

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-1027.01 Julie Pelegrin x2700

HOUSE BILL 14-1382

HOUSE SPONSORSHIP

Young and Wilson,

SENATE SPONSORSHIP

Kerr and Roberts,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE DELIVERY OF ON-LINE EDUCATION WITHIN THE
102 PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM.

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>.)

Under existing law, a school district, a group of school districts, a board of cooperative services, or the state charter school institute (authorizer) may authorize an on-line program or an on-line school. On-line education programs and on-line schools are regulated by the department of education (department). The bill clarifies and updates 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.

definitions of "on-line program" and "on-line school" and clarifies the requirements for documenting student attendance and participation in an on-line program or on-line school. The bill also removes the ability of a group of school districts that have not formed a board of cooperative services to authorize an on-line program or an on-line school.

Under current law, when a student transfers into or out of an on-line school, the transferring school must transmit the student records to the receiving school within 30 days. The bill reduces the time for transmitting student records to 14 days.

Under current law, an on-line school that enrolls students from more than one school district (multi-district on-line school) must be certified by the state board of education (state board). The bill removes the state board's authority to accept applications to certify multi-district on-line schools beginning July 1, 2015, and replaces it with the authority to certify authorizers to create or oversee multi-district on-line schools.

By July 1, 2014, the commissioner of education (commissioner) must convene a task force of persons with expertise in on-line education to recommend to the state board quality standards for authorizers. By July 1, 2015, the state board must adopt quality standards for authorizers and rules for certifying authorizers. An authorizer must be certified to create or oversee a multi-district on-line school.

Beginning July 1, 2015, authorizers of existing multi-district on-line schools must apply for certification. An authorizer that is overseeing a multi-district on-line school as of July 1, 2015, must apply for certification by October 1, 2015. If the authorizer is initially denied certification, it may reapply after 6 months. If the state board again denies certification, the authorizer may not reapply for 2 years.

If a school district, a board of cooperative services, or the institute that is not an authorizer as of July 1, 2015, chooses to authorize a multi-district on-line school, it must first obtain certification. The certification will expire within one year if the authorizer does not authorize a multi-district on-line school.

Certification is valid for 5 years and may be renewed. The state board may deny or refuse to renew an authorizer's certification if the authorizer does not meet the quality standards for authorizers. If an authorizer's certification is denied or not renewed, the authorizer may request from the department intensive, interactive technical support to cure the defect that resulted in denial or nonrenewal. If an authorizer does not obtain or loses certification, each multi-district on-line school that the authorizer oversees must apply for authorization from a new authorizer. If a single-district or a multi-district on-line school changes authorizers, the department must consider the consecutive years during which it operates under a priority improvement or turnaround plan immediately preceding the change in authorizers in determining whether the on-line school is subject to restructuring.

By July 1, 2014, the commissioner must convene a group of experts to assist the department in designing pilot programs to explore initiatives to address specified issues in providing on-line education. The department must complete the pilot program designs and issue requests for proposals by October 2014, and each pilot program must begin operating in the 2015-16 school year. An authorizer that participates in a pilot program must continue to comply with all statutes and rules while operating the pilot program and must submit data concerning the pilot program to the department. The department must annually submit to the state board, the governor, and the education committees a summary of the pilot programs. The department may accept and expend gifts, grants, and donations to offset the costs incurred in implementing the pilot programs and is not required to implement the provisions concerning pilot programs unless it receives sufficient funding.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.7-102, **amend**
3 (2), (9), and (9.5); and **add** (2.5), (2.7), and (15.5) as follows:

4 **22-30.7-102. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (2) "Authorizer" means ~~an entity~~ A SCHOOL DISTRICT, A BOARD OF
7 COOPERATIVE SERVICES, OR THE STATE CHARTER SCHOOL INSTITUTE that
8 authorizes an on-line program or on-line school. ~~"Authorizer" shall~~
9 ~~include a school district, any group of two or more school districts, a~~
10 ~~board of cooperative services created pursuant to section 22-5-104, or the~~
11 ~~state charter school institute established pursuant to section 22-30.5-503.~~

12 (2.5) "BOARD OF COOPERATIVE SERVICES" MEANS A BOARD OF
13 COOPERATIVE SERVICES CREATED PURSUANT TO SECTION 22-5-104.

14 (2.7) "COMMISSIONER" MEANS THE OFFICE OF THE COMMISSIONER
15 OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF
16 ARTICLE IX OF THE STATE CONSTITUTION.

17 (9) "On-line program" means a full-time ~~on-line~~ education

1 program authorized pursuant to this article that delivers a sequential
2 program of synchronous or asynchronous instruction ~~from a teacher to a~~
3 ~~student primarily through the use of the internet~~ PRIMARILY THROUGH
4 ON-LINE OR REMOTE DIGITAL LEARNING STRATEGIES THAT PROVIDE
5 STUDENTS CHOICE AND CONTROL OVER TIME, PLACE, PACE, PATH, AND
6 MODALITY OF LEARNING. "On-line program" does not include a
7 supplemental program. Accountability for each student in an on-line
8 program is attributed ~~back~~ to a designated school that houses the on-line
9 program. Notwithstanding any other provision of this subsection (9) to the
10 contrary, ~~any~~ AN on-line program with one hundred or more students ~~shall~~
11 ~~be considered~~ IS an on-line school and not an on-line program.

12 (9.5) "On-line school" means a full-time ~~on-line~~ education school
13 authorized pursuant to this article that delivers a sequential program of
14 synchronous or asynchronous instruction ~~from a teacher to a student~~
15 ~~primarily through the use of the internet~~ PRIMARILY THROUGH ON-LINE OR
16 REMOTE DIGITAL LEARNING STRATEGIES THAT PROVIDE STUDENTS CHOICE
17 AND CONTROL OVER TIME, PLACE, PACE, PATH, AND MODALITY OF
18 LEARNING. An on-line school has an assigned school code and operates
19 with its own administrator, a separate budget, and a complete
20 instructional program. An on-line school is responsible for fulfilling all
21 reporting requirements and ~~will be~~ IS held to state and federally mandated
22 accountability processes.

23 (15.5) "STATE CHARTER SCHOOL INSTITUTE" OR "INSTITUTE"
24 MEANS THE STATE CHARTER SCHOOL INSTITUTE CREATED IN SECTION
25 22-30.5-503.

26 **SECTION 2.** In Colorado Revised Statutes, 22-30.7-103, **amend**
27 (1) (a), (2) (b), (3) introductory portion, (3) (a), (3) (b), (3) (h), (3) (h.5),

1 and (3) (j); **repeal** (3) (m); and **add** (3) (a.5) and (3) (b.5) as follows:

2 **22-30.7-103. Division of on-line learning - created - duties -**

3 **repeal.** (1) **Creation.** (a) There is ~~hereby~~ created within the department
4 the division of on-line learning. The head of the division ~~shall be~~ IS the
5 director of on-line learning and ~~shall be~~ IS appointed by the commissioner
6 of education in accordance with section 13 of article XII of the state
7 constitution.

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

9 (b) To facilitate the certification of ~~multi-district on-line schools~~
10 AUTHORIZERS in accordance with rules promulgated by the state board
11 pursuant to ~~section 22-30.7-106~~ SECTION 22-30.7-106.5.

12 (3) **Duties.** The on-line division ~~shall have~~ HAS the following
13 duties:

14 (a) To consult with the state board in its creation of quality
15 standards FOR MULTI-DISTRICT ON-LINE SCHOOLS pursuant to section
16 22-30.7-105 for use by authorizers;

17 (a.5) TO CONSULT WITH THE STATE BOARD IN ITS CREATION OF
18 QUALITY STANDARDS FOR AUTHORIZERS OF MULTI-DISTRICT ON-LINE
19 SCHOOLS PURSUANT TO SECTION 22-30.7-106.5;

20 (b) (I) To evaluate applications for certification of multi-district
21 on-line schools using criteria adopted by rules promulgated by the state
22 board pursuant to section 22-30.7-106 and to recommend that the state
23 board grant or deny certification based upon the criteria.

24 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2016.

25 (b.5) TO EVALUATE APPLICATIONS FOR CERTIFICATION AND
26 RECERTIFICATION OF AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS
27 USING CRITERIA ADOPTED BY RULES THAT THE STATE BOARD

1 PROMULGATES PURSUANT TO SECTION 22-30.7-106.5 AND TO RECOMMEND
2 THAT THE STATE BOARD GRANT OR DENY CERTIFICATION OR
3 RECERTIFICATION BASED ON THE CRITERIA;

4 (h) To prepare a summary report to be submitted on or before
5 February 1, 2009, and on or before June 1, 2014, and on or before June
6 1 every five years thereafter, to the state board and the education
7 committees of the house of representatives and the senate, or any
8 successor committees. THIS REPORTING REQUIREMENT DOES NOT EXPIRE
9 PURSUANT TO SECTION 24-1-136 (11), C.R.S.

10 (h.5) On or before June 1, 2015, and on or before June 1 every
11 year thereafter, to prepare a summary report of data related to students
12 who ~~participated~~ PARTICIPATE in a supplemental on-line course offered
13 by a nonprofit provider selected pursuant to section 22-5-119 and submit
14 the report to ~~said~~ THE nonprofit provider and to the department and the
15 education committees of the house of representatives and the senate, or
16 any successor committees. THIS REPORTING REQUIREMENT DOES NOT
17 EXPIRE PURSUANT TO SECTION 24-1-136 (11), C.R.S.

18 (j) To collect resources to support the implementation of quality
19 on-line programs and on-line schools and make the resources available to
20 on-line programs, ~~and~~ on-line schools, AND AUTHORIZERS upon request;

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

1 ~~pursuant to section 22-11-210 (2).~~

2 **SECTION 3.** In Colorado Revised Statutes, **amend** 22-30.7-105
3 as follows:

4 **22-30.7-105. Program criteria - guidelines - quality standards**
5 **- records - rules.** (1) (a) A school district ~~and~~ OR the state charter school
6 institute ~~established pursuant to section 22-30.5-503 are hereby~~
7 ~~authorized to~~ MAY create or oversee ONE OR MORE single-district on-line
8 programs or single-district on-line schools.

9 (b) (I) A school district, ~~a group of two or more school districts,~~
10 a board of cooperative services, ~~created pursuant to section 22-5-104, and~~
11 OR the state charter school institute ~~established pursuant to section~~
12 ~~22-30.5-503 are hereby authorized to~~ MAY create or oversee ONE OR MORE
13 multi-district on-line schools, subject to the requirement that the
14 authorizer apply BY JUNE 30, 2015, to the on-line division for certification
15 of the multi-district on-line school as described in section 22-30.7-106.
16 THE DIVISION SHALL NOT ACCEPT APPLICATIONS FOR CERTIFICATION OF A
17 MULTI-DISTRICT ON-LINE SCHOOL ON OR AFTER JULY 1, 2015.

18 (II) BEGINNING JULY 1, 2015, A SCHOOL DISTRICT, A BOARD OF
19 COOPERATIVE SERVICES, OR THE INSTITUTE MAY CREATE OR OVERSEE A
20 MULTI-DISTRICT ON-LINE SCHOOL ONLY IF THE SCHOOL DISTRICT, THE
21 BOARD OF COOPERATIVE SERVICES, OR THE INSTITUTE IS CERTIFIED BY THE
22 DIVISION PURSUANT TO SECTION 22-30.7-106.5; EXCEPT THAT A
23 MULTI-DISTRICT ON-LINE SCHOOL THAT IS OPERATING AS OF JULY 1, 2015,
24 MAY CONTINUE OPERATING UNTIL THE AUTHORIZING SCHOOL DISTRICT,
25 BOARD OF COOPERATIVE SERVICES, OR INSTITUTE IS CERTIFIED OR FAILS TO
26 OBTAIN CERTIFICATION AS PROVIDED IN SECTION 22-30.7-106.5.

27 (c) Nothing in this article ~~shall be construed to prohibit~~ PROHIBITS

1 an on-line program or on-line school from providing supplemental on-line
2 courses.

3 (2) The following guidelines ~~shall~~ apply to each on-line program
4 or on-line school that is created or overseen pursuant to the provisions of
5 this article:

6 (a) A student who is participating in an on-line program or on-line
7 school ~~shall be~~ IS subject to compulsory school attendance as provided in
8 article 33 of this title and ~~shall be~~ IS deemed to comply with the
9 compulsory attendance requirements through participation in the on-line
10 program or on-line school. EACH ON-LINE PROGRAM AND ON-LINE SCHOOL
11 MUST DOCUMENT A STUDENT'S COMPLIANCE WITH COMPULSORY
12 ATTENDANCE REQUIREMENTS BY DOCUMENTING THE STUDENT'S
13 ATTENDANCE AND PARTICIPATION IN EDUCATIONAL ACTIVITIES THAT
14 ALIGN WITH THE AUTHORIZER QUALITY STANDARDS ADOPTED PURSUANT
15 TO SECTION 22-30.7-106.5 AND THAT THE ON-LINE PROGRAM'S OR ON-LINE
16 SCHOOL'S AUTHORIZER DEEMS APPROPRIATE, WHICH ACTIVITIES MAY
17 INCLUDE, BUT NEED NOT BE LIMITED TO, ASSESSMENT, ORIENTATION, AND
18 INDUCTION ACTIVITIES; IN-PERSON EDUCATIONAL INSTRUCTION; AND
19 SYNCHRONOUS AND ASYNCHRONOUS INTERNET-BASED EDUCATIONAL
20 ACTIVITIES.

21 (b) Each student ~~participating~~ WHO PARTICIPATES in an on-line
22 program or on-line school ~~shall be~~ IS subject to the statewide assessments
23 administered pursuant to ~~section~~ SECTIONS 22-7-409 AND 22-7-1006.

24 (c) The provisions of article 36 of this title concerning schools of
25 choice ~~shall~~ apply to an on-line program or on-line school ~~implemented~~
26 THAT IS CREATED OR OVERSEEN pursuant to this article.

27 (d) The provisions of the "Education Accountability Act of 2009",

1 article 11 of this title, ~~shall~~ apply to an on-line program or on-line school
2 ~~implemented~~ THAT IS CREATED OR OVERSEEN pursuant to this article in the
3 same manner ~~as said~~ THAT THE provisions apply to the other public
4 schools ~~operating~~ THAT OPERATE in this state.

5 (e) IF AN ON-LINE SCHOOL, INCLUDING A MULTI-DISTRICT ON-LINE
6 SCHOOL, CHANGES AUTHORIZERS, THE DEPARTMENT SHALL APPLY THE
7 NUMBER OF CONSECUTIVE SCHOOL YEARS THAT THE ON-LINE SCHOOL
8 OPERATES UNDER A PRIORITY IMPROVEMENT OR TURNAROUND PLAN
9 IMMEDIATELY PRECEDING THE TRANSFER OF AUTHORIZATION IN
10 DETERMINING WHETHER THE ON-LINE SCHOOL IS SUBJECT TO THE
11 PROVISIONS OF SECTION 22-11-210 (5) FOLLOWING THE TRANSFER OF
12 AUTHORIZATION. THE PROVISIONS OF THIS PARAGRAPH (e) APPLY SO LONG
13 AS THE ON-LINE SCHOOL IS OPERATED BY THE SAME ENTITY FOLLOWING
14 THE TRANSFER, REGARDLESS OF WHETHER THE ON-LINE SCHOOL CHANGES
15 ITS NAME OR PERSONNEL.

16 (3) (a) An on-line program or on-line school that is ~~administered~~
17 CREATED OR OVERSEEN pursuant to the provisions of this article ~~shall~~
18 MUST satisfy the quality standards established by rules promulgated by the
19 state board pursuant to paragraph (b) of this subsection (3).

20 (b) ~~On or before January 1, 2008,~~ The state board, in consultation
21 with the on-line division, shall promulgate rules establishing quality
22 standards for on-line programs and on-line schools ~~administered pursuant~~
23 ~~to the provisions of this article~~ THAT EACH AUTHORIZER MUST APPLY IN
24 CREATING OR OVERSEEING AN ON-LINE PROGRAM OR ON-LINE SCHOOL. The
25 rules ~~shall~~ MUST include, but need not be limited to, the establishment of
26 quality standards in the following areas:

27 (I) An on-line program's or on-line school's governance, vision,

- 1 and organization;
- 2 (II) Standards-based curricula and data-driven instructional
3 practices;
- 4 (III) Technological capacity and support;
- 5 (IV) Internet safety;
- 6 (V) Sound financial and accounting practices and resources;
- 7 (VI) Student academic performance and improvement;
- 8 (VII) Monitoring and assessment of student academic
9 performance and improvement;
- 10 (VIII) Course completion measurements;
- 11 (IX) ACCEPTABLE METHODS AND PROCEDURES FOR DETERMINING
12 AND TRACKING attendance; ~~tracking procedures;~~
- 13 (X) Data analysis, management, and reporting;
- 14 (XI) Guidance counseling;
- 15 (XII) Engagement of parents and communities in on-line
16 programs and on-line schools;
- 17 (XIII) Provisions for SPECIAL STUDENT POPULATIONS, INCLUDING
18 BUT NOT LIMITED TO students with special needs, including gifted and
19 talented students; AT-RISK STUDENTS; and English language learners; and
- 20 (XIV) Program evaluation and improvement.
- 21 (c) Repealed.
- 22 (4) (a) The AUTHORIZER OF AN ON-LINE SCHOOL SHALL MAINTAIN
23 ON A PERMANENT BASIS THE records of each student ~~participating in a~~
24 ~~multi-district~~ WHO PARTICIPATES IN THE on-line school; ~~shall be~~
25 ~~maintained on a permanent basis by the authorizer of the multi-district~~
26 ~~on-line school;~~ except that, if a charter school provides the ~~multi-district~~
27 on-line school, only the charter school and not the authorizer ~~shall be~~ IS

1 required to maintain the records. The records ~~shall~~ MUST include, but
2 need not be limited to:

3 (I) Attendance data;

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

5 (III) Immunization records, as required by sections 25-4-902 and
6 25-4-903, C.R.S.; and

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

10 (b) (I) If a student enrolled in a school ~~within~~ OF a school district
11 transfers to an on-line program or on-line school, the school district shall
12 transmit, USING SECURE ELECTRONIC MEANS IF AVAILABLE, to the
13 RECEIVING on-line program or on-line school THE STUDENT'S COMPLETE
14 RECORDS, INCLUDING all performance, attendance, and assessment data,
15 ~~concerning the student~~ within ~~thirty~~ FOURTEEN days after the school
16 district receives notice from the on-line program or on-line school that the
17 student has enrolled in the on-line program or on-line school.

18 (II) If a student WHO IS enrolled in an on-line program or on-line
19 school transfers to a school ~~within~~ OF a school district OR TO AN
20 INSTITUTE CHARTER SCHOOL, the on-line program or on-line school shall
21 transmit, USING SECURE ELECTRONIC MEANS IF AVAILABLE, to the
22 RECEIVING school THE STUDENT'S COMPLETE RECORDS, INCLUDING all
23 performance, attendance, and assessment data, ~~concerning the student~~
24 within ~~thirty~~ FOURTEEN days after the on-line program or on-line school
25 receives notice from the school district that the student has enrolled in the
26 school.

27 (5) Each student ~~participating~~ WHO PARTICIPATES in an on-line

1 program or on-line school ~~shall~~ MUST be a resident of this state and ~~shall~~
2 MUST demonstrate that he or she possesses the appropriate electronic
3 equipment and resources to participate in the program or school; except
4 that an on-line program or on-line school may provide ~~such~~ equipment
5 and resources to a student to enable the student to participate in the
6 on-line program or on-line school.

7 **SECTION 4.** In Colorado Revised Statutes, 22-30.7-106, **amend**
8 (1); and **add** (9) and (10) as follows:

9 **22-30.7-106. Certification of multi-district on-line schools -**
10 **criteria - rules - repeal.** (1) (a) If a school district, ~~a group of two or~~
11 ~~more school districts,~~ a board of cooperative services, ~~created pursuant to~~
12 ~~section 22-5-104,~~ or the state charter school institute ~~established pursuant~~
13 ~~to section 22-30.5-503~~ chooses to authorize a multi-district on-line
14 school, the school district, ~~group of two or more school districts,~~ board of
15 cooperative services, or ~~state charter school~~ institute shall, prior to
16 authorizing the multi-district on-line school, AND NO LATER THAN JUNE
17 30, 2015, apply to the on-line division for certification of the
18 multi-district on-line school.

19 (b) REGARDLESS OF WHETHER A MULTI-DISTRICT ON-LINE SCHOOL
20 IS CERTIFIED AS PROVIDED IN THIS SECTION, A SCHOOL DISTRICT, A BOARD
21 OF COOPERATIVE SERVICES, OR THE INSTITUTE MAY NOT CONTINUE TO
22 OVERSEE THE MULTI-DISTRICT ON-LINE SCHOOL ON OR AFTER JULY 1,
23 2016, UNLESS THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES,
24 OR INSTITUTE IS CERTIFIED AS AN AUTHORIZER PURSUANT TO SECTION
25 22-30.7-106.5.

26 (9) (a) THE PROVISIONS OF THIS SECTION APPLY TO APPLICATIONS
27 FOR CERTIFICATION OF MULTI-DISTRICT ON-LINE SCHOOLS THAT ARE

1 SUBMITTED BY JUNE 30, 2015. THE DIVISION SHALL NOT ACCEPT AN
2 APPLICATION FOR CERTIFICATION OF A MULTI-DISTRICT ON-LINE SCHOOL
3 ON OR AFTER JULY 1, 2015.

4 (b) THE CERTIFICATION OF A MULTI-DISTRICT ON-LINE SCHOOL
5 EXPIRES, EFFECTIVE JULY 1, 2016. A MULTI-DISTRICT ON-LINE SCHOOL
6 MAY OPERATE ON OR AFTER JULY 1, 2016, ONLY IF THE AUTHORIZER OF
7 THE MULTI-DISTRICT ON-LINE SCHOOL IS CERTIFIED PURSUANT TO SECTION
8 22-30.7-106.5.

9 (10) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2016.

10 **SECTION 5.** In Colorado Revised Statutes, **add** 22-30.7-106.5
11 as follows:

12 **22-30.7-106.5. Certification of multi-district on-line school**
13 **authorizers - criteria - rules.** (1) (a) NO LATER THAN JULY 1, 2014, THE
14 COMMISSIONER SHALL CONVENE A TASK FORCE OF PERSONS WITH
15 EXPERTISE AND EXPERIENCE IN AUTHORIZING, OVERSEEING, AND
16 OPERATING ON-LINE PROGRAMS AND SCHOOLS. THE TASK FORCE SHALL
17 REVIEW THE BEST PRACTICES AND STANDARDS FOR OVERSEEING AND
18 OPERATING MULTI-DISTRICT ON-LINE SCHOOLS THAT ARE USED IN THIS
19 STATE AND IN OTHER STATES AND COUNTRIES. NO LATER THAN JANUARY
20 1, 2015, THE TASK FORCE SHALL RECOMMEND TO THE STATE BOARD
21 QUALITY STANDARDS FOR AUTHORIZERS OF MULTI-DISTRICT ON-LINE
22 SCHOOLS IN COLORADO. THE DEPARTMENT SHALL PROVIDE SUPPORT AND
23 ASSISTANCE FOR THE TASK FORCE AS NEEDED.

24 (b) NO LATER THAN JULY 1, 2015, THE STATE BOARD, TAKING INTO
25 ACCOUNT THE RECOMMENDATIONS OF THE TASK FORCE, SHALL ADOPT
26 QUALITY STANDARDS FOR AUTHORIZERS OF MULTI-DISTRICT ON-LINE
27 SCHOOLS.

1 (2) NO LATER THAN JULY 1, 2015, THE STATE BOARD SHALL
2 PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE
3 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., FOR CERTIFYING AND
4 RECERTIFYING AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS. AT A
5 MINIMUM, THE RULES MUST INCLUDE:

6 (a) THE PROCESS AND TIMELINES BY WHICH AN AUTHORIZER
7 APPLIES FOR CERTIFICATION AND THE INFORMATION THE AUTHORIZER
8 MUST SUBMIT WITH THE APPLICATION;

9 (b) THE PROCESS AND TIMELINE BY WHICH AN AUTHORIZER
10 APPLIES FOR RECERTIFICATION EVERY FIVE YEARS;

11 (c) THE CRITERIA FOR CERTIFYING AND RECERTIFYING AN
12 AUTHORIZER, WHICH AT A MINIMUM MUST REQUIRE AN AUTHORIZER TO
13 DEMONSTRATE THAT:

14 (I) IT MEETS OR HAS THE CAPACITY AND EXPERTISE TO MEET THE
15 QUALITY STANDARDS FOR AUTHORIZERS ADOPTED BY THE STATE BOARD
16 PURSUANT TO SUBSECTION (1) OF THIS SECTION;

17 (II) IT HAS AN UNDERSTANDING OF LOCAL, STATE, AND FEDERAL
18 REQUIREMENTS THAT APPLY TO AUTHORIZING MULTI-DISTRICT ON-LINE
19 SCHOOLS; AND

20 (III) IT HAS DEVELOPED A FRAMEWORK FOR OVERSIGHT AND
21 ACCOUNTABILITY OF A MULTI-DISTRICT ON-LINE SCHOOL THAT ALIGNS
22 WITH THE QUALITY STANDARDS FOR AUTHORIZERS ADOPTED BY THE STATE
23 BOARD; AND

24 (d) THE PROCESS BY WHICH AN AUTHORIZER WHO IS INITIALLY
25 DENIED CERTIFICATION OR RECERTIFICATION MAY REAPPLY WITHIN SIX
26 MONTHS AFTER BEING DENIED.

27 (3) (a) A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES,

1 OR THE INSTITUTE MAY APPLY TO THE DIVISION FOR CERTIFICATION AS AN
2 AUTHORIZER OF A MULTI-DISTRICT ON-LINE SCHOOL. THE DIVISION SHALL
3 REVIEW APPLICATIONS IN ACCORDANCE WITH THE RULES OF THE STATE
4 BOARD AND RECOMMEND TO THE STATE BOARD THOSE APPLICANTS THAT
5 SHOULD BE AUTHORIZED. THE STATE BOARD, TAKING INTO ACCOUNT THE
6 DIVISION'S RECOMMENDATIONS, SHALL CERTIFY AUTHORIZERS THAT MEET
7 THE REQUIREMENTS SPECIFIED IN RULE, INCLUDING THE QUALITY
8 STANDARDS FOR AUTHORIZERS.

9 (b) CERTIFICATION PURSUANT TO THIS SECTION IS VALID FOR FIVE
10 YEARS, AFTER WHICH TIME A CERTIFIED AUTHORIZER MUST APPLY FOR
11 RENEWAL OF THE CERTIFICATION AS PROVIDED IN STATE BOARD RULE. THE
12 STATE BOARD MAY RENEW AN AUTHORIZER'S CERTIFICATION SO LONG AS
13 THE AUTHORIZER CONTINUES TO MEET THE REQUIREMENTS SPECIFIED IN
14 RULE, INCLUDING THE QUALITY STANDARDS FOR AUTHORIZERS. IN
15 ADDITION, THE STATE BOARD SHALL TAKE INTO ACCOUNT THE LEVEL OF
16 PERFORMANCE OF EACH MULTI-DISTRICT ON-LINE SCHOOL THAT THE
17 AUTHORIZER OVERSEES.

18 (c) IF AN AUTHORIZER DOES NOT QUALIFY FOR CERTIFICATION OR
19 RECERTIFICATION, THE AUTHORIZER MAY REQUEST THAT THE DIVISION
20 PROVIDE TECHNICAL SUPPORT TO ENABLE THE AUTHORIZER TO CURE THE
21 DEFECT THAT RESULTED IN DENIAL OF THE AUTHORIZER'S CERTIFICATION.
22 UPON REQUEST, THE DIVISION SHALL PROVIDE TO THE AUTHORIZER
23 INTENSIVE, INTERACTIVE TECHNICAL ASSISTANCE AND TRAINING IN THE
24 QUALITY STANDARDS FOR AUTHORIZERS AND IN CREATING AND
25 OVERSEEING ON-LINE PROGRAMS AND ON-LINE SCHOOLS. THE AUTHORIZER
26 MAY REAPPLY FOR CERTIFICATION OR RECERTIFICATION WITHIN SIX
27 MONTHS AFTER THE DENIAL. IF THE STATE BOARD AGAIN DENIES THE

1 CERTIFICATION OR RECERTIFICATION, THE AUTHORIZER MAY NOT REAPPLY
2 FOR CERTIFICATION FOR TWO ACADEMIC YEARS.

3 (d) THE DEPARTMENT MAY CONTRACT WITH AN ENTITY THAT
4 DEMONSTRATES EXPERTISE IN SUCCESSFULLY CREATING AND OVERSEEING
5 ON-LINE PROGRAMS AND ON-LINE SCHOOLS TO PROVIDE TECHNICAL
6 ASSISTANCE AND TRAINING PURSUANT TO PARAGRAPH (c) OF THIS
7 SUBSECTION (3).

8 (4) (a) AN AUTHORIZER THAT IS OVERSEEING A MULTI-DISTRICT
9 ON-LINE SCHOOL AS OF JULY 1, 2015, MUST APPLY FOR CERTIFICATION
10 PURSUANT TO THIS SECTION NO LATER THAN OCTOBER 1, 2015. THE STATE
11 BOARD, BY RULE, MAY ESTABLISH AN EXPEDITED CERTIFICATION PROCESS
12 FOR AN AUTHORIZER THAT IS OVERSEEING A MULTI-DISTRICT ON-LINE
13 SCHOOL AS OF JULY 1, 2015.

14 (b) IF A SCHOOL DISTRICT, A BOARD OF COOPERATIVE SERVICES, OR
15 THE INSTITUTE IS NOT OVERSEEING A MULTI-DISTRICT ON-LINE SCHOOL AS
16 OF JULY 1, 2015, AND CHOOSES AFTER THAT DATE TO AUTHORIZE A
17 MULTI-DISTRICT ON-LINE SCHOOL, THE SCHOOL DISTRICT, BOARD OF
18 COOPERATIVE SERVICES, OR INSTITUTE MUST APPLY FOR CERTIFICATION
19 PURSUANT TO THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF
20 PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION, THE CERTIFICATION
21 EXPIRES ONE YEAR AFTER ISSUANCE IF THE SCHOOL DISTRICT, BOARD OF
22 COOPERATIVE SERVICES, OR INSTITUTE DOES NOT AUTHORIZE A
23 MULTI-DISTRICT ON-LINE SCHOOL WITHIN ONE YEAR AFTER BEING
24 CERTIFIED.

25 (c) CERTIFICATION PURSUANT TO THIS SECTION ALLOWS AN
26 AUTHORIZER TO OVERSEE MULTIPLE MULTI-DISTRICT ON-LINE SCHOOLS SO
27 LONG AS THE AUTHORIZER REMAINS CERTIFIED.

1 (5) (a) IF THE STATE BOARD DOES NOT CERTIFY OR RECERTIFY THE
2 AUTHORIZER OF AN OPERATING MULTI-DISTRICT ON-LINE SCHOOL, THE
3 MULTI-DISTRICT ON-LINE SCHOOL MUST APPLY TO ANOTHER SCHOOL
4 DISTRICT, BOARD OF COOPERATIVE SERVICES, OR THE INSTITUTE FOR
5 AUTHORIZATION. THE MULTI-DISTRICT ON-LINE SCHOOL MUST SUBMIT ITS
6 APPLICATION FOR AUTHORIZATION BY THE END OF THE SCHOOL YEAR
7 FOLLOWING THE SCHOOL YEAR IN WHICH THE STATE BOARD DENIES THE
8 ORIGINAL AUTHORIZER'S CERTIFICATION OR RECERTIFICATION.

9 (b) THE DEPARTMENT SHALL APPLY THE NUMBER OF CONSECUTIVE
10 SCHOOL YEARS THAT THE MULTI-DISTRICT ON-LINE SCHOOL OPERATES
11 UNDER A PRIORITY IMPROVEMENT OR TURNAROUND PLAN IMMEDIATELY
12 PRECEDING THE TRANSFER OF AUTHORIZATION IN DETERMINING WHETHER
13 THE MULTI-DISTRICT ON-LINE SCHOOL IS SUBJECT TO THE PROVISIONS OF
14 SECTION 22-11-210 (5) FOLLOWING THE TRANSFER OF AUTHORIZATION.
15 THE PROVISIONS OF THIS PARAGRAPH (b) APPLY SO LONG AS THE
16 MULTI-DISTRICT ON-LINE SCHOOL IS OPERATED BY THE SAME ENTITY
17 FOLLOWING THE TRANSFER, REGARDLESS OF WHETHER THE
18 MULTI-DISTRICT ON-LINE SCHOOL CHANGES ITS NAME OR PERSONNEL.

19 (6) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
20 CONTRARY:

21 (a) THE STATE BOARD MAY WAIVE THE REQUIREMENT THAT AN
22 AUTHORIZER THAT CHOOSES TO AUTHORIZE A MULTI-DISTRICT ON-LINE
23 SCHOOL APPLY TO THE ON-LINE DIVISION FOR CERTIFICATION IF THE
24 MULTI-DISTRICT ON-LINE SCHOOL THAT THE AUTHORIZER SEEKS TO
25 AUTHORIZE HAS TEN OR FEWER STUDENTS FROM OUTSIDE THE SCHOOL
26 DISTRICT ENROLLED IN THE SCHOOL; AND

27 (b) AN AUTHORIZER OF A SINGLE-DISTRICT ON-LINE PROGRAM OR

1 ON-LINE SCHOOL THAT BECOMES A MULTI-DISTRICT ON-LINE SCHOOL IS
2 NOT REQUIRED TO APPLY TO THE ON-LINE DIVISION FOR CERTIFICATION IF
3 TEN OR FEWER STUDENTS FROM OUTSIDE THE SCHOOL DISTRICT IN WHICH
4 THE SINGLE-DISTRICT ON-LINE PROGRAM OR ON-LINE SCHOOL IS
5 OPERATING ENROLL IN THE MULTI-DISTRICT ON-LINE SCHOOL.

6 **SECTION 6.** In Colorado Revised Statutes, **repeal** 22-30.7-109.5
7 as follows:

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

25 **SECTION 7.** In Colorado Revised Statutes, **add** 22-30.7-112 as
26 follows:

27 **22-30.7-112. On-line pilot programs - design group - interim**

1 **reports - legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS
2 THAT:

3 (a) SEVERAL CHALLENGES EXIST IN PROVIDING ON-LINE
4 PROGRAMS, ON-LINE SCHOOLS, AND SUPPLEMENTAL PROGRAMS THAT
5 EFFECTIVELY AND SUCCESSFULLY MEET THE EDUCATIONAL NEEDS OF
6 STUDENTS AND THEIR FAMILIES;

7 (b) COLORADO'S ELEMENTARY AND SECONDARY EDUCATION
8 COMMUNITY IS IN A UNIQUE POSITION TO OPERATE PILOT PROGRAMS TO
9 TRY TO MEET THESE CHALLENGES BY IMPLEMENTING INNOVATIVE
10 STRATEGIES TO PROVIDE ON-LINE EDUCATION, INCLUDING STRATEGIES FOR
11 FUNDING ON-LINE EDUCATION AND FOR ENHANCING AND MEASURING
12 STUDENT ACADEMIC GROWTH AND SUCCESS; AND

13 (c) AUTHORIZING AND SUPPORTING PILOT PROGRAMS WILL HELP
14 FOSTER PARTNERSHIPS AMONG EDUCATION PROVIDERS AND RESULT IN
15 DATA TO SUPPORT REPLICATION AND THE SCALING OF UNIQUE EDUCATION
16 POLICIES THAT ARE SUCCESSFULLY IMPLEMENTED THROUGH THE PILOT
17 PROGRAMS.

18 (2) (a) NO LATER THAN JULY 1, 2014, THE COMMISSIONER SHALL
19 CONVENE A GROUP OF PERSONS WITH EXPERTISE AND EXPERIENCE IN
20 ON-LINE EDUCATION TO DESIGN PILOT PROGRAMS THAT ENACT EDUCATION
21 PRACTICES AND POLICIES TO ADDRESS THE CHALLENGES OF PROVIDING
22 ON-LINE EDUCATION. THE COMMISSIONER SHALL ENSURE THAT THE PILOT
23 PROGRAM DESIGN GROUP CONSISTS OF FOURTEEN PERSONS, WHICH MUST
24 INCLUDE:

25 (I) ONE PERSON WHO HAS EXPERIENCE IN AUTHORIZING ON-LINE
26 SCHOOLS THAT OPERATE AS CHARTER SCHOOLS OR AS SCHOOLS OF A
27 SCHOOL DISTRICT OR BOARD OF COOPERATIVE SERVICES;

1 (II) TWO PERSONS WHO ARE PARENTS OF STUDENTS WHO HAVE AT
2 LEAST THREE SUCCESSIVE YEARS OF EXPERIENCE IN A FULL-TIME DIGITAL
3 LEARNING ENVIRONMENT;

4 (III) TWO PERSONS WHO HAVE SUCCESSFUL EXPERIENCE IN
5 ADMINISTERING A SCHOOL OR SCHOOL DISTRICT, INCLUDING
6 ADMINISTERING ON-LINE EDUCATION;

7 (IV) TWO PERSONS WHO HAVE SUCCESSFUL EXPERIENCE IN
8 MANAGING FINANCE, ACCOUNTABILITY, AND STUDENT-COUNT ISSUES;

9 (V) TWO PERSONS WHO ARE EMPLOYEES OF RURAL SCHOOL
10 DISTRICTS OR EMPLOYEES OF PUBLIC SCHOOLS LOCATED WITHIN RURAL
11 SCHOOL DISTRICTS AND WHO HAVE EXPERIENCE IN SUPPORTING A DIGITAL
12 LEARNING ENVIRONMENT;

13 (VI) THREE DEPARTMENT EMPLOYEES WHO SPECIALIZE IN SCHOOL
14 FINANCE AND AUDITING ISSUES, ACCOUNTABILITY, AND ON-LINE AND
15 BLENDED EDUCATION;

16 (VII) A PERSON WITH EXPERIENCE IN ANALYZING EDUCATION
17 POLICY; AND

18 (VIII) A PERSON WHO SERVED ON THE INFORMAL COMMISSION
19 THAT SUBMITTED RECOMMENDATIONS TO THE GENERAL ASSEMBLY ON
20 MARCH 21, 2014, FOR CHANGES IN ON-LINE EDUCATION STATUTES AND
21 RULES.

22 (b) THE MEMBERS OF THE PILOT PROGRAM DESIGN GROUP MUST
23 SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR
24 EXPENSES.

25 (3) (a) THE DEPARTMENT SHALL WORK WITH THE PILOT PROGRAM
26 DESIGN GROUP TO ESTABLISH THE PARAMETERS FOR, DURATION OF, AND
27 METHODS FOR EVALUATING PILOT PROGRAMS AS DESCRIBED IN THIS

1 SECTION AND TO ISSUE TO AUTHORIZERS REQUESTS FOR PROPOSALS FOR
2 THE PILOT PROGRAMS. THE DEPARTMENT SHALL ISSUE THE REQUESTS FOR
3 PROPOSALS NO LATER THAN OCTOBER 15, 2014. THE PILOT PROGRAMS
4 MUST BEGIN OPERATION NO LATER THAN THE 2015-16 SCHOOL YEAR.

5 (b) THE PILOT PROGRAMS MAY INCLUDE, BUT NEED NOT BE
6 LIMITED TO:

7 (I) A PILOT PROGRAM TO EXPLORE METHODS OF IMPLEMENTING
8 COURSE-LEVEL, PROPORTIONAL, AND COMPETENCY-BASED FUNDING FOR
9 SCHOOLS;

10 (II) A PILOT PROGRAM TO USE OBJECTIVE, VERIFIABLE, AND
11 MULTIPLE MEASURES OF STUDENT ACHIEVEMENT AS INDICATORS OF
12 SCHOOL QUALITY, WHICH MEASURES ALIGN WITH THE COLORADO
13 ACADEMIC STANDARDS ADOPTED PURSUANT TO SECTION 22-7-1005;

14 (III) A PILOT PROGRAM TO USE A STUDENT-COUNT PROCESS THAT
15 IS BASED ON COURSE COMPLETION AND STUDENT COMPETENCY RATHER
16 THAN ENROLLMENT;

17 (IV) A PILOT PROGRAM TO EXAMINE METHODS OF USING TIERED
18 INTERVENTIONS IN ON-LINE EDUCATION TO SUPPORT INDIVIDUAL
19 STUDENTS THROUGH A WELL-INTEGRATED SYSTEM THAT IS MATCHED TO
20 STUDENTS' ACADEMIC, SOCIAL-EMOTIONAL, AND BEHAVIORAL NEEDS; AND

21 (V) A PILOT PROGRAM TO IDENTIFY AND EXPLAIN THE
22 REQUIREMENTS STUDENTS MUST MEET AND THE RESPONSIBILITIES THAT
23 STUDENTS MUST ACCEPT TO SUCCEED IN ON-LINE EDUCATION.

24 (c) AN AUTHORIZER THAT PARTICIPATES IN A PILOT PROGRAM
25 PURSUANT TO THIS SECTION MUST CONTINUE TO MEET STATUTORY AND
26 REGULATORY REQUIREMENTS, INCLUDING BUT NOT LIMITED TO THE
27 REQUIREMENTS RELATED TO FUNDING AND ACCOUNTABILITY, WHILE

1 PARTICIPATING IN THE PILOT PROGRAM.

2 (4) AN AUTHORIZER THAT PARTICIPATES IN A PILOT PROGRAM
3 PURSUANT TO THIS SECTION SHALL SUBMIT TO THE DEPARTMENT THE DATA
4 REQUESTED BY THE DEPARTMENT TO EVALUATE THE SUCCESS OF THE
5 POLICIES IMPLEMENTED THROUGH THE PILOT PROGRAM. BEGINNING WITH
6 THE FIRST SCHOOL YEAR IN WHICH A PILOT PROGRAM OPERATES, THE
7 DEPARTMENT SHALL PREPARE AN ANNUAL SUMMARY OF EACH PILOT
8 PROGRAM, WHICH MUST, AT A MINIMUM, INCLUDE A DESCRIPTION OF THE
9 PILOT PROGRAM, AN EVALUATION OF THE EFFECTIVENESS OF THE POLICIES
10 IMPLEMENTED THROUGH THE PILOT PROGRAM, AND AN EVALUATION OF
11 WHETHER THE POLICIES ARE SCALABLE TO OTHER AUTHORIZERS. THE
12 DEPARTMENT SHALL SUBMIT THE ANNUAL SUMMARY TO THE STATE BOARD
13 OF EDUCATION, THE GOVERNOR'S OFFICE, AND THE EDUCATION
14 COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR
15 ANY SUCCESSOR COMMITTEES.

16 (5) THE DEPARTMENT MAY ACCEPT AND EXPEND PUBLIC AND
17 PRIVATE GIFTS, GRANTS, AND DONATIONS TO OFFSET THE COSTS INCURRED
18 BY THE DEPARTMENT AND BY PARTICIPATING AUTHORIZERS IN
19 IMPLEMENTING PILOT PROGRAMS PURSUANT TO THIS SECTION.
20 NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY,
21 THE DEPARTMENT MUST IMPLEMENT THE PROVISION OF THIS SECTION ONLY
22 IF THE DEPARTMENT RECEIVES APPROPRIATIONS OR PUBLIC OR PRIVATE
23 GIFTS, GRANTS, OR DONATIONS IN AN AMOUNT IT DEEMS SUFFICIENT TO
24 OFFSET THE COSTS INCURRED IN IMPLEMENTING PILOT PROGRAMS
25 PURSUANT TO THIS SECTION.

26 **SECTION 8. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.