learning into the statewide system of public education in Colorado. The department will select a Colorado-based entity to complete the study. The study is funded by gifts, grants, or donations. If the department does not receive sufficient moneys to complete the study, it will not commission the study. The study will be completed and submitted to the state board

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.

HOUSE
Amended 2nd Reading
February 17, 2012

of education, the governor, and the education committees of the general assembly by January 31, 2013.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-2-140 as
3 follows:

4 **22-2-140. Digital learning study - legislative declaration -**
5 **definitions - notice of funding through gifts, grants, and donations -**
6 **repeal.** (1) THE GENERAL ASSEMBLY FINDS THAT:

7 (a) THE SIGNIFICANT ADVANCES IN DIGITAL LEARNING
8 TECHNOLOGIES THAT HAVE OCCURRED IN THE PAST FIVE YEARS SUGGEST
9 MANY PROMISING STRATEGIES FOR IMPROVING PUBLIC EDUCATION IF
10 THESE TECHNOLOGIES ARE EFFECTIVELY INTEGRATED INTO THE PUBLIC
11 EDUCATION SYSTEM;

12 (b) A HIGH-QUALITY EDUCATION SYSTEM IS NECESSARY TO
13 ENABLE THE STATE TO MAINTAIN A WELL-EDUCATED CITIZENRY AND
14 ATTRACT AND SUPPORT BUSINESS AND INDUSTRIAL DEVELOPMENT WITHIN
15 THE STATE TO STABILIZE AND GROW THE STATE'S ECONOMY;

16 (c) INCREASING THE USE OF DIGITAL LEARNING TECHNOLOGIES IN
17 PUBLIC SCHOOLS HAS THE POTENTIAL TO INCREASE HIGH-QUALITY
18 EDUCATION AND DECREASE THE COSTS OF PUBLIC EDUCATION, HELPING
19 SCHOOL DISTRICTS, PARTICULARLY SMALL, RURAL SCHOOL DISTRICTS,
20 MEET THE NEEDS OF ALL THEIR STUDENTS;

21 (d) TO CLOSE ACHIEVEMENT GAPS, INCREASE GRADUATION RATES,
22 AND PREPARE STUDENTS TO SUCCEED IN THE TWENTY-FIRST CENTURY
23 WORKFORCE, PUBLIC SCHOOLS MUST PROVIDE A TWENTY-FIRST CENTURY
24 EDUCATIONAL EXPERIENCE THAT ENCOURAGES INNOVATION AND
25 ALTERNATIVE METHODS OF EDUCATION AND PROVIDES HIGH-QUALITY

1 OPTIONS FOR ALL STUDENTS IN COLORADO;

2 (e) IT IS IN THE BEST INTERESTS OF THE STATE TO STUDY HOW TO
3 EFFECTIVELY INTEGRATE DIGITAL LEARNING TECHNOLOGIES INTO PUBLIC
4 EDUCATION, THE ADVANTAGES AND DISADVANTAGES OF THIS
5 INTEGRATION, THE COSTS AND BENEFITS OF ACCOMPLISHING THIS
6 INTEGRATION, AND STRATEGIES FOR USING DIGITAL TECHNOLOGY TO HELP
7 THE PUBLIC SCHOOLS OF THE STATE BETTER SERVE ALL STUDENTS.

8 (2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES:

10 (a) "BLENDED LEARNING" MEANS COMBINING ON-LINE LEARNING
11 WITH OTHER MODES OF INSTRUCTIONAL DELIVERY INCLUDING ON-SITE
12 INSTRUCTION AT A PUBLIC SCHOOL OR AT A LEARNING CENTER AS DEFINED
13 IN SECTION 22-30.7-102 (4). "BLENDED LEARNING" INVOLVES COMBINING
14 THE TRADITIONAL, IN-PERSON DELIVERY OF EDUCATION SERVICES WITH
15 THE DELIVERY OF EDUCATION SERVICES USING AN ON-LINE OR
16 COMPUTER-BASED ENVIRONMENT THAT PROVIDES SOME DEGREE OF
17 STUDENT CONTROL OVER TIME, PLACE, AND PACE.

18 (b) "DIGITAL LEARNING" MEANS ANY TYPE OF LEARNING THAT IS
19 FACILITATED BY TECHNOLOGY.

20 (c) "ON-LINE LEARNING" MEANS INSTRUCTION VIA A WEB-BASED
21 EDUCATION DELIVERY SYSTEM THAT INCLUDES SOFTWARE TO PROVIDE A
22 STRUCTURED LEARNING ENVIRONMENT. "ON-LINE LEARNING" MAY BE
23 TEACHER-LED EDUCATION THAT TAKES PLACE OVER THE INTERNET WHILE
24 THE TEACHER AND STUDENT ARE SEPARATED GEOGRAPHICALLY. "ON-LINE
25 LEARNING" INCLUDES, BUT IS NOT LIMITED TO, AN ON-LINE PROGRAM, AS
26 DEFINED IN SECTION 22-30.7-102 (9) AND A MULTI-DISTRICT PROGRAM, AS
27 DEFINED IN SECTION 22-30.7-102 (6).

1 (d) "STUDY" MEANS THE STUDY OF DIGITAL LEARNING IN
2 COLORADO THAT THE DEPARTMENT COMMISSIONS PURSUANT TO
3 SUBSECTION (3) OF THIS SECTION.

4 (3) (a) NO LATER THAN JULY 1, 2012, THE DEPARTMENT OF
5 EDUCATION SHALL COMMISSION A STUDY OF DIGITAL LEARNING IN
6 COLORADO, INCLUDING HOW TO EFFECTIVELY INTEGRATE DIGITAL
7 LEARNING INTO PUBLIC SCHOOLS THROUGHOUT THE STATE, HOW TO MAKE
8 HIGH-QUALITY DIGITAL CONTENT AND LEARNING AVAILABLE TO ALL
9 STUDENTS, AND THE COSTS OF INTEGRATING DIGITAL LEARNING INTO THE
10 STATEWIDE SYSTEM OF PUBLIC EDUCATION. AT A MINIMUM, THE STUDY
11 SHALL ADDRESS THE FOLLOWING ISSUES, INCLUDING THE DEGREE TO
12 WHICH THEY ARE ALREADY ADDRESSED IN COLORADO, AND ANY
13 RECOMMENDED ACTIONS, AT BOTH THE LOCAL AND STATE LEVELS, TO
14 ADDRESS THE ISSUES AND EFFECTIVELY INTEGRATE DIGITAL LEARNING
15 INTO THE STATEWIDE SYSTEM OF PUBLIC EDUCATION:

16 (I) UNIVERSAL STUDENT ELIGIBILITY FOR AND ACCESS TO DIGITAL
17 LEARNING;

18 (II) THE ABILITY OF STUDENTS IN THE PUBLIC EDUCATION SYSTEM
19 TO CUSTOMIZE THEIR EDUCATION USING DIGITAL CONTENT THROUGH A
20 DIGITAL LEARNING PROVIDER;

21 (III) THE ABILITY OF STUDENTS TO DEMONSTRATE COMPETENCY
22 BASED ON A STANDARDIZED ASSESSMENT;

23 (IV) THE QUALITY OF THE DIGITAL CONTENT, INSTRUCTIONAL
24 MATERIALS, AND ON-LINE LEARNING AND BLENDED LEARNING COURSES
25 THAT ARE AVAILABLE TO STUDENTS AND STRATEGIES FOR MEASURING,
26 MONITORING, AND IMPROVING QUALITY;

27 (V) THE QUALITY OF THE DIGITAL LEARNING INSTRUCTION

1 AVAILABLE TO STUDENTS AND THE DEGREE TO WHICH TEACHERS ARE
2 ADEQUATELY PREPARED TO ASSIST STUDENTS WITH DIGITAL LEARNING;

3 (VI) STUDENT ACCESS TO MULTIPLE, HIGH-QUALITY DIGITAL
4 LEARNING PROVIDERS FROM WHICH TO SELECT ON-LINE LEARNING OR
5 BLENDED LEARNING COURSES OR CONTENT;

6 (VII) METHODS FOR ENSURING THAT THE CONTENT AND
7 INSTRUCTION PROVIDED THROUGH DIGITAL LEARNING IS HIGH QUALITY, AS
8 MEASURED BY STUDENT ACADEMIC GROWTH AND PERFORMANCE;

9 (VIII) THE FINANCIAL BENEFITS AND IMPACTS TO SCHOOL
10 DISTRICTS, INCLUDING FUNDING FOR DIGITAL LEARNING USING A MODEL
11 THAT CREATES INCENTIVES FOR PERFORMANCE, OPTIONS, AND
12 INNOVATION;

13 (IX) THE INFRASTRUCTURE REQUIRED TO SUPPORT DIGITAL
14 LEARNING AND ENSURE CONSISTENT AVAILABILITY THROUGHOUT THE
15 STATE;

16 (X) THE MECHANISMS OTHER STATES USE TO PROVIDE FUNDING AT
17 THE STATE LEVEL AND THE LOCAL LEVEL FOR ON-LINE LEARNING,
18 INCLUDING FULL-TIME ON-LINE PROGRAMS AND SUPPLEMENTAL ON-LINE
19 COURSES;

20 (XI) THE MANNER IN WHICH OTHER STATES HAVE ADDRESSED THE
21 INTEGRATION OF DIGITAL LEARNING INTO THEIR PUBLIC SCHOOL SYSTEMS;

22 

23 (XII) THE EXTENT TO WHICH THE ACCOUNTABILITY MEASURES
24 THAT THE STATE APPLIES TO ALL PUBLIC SCHOOLS, INCLUDING
25 ACHIEVEMENT ON STATEWIDE ASSESSMENTS, ACADEMIC GROWTH,
26 CLOSING THE ACHIEVEMENT GAP, AND POSTSECONDARY AND WORKFORCE
27 READINESS, ARE APPROPRIATE AND SUFFICIENT TO MEASURE THE

1 PERFORMANCE OF ON-LINE SCHOOLS; AND

2 (XIII) PROTOCOLS FOR TRANSFERRING THE CREDITS THAT A
3 STUDENT EARNS BY COMPLETING A SUPPLEMENTAL ON-LINE COURSE OR
4 WHILE ENROLLED IN A FULL-TIME ON-LINE SCHOOL TO A SCHOOL DISTRICT
5 OR PUBLIC SCHOOL IN WHICH THE STUDENT SUBSEQUENTLY ENROLLS.

6 (b) IN CONDUCTING THE STUDY AND MAKING RECOMMENDATIONS,
7 THE SELECTED ENTITY SHALL ALSO REVIEW THE STATE STATUTES AND
8 RULES CONCERNING DIGITAL LEARNING AND RECOMMEND APPROPRIATE
9 CHANGES.

10 (4) THE DEPARTMENT SHALL SELECT A COLORADO-BASED ENTITY
11 WITH EXPERIENCE IN STUDYING PUBLIC EDUCATION ISSUES IN THE STATE
12 TO COMPLETE THE STUDY. THE DEPARTMENT SHALL NOT SELECT AN
13 ENTITY THAT IS A PROVIDER OF DIGITAL LEARNING TECHNOLOGIES OR
14 SERVICES OR THAT WOULD OTHERWISE BE IN A POSITION TO PROFIT
15 MONETARILY FROM ANY RECOMMENDATIONS THAT MAY BE INCLUDED IN
16 THE STUDY REPORT. THE DEPARTMENT IS NOT SUBJECT TO THE
17 REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
18 TITLE 24, C.R.S., IN SELECTING THE ENTITY TO COMPLETE THE STUDY. NO
19 LATER THAN JULY 1, 2012, THE DEPARTMENT SHALL REPORT IN WRITING
20 TO THE STATE BOARD OF EDUCATION, THE GOVERNOR, AND THE
21 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
22 SENATE, OR ANY SUCCESSOR COMMITTEES, THE NAME OF THE ENTITY
23 COMMISSIONED TO CONDUCT THE STUDY.

24 (5) (a) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
25 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
26 PURPOSES OF THIS SECTION; EXCEPT THAT THE DEPARTMENT MAY NOT
27 ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS

1 THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE
2 STATE. THE DEPARTMENT SHALL NOT IMPLEMENT THIS SECTION UNTIL IT
3 RECEIVES SUFFICIENT MONEYS IN GIFTS, GRANTS, OR DONATIONS TO
4 COMPLETE THE STUDY.

5 (b) (I) IN SEEKING OR ACCEPTING A GIFT, GRANT, OR DONATION,
6 THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN
7 IT HAS RECEIVED ADEQUATE MONEYS THROUGH GIFTS, GRANTS, OR
8 DONATIONS TO COMPLETE THE STUDY AND SHALL INCLUDE IN THE
9 NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3),
10 C.R.S.

11 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2015.

12 (6) THE DEPARTMENT SHALL SUBMIT THE COMPLETED STUDY TO
13 THE STATE BOARD OF EDUCATION, THE GOVERNOR, AND THE EDUCATION
14 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
15 ANY SUCCESSOR COMMITTEES, NO LATER THAN JANUARY 31, 2013.

16 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

17 **SECTION 2. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.