

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

SECOND REVISED

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

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
Education

SENATE
2nd Reading Unam ended
April 27, 2012

SENATE
Am ended 2nd Reading
March 12, 2012

HOUSE
3rd Reading Unam ended
February 20, 2012

HOUSE
Am ended 2nd Reading
February 17, 2012

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.

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 (e) "SUPPLEMENTAL ON-LINE COURSE" MEANS AN EDUCATION
5 COURSE THAT IS:

6 (I) DELIVERED VIA AN INTERNET FORMAT TO ONE OR MORE
7 STUDENTS AT A LOCATION THAT IS REMOTE FROM THE DELIVERY POINT;
8 AND

9 (II) PURCHASED BY A SCHOOL DISTRICT, BOARD OF COOPERATIVE
10 SERVICES, OR PUBLIC SCHOOL FROM A PROVIDER TO AUGMENT THE
11 EDUCATION PROGRAM PROVIDED BY THE SCHOOL DISTRICT, BOARD OF
12 COOPERATIVE SERVICES, OR PUBLIC SCHOOL.

13 (3)(a) NOLATER THAN NINETY DAYS AFTER RECEIVING SUFFICIENT
14 MONEYS TO IMPLEMENT THIS SECTION, THE DEPARTMENT OF EDUCATION
15 SHALL COMMISSION A STUDY OF DIGITAL LEARNING IN COLORADO,
16 INCLUDING HOW TO EFFECTIVELY INTEGRATE DIGITAL LEARNING INTO
17 PUBLIC SCHOOLS THROUGHOUT THE STATE, HOW TO MAKE HIGH-QUALITY
18 DIGITAL CONTENT AND LEARNING AVAILABLE TO ALL STUDENTS, AND THE
19 COSTS OF INTEGRATING DIGITAL LEARNING INTO THE STATEWIDE SYSTEM
20 OF PUBLIC EDUCATION. AT A MINIMUM, THE STUDY SHALL ADDRESS THE
21 FOLLOWING ISSUES, INCLUDING THE DEGREE TO WHICH THEY ARE
22 ALREADY ADDRESSED IN COLORADO, AND ANY RECOMMENDED ACTIONS,
23 AT BOTH THE LOCAL AND STATE LEVELS, TO ADDRESS THE ISSUES AND
24 EFFECTIVELY INTEGRATE DIGITAL LEARNING INTO THE STATEWIDE SYSTEM
25 OF PUBLIC EDUCATION:

26 (I) UNIVERSAL STUDENT ELIGIBILITY FOR AND ACCESS TO DIGITAL
27 LEARNING;

1 (II) THE ABILITY OF STUDENTS IN THE PUBLIC EDUCATION SYSTEM
2 TO CUSTOMIZE THEIR EDUCATION USING DIGITAL CONTENT THROUGH A
3 DIGITAL LEARNING PROVIDER;

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

6 (IV) THE QUALITY OF THE DIGITAL CONTENT, INSTRUCTIONAL
7 MATERIALS, AND ON-LINE LEARNING AND BLENDED LEARNING COURSES
8 THAT ARE AVAILABLE TO STUDENTS AND STRATEGIES FOR MEASURING,
9 MONITORING, AND IMPROVING QUALITY;

10 (V) THE QUALITY OF THE DIGITAL LEARNING INSTRUCTION
11 AVAILABLE TO STUDENTS AND THE DEGREE TO WHICH TEACHERS ARE
12 ADEQUATELY PREPARED TO ASSIST STUDENTS WITH DIGITAL LEARNING;

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

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

19 (VIII) THE FINANCIAL BENEFITS AND IMPACTS TO SCHOOL
20 DISTRICTS, INCLUDING FUNDING FOR DIGITAL LEARNING USING A MODEL
21 THAT CREATES INCENTIVES FOR PERFORMANCE, OPTIONS, AND
22 INNOVATION;

23 (IX) THE INFRASTRUCTURE REQUIRED TO SUPPORT DIGITAL
24 LEARNING AND ENSURE CONSISTENT AVAILABILITY THROUGHOUT THE
25 STATE;

26 (X) THE MECHANISMS OTHER STATES USE TO PROVIDE FUNDING AT
27 THE STATE LEVEL AND THE LOCAL LEVEL FOR DIGITAL LEARNING;

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

3

4 (XII) THE EXTENT TO WHICH THE ACCOUNTABILITY MEASURES
5 THAT THE STATE APPLIES TO ALL PUBLIC SCHOOLS, INCLUDING
6 ACHIEVEMENT ON STATEWIDE ASSESSMENTS, ACADEMIC GROWTH,
7 CLOSING THE ACHIEVEMENT GAP, AND POSTSECONDARY AND WORKFORCE
8 READINESS, ARE APPROPRIATE AND SUFFICIENT TO MEASURE THE
9 PERFORMANCE OF ON-LINE SCHOOLS; AND

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

14 (b) IN CONDUCTING THE STUDY AND MAKING RECOMMENDATIONS,
15 THE SELECTED ENTITY SHALL ALSO REVIEW THE STATE STATUTES AND
16 RULES CONCERNING DIGITAL LEARNING AND RECOMMEND APPROPRIATE
17 CHANGES.

18 (4) THE DEPARTMENT SHALL SELECT A COLORADO-BASED ENTITY
19 WITH EXPERIENCE IN STUDYING PUBLIC EDUCATION ISSUES IN THE STATE
20 TO COMPLETE THE STUDY. THE DEPARTMENT SHALL NOT SELECT AN
21 ENTITY THAT IS A PROVIDER OF DIGITAL LEARNING TECHNOLOGIES OR
22 SERVICES OR THAT WOULD OTHERWISE BE IN A POSITION TO PROFIT
23 MONETARILY FROM ANY RECOMMENDATIONS THAT MAY BE INCLUDED IN
24 THE STUDY REPORT. THE DEPARTMENT IS NOT SUBJECT TO THE
25 REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF
26 TITLE 24, C.R.S., IN SELECTING THE ENTITY TO COMPLETE THE STUDY. NO
27 LATER THAN JULY 1, 2012, THE DEPARTMENT SHALL REPORT IN WRITING

1 TO THE STATE BOARD OF EDUCATION, THE GOVERNOR, AND THE
2 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
3 SENATE, OR ANY SUCCESSOR COMMITTEES, THE NAME OF THE ENTITY
4 COMMISSIONED TO CONDUCT THE STUDY.

5 (5) (a) THE DEPARTMENT IS NOT REQUIRED TO SOLICIT MONEYS
6 FOR THE IMPLEMENTATION OF THIS SECTION, BUT THE DEPARTMENT MAY
7 ACCEPT AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR
8 PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE
9 DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS
10 SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR
11 ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL NOT IMPLEMENT
12 THIS SECTION UNTIL IT RECEIVES SUFFICIENT MONEYS IN GIFTS, GRANTS,
13 OR DONATIONS TO COMPLETE THE STUDY.

14 (b) (I) IN _____ ACCEPTING A GIFT, GRANT, OR DONATION, THE
15 DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT
16 HAS RECEIVED ADEQUATE MONEYS THROUGH GIFTS, GRANTS, OR
17 DONATIONS TO COMPLETE THE STUDY AND SHALL INCLUDE IN THE
18 NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3),
19 C.R.S.

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

21 (c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
22 CONTRARY, THE DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THIS
23 SECTION UNTIL IT RECEIVES SUFFICIENT MONEYS TO IMPLEMENT THIS
24 SECTION.

25 (6) THE DEPARTMENT SHALL SUBMIT THE COMPLETED STUDY TO
26 THE STATE BOARD OF EDUCATION, THE GOVERNOR, AND THE EDUCATION
27 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR

1 ANY SUCCESSOR COMMITTEES, NO LATER THAN JANUARY 31, 2013.

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

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