

C.R.S. 22-30.7-101

COLORADO REVISED STATUTES

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\*\*\* This document reflects changes current through all laws passed at the Second Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2014) \*\*\*

TITLE 22. EDUCATION

SCHOOL DISTRICTS

ARTICLE 30.7. ON-LINE EDUCATION PROGRAMS

C.R.S. 22-30.7-101 (2014)

**22-30.7-101. Legislative declaration**

(1) The general assembly hereby finds and declares that:

(a) On-line education represents a twenty-first century approach to teaching and learning that is appropriate for today's students;

(b) Technological advances, particularly in the development and dissemination of resources through the internet, can provide alternatives for the provision of educational services that can be customized to serve the diverse needs of today's student population;

(c) Technology and on-line education, including both full-time and supplemental programs, are important tools to enhance educational opportunities and improve educational outcomes;

(d) The growth of on-line education is challenging existing educational policy, administration, and oversight;

(e) On-line programs and on-line schools must be accountable to students and parents and to the institutions that accredit on-line programs and on-line schools;

(f) The state has a role in ensuring quality oversight of on-line programs and on-line schools, but the state should not replace a school district or an authorizing entity in directly administering on-line programs and on-line schools;

(g) Local control of schools is a fundamental Colorado value;

(h) It is the role of families and students to choose their schools and models of education; and

(i) A student's access to educational opportunities should not be limited by where the student lives or by the financial, social, or other resources that are available or unavailable to the student.

(2) The general assembly further finds that: (a) In response to a report of the state auditor released December 11, 2006, concerning a performance audit of on-line education in Colorado, the Donell-Kay foundation created the Trujillo commission consisting of a small group of on-line education stakeholders and professionals;

(b) The Trujillo commission held public meetings and solicited input from on-line education professionals and participants throughout the state concerning recommendations for the oversight and operation of on-line education in Colorado, and, based on the information and ideas collected, produced a final report released February 15, 2007.

(3) The general assembly finds, therefore, that the state should:

(a) Avail itself of enhanced technological services, which are available as a result of technological advances, to serve the educational needs of the citizens of the state more appropriately; and

(b) Take immediate action to ensure quality and accountability in the on-line educational programs offered within the state.

HISTORY: Source: L. 2007: Entire article added, p. 1066, § 1, effective July 1. L. 2012: (1)(e) and (1)(f) amended, (HB 12-1240), ch. 258, p. 1319, § 35, effective June 4.

Cross references: For provisions on junior colleges, contained in this title prior to 1975, see articles 71 and 72 of title 23.

Law reviews: For article, "Fundamentalist Christians, the Public Schools and the Religion Clauses", see 66 Den. U.L. Rev. 289 (1989).

## **C.R.S. 22-30.7-102 (2014)**

### **22-30.7-102. Definitions**

As used in this article, unless the context otherwise requires:

(1) Repealed.

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

(3) "Department" means the department of education created and existing pursuant to section 24-1-115, C.R.S.

(4) "Learning center" means a facility in which a consistent group of students meets more often than once per week under the supervision of a teacher or mentor for a significant portion of a school day for the purpose of participating in an on-line program. A group of parents and students meeting repeatedly, occasionally, and informally, even if facilitated by a school, shall not constitute a "learning center", and a

private home shall not be considered a "learning center" under any circumstances.

(5) "Mentor" means an individual who is responsible for providing supervision at a learning center. A "mentor" shall not be required to be a licensed teacher but shall, at a minimum, satisfy the requirements specified for a paraprofessional as such requirements are described in the federal "No Child Left Behind Act of 2001", 20 U.S.C. sec. 6301 et seq.

(6) "Multi-district on-line school" means an on-line school that serves a student population drawn from two or more school districts.

(7) "On-line division" means the division of on-line learning created in the department of education pursuant to section 22-30.7-103.

(8) "On-line learning expert" means a person with special knowledge of and experience in the teaching or administration of single-district on-line programs and on-line schools, multi-district on-line schools, or supplemental programs for students in kindergarten through twelfth grade.

(9) "On-line program" means a full-time education program authorized pursuant to this article that delivers a sequential program of synchronous or asynchronous instruction, directed by a teacher, primarily through on-line digital learning strategies that provide students choice over time, place, and path, and teacher-guided modality, of learning. "On-line program" does not include a supplemental program. Accountability for each student in an on-line program is attributed to a designated school that houses the on-line program. Notwithstanding any other provision of this subsection (9) to the contrary, an on-line program with one hundred or more students is an on-line school and not an on-line program.

(9.5) "On-line school" means a full-time education school authorized pursuant to this article that delivers a sequential program of synchronous or asynchronous instruction, directed by a teacher, primarily through on-line digital learning strategies that provide students choice over time, place, and path, and teacher-guided modality, of learning. An on-line school has an assigned school code and operates with its own administrator, a separate budget, and a complete instructional program. An on-line school is responsible for fulfilling all reporting requirements and is held to state and federally mandated accountability processes.

(10) "On-line pupil enrollment" shall have the same meaning as provided in section 22-54-103 (8.5).

(11) "Parent" means a biological parent, adoptive parent, or legal guardian.

(12) "Pupil enrollment" shall have the same meaning as provided in section 22-54-103 (10).

(12.5) "Pupil enrollment count day" has the same meaning as set forth in section 22-54-103 (10.5).

(13) "Single-district on-line program" or "single-district on-line school" means an on-line program or on-line school that serves only students who reside within a single school district.

(14) "Standard MOU form" means the standard memorandum of understanding form adopted by the state board pursuant to section 22-30.7-111 (5).

(15) "State board" means the state board of education created and existing pursuant to section 1 of article IX of the state constitution.

(16) "Supplemental program" means a program that offers one or more on-line courses to students to augment an educational program provided by a school district, charter school, or board of cooperative services.

HISTORY: Source: L. 2007: Entire article added, p. 1067, § 1, effective July 1.L. 2009: (1) repealed, (SB 09-112), ch. 122, p. 504, § 2, effective April 16.L. 2012: (12.5) added, (HB 12-1090), ch. 44, p. 151, § 10, effective March 22; (2), (6), (8), (9), and (13) amended and (9.5) added, (HB 12-1240), ch. 258, pp. 1319, 1311, § § 36, 14, effective June 4; (13) amended, (HB 12-1212), ch. 66, p. 230, § 1, effective July 1.L. 2014: (9) and (9.5) amended, (HB 14-1382), ch. 332, p. 1478, § 1, effective June 5.

Editor's note: Amendments to subsection (13) by House Bill 12-1212 and House Bill 12-1240 were harmonized.

#### **C.R.S. 22-30.7-103 (2014)**

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

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

(b) The division of on-line learning and the office of the director shall exercise their powers and perform their duties and functions under the department, the commissioner of education, and the state board of education as if the same were transferred to the department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

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

(a) To support on-line programs and on-line schools, students, parents, authorizers, and other entities related to on-line learning by providing information and access to available data; and

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

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

(a) To consult with the state board in its creation of quality standards pursuant to section 22-30.7-105 for use by authorizers;

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

(c) (Deleted by amendment, L. 2011, (HB 11-1277), ch. 306, p. 1500, § 24, effective August 10, 2011.)

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

(e) to (g) (Deleted by amendment, L. 2011, (HB 11-1277), ch. 306, p. 1500, § 24, effective August 10, 2011.)

(h) To prepare a summary report to be submitted on or before February 1, 2009, and on or before June 1, 2014, and on or before June 1 every five years thereafter, to the state board and the education committees of the House of Representatives and the senate, or any successor committees;

(h.5) On or before June 1, 2015, and on or before June 1 every year thereafter, to prepare a summary report of data related to students who participated in a supplemental on-line course offered by a nonprofit provider selected pursuant to section 22-5-119 and submit the report to said nonprofit provider and to the department and the education committees of the house of representatives and the senate, or any successor committees;

(i) To establish a process and timeline for documenting and tracking complaints concerning on-line programs and on-line schools;

(j) To collect resources to support the implementation of quality on-line programs and on-line schools and make the resources available to on-line programs and on-line schools upon request;

(k) To use the final report of the Trujillo commission on on-line education, which report was released February 15, 2007, as a basis for the recommendations, criteria, standards, reporting requirements, and rules required pursuant to this subsection (3);

(l) To annually collect and review information concerning sound financial and accounting practices and resources for each on-line program and on-line school. The information may be the same information submitted by on-line charter schools pursuant to section 22-30.5-109 (1).

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

HISTORY: Source: L. 2007: Entire article added, p. 1069, § 1, effective July 1.L. 2010: (3)(h) amended, (HB 10-1013), ch. 399, p. 1911, § 33, effective June 10.L. 2011: (3) amended, (HB 11-1277), ch. 306, p. 1500, § 24, effective August 10.L. 2012: (2), (3)(b), (3)(d), (3)(i), (3)(j), (3)(l), and (3)(m) amended, (HB 12-1240), ch. 258, p. 1319, § 37, effective June 4.L. 2013: (3)(h.5) added, (SB 13-139), ch. 128, p. 430, § 2, effective August 7.

**C.R.S. 22-30.7-104 (2014)**

**22-30.7-104. On-line learning advisory board - created - reports - repeal. (Repealed)**

HISTORY: Source: L. 2007: Entire article added, p. 1070, § 1, effective July 1.L. 2009: Entire section repealed, (SB 09-112), ch. 122, p. 504, § 3, effective April 16.

**C.R.S. 22-30.7-105 (2014)**

**22-30.7-105. Program criteria - guidelines - quality standards - records - rules**

(1) (a) A school district and the state charter school institute established pursuant to section 22-30.5-503 are hereby authorized to create or oversee single-district on-line programs or single-district on-line schools.

(b) A school district, a group of two or more school districts, a board of cooperative services created pursuant to section 22-5-104, and the state charter school institute established pursuant to section 22-30.5-503 are hereby authorized to create or oversee multi-district on-line schools, subject to the requirement that the authorizer apply to the on-line division for certification of the multi-district on-line school as described in section 22-30.7-106.

(c) Nothing in this article shall be construed to prohibit an on-line program or on-line school from providing supplemental on-line courses.

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

(a) A student who is participating in an on-line program or on-line school is subject to compulsory school attendance as provided in article 33 of this title and is deemed to comply with the compulsory attendance requirements through participation in the on-line program or on-line school. Each on-line program and on-line school must document a student's compliance with compulsory attendance requirements by documenting the student's attendance and participation in educational activities that the on-line program's or on-line school's authorizer deems appropriate to support student learning, which activities may include, but need not be limited to, assessment, orientation, and induction activities; in-person educational instruction; and synchronous and asynchronous internet-based educational activities.

(b) Each student participating in an on-line program or on-line school shall be subject to the statewide assessments administered pursuant to section 22-7-409.

(c) The provisions of article 36 of this title concerning schools of choice shall apply to an on-line program or on-line school implemented pursuant to this article.

(d) The provisions of the "Education Accountability Act of 2009", article 11 of this title, shall apply to an on-line program or on-line school implemented pursuant to this article in the same manner as said provisions apply to the other public schools operating in this state.

(3) (a) An on-line program or on-line school that is administered pursuant to the provisions of this article shall satisfy the quality standards established by rules promulgated by the state board pursuant to paragraph (b) of this subsection (3).

(b) On or before January 1, 2008, the state board, in consultation with the on-line division, shall promulgate rules establishing quality standards for on-line programs and on-line schools administered pursuant to the provisions of this article. The rules shall include, but need not be limited to, the establishment of quality standards in the following areas:

(I) An on-line program's or on-line school's governance, vision, and organization;

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

(III) Technological capacity and support;

(IV) Internet safety;

(V) Sound financial and accounting practices and resources;

(VI) Student academic performance and improvement;

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

(VIII) Course completion measurements;

(IX) Attendance tracking procedures;

(X) Data analysis, management, and reporting;

(XI) Guidance counseling;

(XII) Engagement of parents and communities in on-line programs and on-line schools;

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

(XIV) Program evaluation and improvement.

(c) Repealed.

(4) (a) The records of each student participating in a multi-district on-line school shall be maintained on a permanent basis by the authorizer of the multi-district on-line school; except that, if a charter school provides the multi-district on-line school, only the charter school and not the authorizer shall be required to maintain the records. The records shall include, but need not be limited to:

(I) Attendance data;

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

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

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

(b) (I) If a student enrolled in a school of a school district transfers to an on-line program or on-line school, the school district shall transmit, using secure electronic means if available, to the receiving on-line program or on-line school the student's complete records, including all performance, attendance, and assessment data, within fourteen days after the school district receives notice from the on-line program or on-line school that the student has enrolled in the on-line program or on-line school.

(II) If a student who is enrolled in an on-line program or on-line school transfers to a school of a school district or to an institute charter school, the on-line program or on-line school shall transmit, using secure electronic means if available, to the receiving school the student's complete records, including all performance, attendance, and assessment data, within fourteen days after the on-line program or on-line school receives notice from the school district that the student has enrolled in the school.

(5) Each student participating in an on-line program or on-line school shall be a resident of this state and shall demonstrate that he or she possesses the appropriate electronic equipment and resources to participate in the program or school; except that an on-line program or on-line school may provide such equipment and resources to a student to enable the student to participate in the on-line program or on-line school.

HISTORY: Source: L. 2007: Entire article added, p. 1072, § 1, effective July 1. L. 2009: IP(3)(b) amended, (SB 09-112), ch. 122, p. 504, § 4, effective April 16; (2)(d) added and (3)(c) repealed, (SB 09-163), ch. 293, p. 1541, § § 38, 39, effective May 21. L. 2012: Entire section amended, (HB 12-1240), ch. 258, p. 1320, § 38, effective June 4; (1)(a) amended, (HB 12-1212), ch. 66, p. 230, § 2, effective July 1. L. 2014: IP(2), (2)(a), and (4)(b) amended, (HB 14-1382), ch. 332, p. 1479, § 2, effective June 5.

Editor's note: Amendments to subsection (1)(a) by House Bill 12-1212 and House Bill 12-1240 were harmonized.

#### **C.R.S. 22-30.7-106 (2014)**

#### **22-30.7-106. Certification of multi-district on-line schools - criteria - rules**



(1) If a school district, a group of two or more school districts, a board of cooperative services created pursuant to section 22-5-104, or the state charter school institute established pursuant to section 22-30.5-503 chooses to authorize a multi-district on-line school, the school district, group of two or more school districts, board of cooperative services, or state charter school institute shall, prior to authorizing the multi-district on-line school, apply to the on-line division for certification of the multi-district on-line school.

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

(3) Notwithstanding the provisions of subsection (1) of this section, an authorizer of a single-district on-line program or on-line school that becomes a multi-district on-line school shall not be required to apply to the on-line division for certification of the multi-district on-line school in the event that ten or fewer students from outside the school district in which the single-district on-line program or on-line school is operating enroll in the multi-district on-line school.

(4) The state board shall promulgate rules specifying criteria to be used by the on-line division in certifying multi-district on-line schools. The criteria shall include, but need not be limited to, the following:

(a) Whether the authorizer of the multi-district on-line school possesses adequate resources and the capacity to oversee the multi-district on-line school, including but not limited to oversight of the following components of the multi-district on-line school:

(I) Curriculum and instruction;

(II) Use of software applications and technology;

(III) Data gathering, analysis, and reporting;

(IV) Human resources management;

(V) Financial management, facilities management, and risk management; and

(VI) Other relevant public education administration functions;

(b) Whether the plan for operating and monitoring the multi-district on-line school agreed to by the authorizer of the multi-district on-line school and the principal, director, or other chief administrator of the multi-district on-line school adequately addresses, at a minimum, consideration of the following elements:

(I) The multi-district on-line school's vision, mission, and goals;

(II) The multi-district on-line school's organizational structure and governance, including governing board and school policies and procedures;

(III) Equitable access for all students;

(IV) Guidance counseling for all students enrolled in the multi-district on-line school;

(V) Student academic credit policies;

(VI) Student achievement and attendance policies, including but not limited to monitoring graduation and dropout rates;

(VII) Student records policies and procedures;

(VIII) Student admission and placement policies and procedures;

(IX) Staff development plans;

(X) Student services, including counseling and tutorial support;

(XI) Staff, student, and parent handbooks;

(XII) Employment and contractor policies and procedures;

(XIII) Annual budgeting and finance practices;

(XIV) Facility plans, including any contemplated physical sites;

(XV) Risk management;

(XVI) Data development, analysis, and reporting; and

(XVII) Policies and procedures for facilitating communication between the multi-district on-line school, parents, and school districts in which students who are enrolled in the multi-district on-line school reside; and

(c) The degree to which the multi-district on-line school will satisfy the quality standards for on-line programs and on-line schools described in section 22-30.7-105.

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

(6) On or before January 1, 2008, the state board shall create an expedited procedure for the approval or denial of certification for multi-district on-line schools that were operating as of January 1, 2007.

(7) Notwithstanding any provision of this section to the contrary, an authorizer of a multi-district on-line school that was operating as of January 1, 2007, may continue to operate until August 1, 2008, without receiving certification of the school by the on-line division pursuant to this section.

(8) The state board shall not approve the certification of a multi-district on-line school until the state board has promulgated rules for such certification pursuant to this section.

HISTORY: Source: L. 2007: Entire article added, p. 1074, § 1, effective July 1. L. 2012: Entire section amended, (HB 12-1240), ch. 258, p. 1323, § 39, effective June 4.

## **C.R.S. 22-30.7-107 (2014)**

### **22-30.7-107. Funding**

(1) Repealed.

(2) For the 2008-09 budget year, and for each budget year thereafter, for purposes of determining total program funding pursuant to article 54 of this title:

(a) (I) A school district that is providing a single-district on-line program or on-line school, or a school district in which a district charter school is providing a single-district on-line program or on-line school, shall include each student who is enrolled in the single-district on-line program or on-line school as of the pupil enrollment count day of the applicable budget year in the school district's pupil enrollment for the applicable budget year and shall receive the school district's per-pupil funding for each student enrolled in the single-district on-line program or on-line school.

(II) An institute charter school that is providing a single-district on-line program or on-line school shall include each student who is enrolled in the single-district on-line program or on-line school as of the pupil enrollment count day of the applicable budget year in the institute charter school's pupil enrollment for the applicable budget year and shall receive the per-pupil funding of the institute charter school's accounting district for each student enrolled in the single-district on-line program or on-line school.

(b) (I) A school district that is providing a multi-district on-line school, or a school district in which a district charter school is providing a multi-district on-line school, shall include each student who is enrolled in the multi-district on-line school as of the pupil enrollment count day of the applicable budget year in the school district's on-line pupil enrollment for the applicable budget year and shall receive on-line funding, as specified in section 22-54-104 (4.5).

(II) An institute charter school that is providing a multi-district on-line school shall include each student who is enrolled in the multi-district on-line school as of the pupil enrollment count day of the applicable budget year in the institute charter school's on-line enrollment for the applicable budget year and shall receive on-line funding, as specified in section 22-54-104 (4.5).

(3) and (4) Repealed.

(5) The general assembly hereby finds and declares that, for purposes of section 17 of article IX of the state constitution, providing funding to the on-line division for on-line education is a permissible use of the moneys in the state education fund because the moneys are being used for accountable education reform, for accountable programs to meet state academic standards, for class-size reduction, for expanding technology education, and for accountability reporting as authorized by section 17 (4) (b) of article IX of the state constitution.

HISTORY: Source: L. 2007: Entire article added, p. 1076, § 1, effective July 1.L. 2009: (4)(d) and (5) added, (HB 09-1182), ch. 97, p. 364, § § 1, 2, effective April 3.L. 2012: (2)(a) and (2)(b) amended, (HB 12-1090), ch. 44, p. 151, § 11, effective March 22; (2) amended and (3) repealed, (HB 12-1240), ch. 258, pp. 1325,1311, § § 40, 13, effective June 4.

Editor's note: (1) Subsection (1)(d) provided for the repeal of subsection (1), effective July 1, 2008. (See L. 2007, p. 1076.)

(2) Subsection (4)(d)(i) provided for the repeal of subsection (4), effective July 1, 2010. (See L. 2009, p. 364.)

(3) Amendments to subsections (2)(a) and (2)(b) by House Bill 12-1090 and House Bill 12-1240 were harmonized.

### **C.R.S. 22-30.7-108 (2014)**

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

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

(2) As used in this section, "extracurricular or interscholastic activity" shall have the same meaning as "activity" as set forth in section 22-32-116.5 (10) (a).

HISTORY: Source: L. 2007: Entire article added, p. 1078, § 1, effective July 1.L. 2012: (1) amended, (HB 12-1240), ch. 258, p. 1326, § 41, effective June 4.

### **C.R.S. 22-30.7-109 (2014)**

#### **22-30.7-109. On-line programs - reports - rules. (Repealed)**

HISTORY: Source: L. 2007: Entire article added, p. 1079, § 1, effective July 1. L. 2008: IP(1)(a) amended, p. 1899, § 75, effective August 5. L. 2011: Entire section repealed, (HB 11-1277), ch. 306, p. 1501, § 25, effective August 10.

#### **C.R.S. 22-30.7-109.5 (2014)**

##### **22-30.7-109.5. On-line programs and on-line schools - report to authorizer and department**

Each on-line program and on-line school shall annually submit to its authorizer and to the department information, pursuant to state board rules, concerning sound financial and accounting practices and resources. A multi-district on-line school shall notify its authorizer and the department of any intent to amend the program's or school's application for certification, which shall include any intent to expand grade levels served by the program or school, any intent to change education service providers, or other intended changes, as defined by the state board. If the department concludes that the on-line program or on-line school should not be permitted to amend its application for certification, based on the quality standards established by the state board pursuant to section 22-30.7-105, the department shall notify the authorizer and the on-line program or on-line school of its decision within thirty days of receiving the notification from the program or school. The authorizer shall then have thirty days to appeal the department's decision to the state board, pursuant to the state board's administrative policies.

HISTORY: Source: L. 2011: Entire section added, (HB 11-1277), ch. 306, p. 1502, § 26, effective August 10. L. 2012: Entire section amended, (HB 12-1240), ch. 258, p. 1326, § 42, effective June 4.

#### **C.R.S. 22-30.7-111 (2014)**

##### **22-30.7-111. Learning centers - memoranda of understanding - rules - appeal process**

(1) (a) A multi-district on-line school that intends to provide instruction to students within one or more learning centers shall, before providing such instruction, seek to enter into a memorandum of understanding with each school district in which the multi-district on-line school intends to provide instruction within a learning center.

(b) A multi-district on-line school that intends to provide instruction to students within a learning center shall notify the school district in which the proposed learning center is located of the multi-district on-line school's intention in writing at least ninety days before the multi-district on-line school intends to commence providing such instruction. The notice shall include the standard MOU form that addresses, at a minimum, the following information as it applies to each learning center to be located within the school district:

(l) A description of any curricula that will be offered by the multi-district on-line school at the learning center;

- (II) The proposed location of the learning center;
- (III) The grade levels to be served at the learning center;
- (IV) The number of students projected to attend the multi-district on-line school at the learning center;
- (V) Any building permits or certifications of building safety that may be required by law;
- (VI) A list of all staff positions at the learning center, including a description of duties for each position;
- (VII) Measures to ensure compliance with state and federal laws concerning educator licensing and fingerprint-based criminal history record checks;
- (VIII) The name of and contact information for the multi-district on-line school and the names of and contact information for all learning center administrators; and
- (IX) The plans for one or more public meetings to be held prior to the opening of a learning center.

(c) Within forty-five days after receiving the notice and standard MOU form from a multi-district on-line school pursuant to paragraph (b) of this subsection (1), the school district and the multi-district on-line school shall meet to discuss the terms of the memorandum of understanding, based on the standard MOU form provided with the notice. The school district and the multi-district on-line school may mutually agree to change the information in the standard MOU form provided with the notice or to include information in the memorandum of understanding in addition to that included in the standard MOU form.

(d) Within forty-five days after receiving the notice and the standard MOU form pursuant to paragraph (b) of this subsection (1), the school district and the multi-district on-line school shall hold at least one public meeting at which they shall receive public input concerning location of one or more learning centers within the school district.

(e) No later than forty-five days after the school district receives the notice and standard MOU form pursuant to paragraph (b) of this subsection (1), the school district shall notify the multi-district on-line school, the on-line division, and the state board in writing of the school district's decision whether to enter into a memorandum of understanding with the multi-district on-line school for operation of a learning center within the school district. If the school district does not provide notice of its decision within forty-five days, the standard MOU form provided by the multi-district on-line school with the notice shall become effective on the forty-sixth day following the school district's receipt of the notice and standard MOU form, and the multi-district on-line school may proceed under the terms of the standard MOU form as provided to the school district.

(f) A school district may refuse to enter into a memorandum of understanding with a multi-district on-line school for the operation of a learning center within the school district only if:

(I) The standard MOU form provided by the multi-district on-line school fails to satisfy the requirements described in paragraph (b) of this subsection (1); or

(II) The school district reasonably determines that the multi-district on-line school is contrary to the best interests of the pupils, parents, community, or school district.

(g) If a school district refuses to enter into a memorandum of understanding with a multi-district on-line school for operation of a learning center, the multi-district on-line school may appeal the school district's decision to the state board pursuant to the provisions of subsection (6) of this section.

(h) Notwithstanding any provision of this section to the contrary, a multi-district on-line school that seeks to operate a learning center within a school district shall not be required to enter into a memorandum of understanding with the school district if the school district is the authorizer of the multi-district on-line school.

(i) Notwithstanding any provision of this section to the contrary, a school district and a multi-district on-line school may mutually agree in writing to decline to enter into a memorandum of understanding.

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

(2) A memorandum of understanding entered into by a school district and a multi-district on-line school pursuant to the provisions of this section shall be effective for three years. A school district and a multi-district on-line school may enter into an unlimited number of successive memoranda of understanding.

(3) If a school district and a multi-district on-line school enter into a memorandum of understanding pursuant to the provisions of this section, the memorandum of understanding shall include consideration of all learning centers that the multi-district on-line school proposes, at the time the memorandum of understanding is crafted, to operate within the school district, and the memorandum of understanding shall supersede any memorandum of understanding previously entered into by the school district and the multi-district on-line school.

(4) (a) If a multi-district on-line school is operating a learning center within a school district under the terms of a memorandum of understanding, and the multi-district on-line school seeks to operate an additional learning center within the school district, which additional learning center is not contemplated in an existing memorandum of understanding, the multi-district on-line school shall provide notice to the school district of the multi-district on-line school's intention to operate an additional learning center. The notice shall include the standard MOU form.

(b) Upon receiving notice from a multi-district on-line school as described in paragraph (a) of this subsection (4), the school district shall decide whether to seek to craft a new memorandum of understanding with the multi-district on-line school, and the school district shall notify the multi-district on-line school of the school district's decision within thirty days after receiving the notice described in paragraph (a) of this subsection (4).

(c) (l) If the multi-district on-line school receives notice within thirty days that the school district has decided to seek to craft a new memorandum of understanding, the multi-district on-line school and the

school district shall seek to craft a new memorandum of understanding pursuant to the provisions of this section.

(II) If the multi-district on-line school does not receive notice within thirty days after the school district's decision, or the multi-district on-line school receives notice that the school district has decided not to seek to craft a new memorandum of understanding, the multi-district on-line school may begin to operate the additional learning center.

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

(6) (a) On or before January 1, 2008, the state board shall promulgate rules establishing procedures and timelines by which a multi-district on-line school may appeal to the state board a decision by a school district to refuse to enter into a memorandum of understanding with the multi-district on-line school for the operation of a learning center within the school district.

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

(c) Upon receiving notice from a multi-district on-line school that the multi-district on-line school is appealing a decision by a school district to refuse to enter into a memorandum of understanding with the multi-district on-line school, the state board shall resolve the dispute within forty-five days by either affirming the school district's decision or issuing an order directing the school district to enter into a memorandum of understanding with the multi-district on-line school, as described in paragraph (b) of this subsection (6).

(7) Notwithstanding any provision of this section to the contrary, a multi-district on-line school that operates one or more learning centers within a school district as of January 1, 2007, may continue to operate learning centers within the school district until August 1, 2008, without entering into a memorandum of understanding with the school district. A multi-district on-line school that operates one or more learning centers within a school district as of January 1, 2007, shall provide notification to the school district on or before September 1, 2007, of any learning centers being operated by the multi-district on-line school within the school district. The notice shall include the information described in subparagraphs (I) through (VIII) of paragraph (b) of subsection (1) of this section.



HISTORY: Source: L. 2007: Entire article added, p. 1080, § 1, effective July 1. L. 2008: (6)(b) amended, p. 1899, § 76, effective August 5. L. 2012: Entire section amended, (HB 12-1240), ch. 258, p. 1326, § 43, effective June 4.

**C.R.S. 22-30.7-112 (2014)**

**22-30.7-112. Certification of authorizers of multi-district on-line schools - quality standards - implementation recommendations - pilot program design - task force - legislative declaration - repeal**

(1) (a) The general assembly finds that:

(I) During the 2014 regular legislative session, certain legislators informally convened the K-12 on-line education commission, referred to in this section as the "commission", to review the implementation of on-line education in Colorado and submit recommendations to the general assembly to improve the quality of education for all students in Colorado who use on-line learning as part or all of their access to learning;

(II) Among other things, the commission recommended that it would be more appropriate and effective, and more consistent with the role of the department, for the department and the state board to certify authorizers of multi-district on-line schools, rather than directly certifying the schools themselves;

(III) By certifying authorizers of multi-district on-line schools, the department will have the means to directly address the quality of on-line education at the authorizer level. But to do so, the state board must adopt quality standards and practices for authorizers of multi-district on-line schools to follow.

(IV) There are several issues that arise with implementing a system for certifying authorizers rather than directly certifying multi-district on-line schools and that require consideration and advice from persons with expertise in overseeing and providing on-line education, including but not limited to the timeframes for implementing the new certification process.

(b) The general assembly finds, therefore, that it is necessary to convene a task force to review best practices and policies for authorizing and administering multi-district on-line schools, to recommend to the state board quality standards and practices for authorizers, and to recommend to the state board and the general assembly the regulatory and statutory changes that are necessary to certify authorizers of multi-district on-line schools.

(2) There is created a task force of persons with expertise and experience in authorizing, overseeing, and operating on-line programs and on-line schools. No later than July 1, 2014, the commissioner of education shall appoint the members of the task force as follows:

(a) One person who represents school districts in the state that oversee or operate at least one multi-district on-line school;

(b) One person who represents boards of cooperative services in the state that oversee or operate at least one multi-district on-line school;

(c) One person who represents the state charter school institute;

(d) Three persons who are employed in public education, at least one of whom is employed as a teacher in a multi-district on-line school and at least one of whom is employed as an administrator of an on-line program or on-line school;

(e) Two persons who represent for-profit multi-district on-line schools that are authorized pursuant to section 22-30.7-106;

(f) Three persons who are employees of the department with expertise in on-line education, only one of whom is a voting member of the task force;

(g) Two persons, each of whom is a parent of a student who is enrolled in an on-line school in Colorado; and

(h) Two persons who were members of the commission.

(3) The commissioner of education shall appoint the chair of the task force and convene the first meeting of the task force. The task force shall meet as often as necessary at the call of the chair to complete the task force's duties. The task force meetings are subject to the open meeting requirements specified in section 24-6-402, C.R.S., and must be simultaneously broadcast via the internet. The members of the task force must serve without compensation and without reimbursement for expenses. The department shall provide support and assistance for the task force as needed. The department may contract with a person or other entity to provide facilitation services or other assistance to the task force so long as the person or entity does not have an actual or potential conflict of interest with regard to the potential recommendations of the task force and has not stated a position in support of or opposed to on-line education.

(4) (a) The task force has the following duties:

(I) To review the best practices and standards for overseeing and operating multi-district on-line schools that are used in this state and in other states and countries and to recommend quality standards and practices for authorizers of multi-district on-line schools in Colorado;

(II) To review the existing state board rules and statutes concerning on-line education and to recommend changes to rules and statutes to implement a system for certifying authorizers of multi-district on-line schools and discontinuing certification of multi-district on-line schools;

(III) To make recommendations concerning the system and process for certifying authorizers, including but not limited to the frequency and timing of certification and recertification and the effect on a multi-district on-line school if the school's authorizer loses certification;

(IV) To make such additional recommendations concerning multi-district on-line schools and authorizers of multi-district on-line schools as the task force deems appropriate; and

(V) To establish the parameters for, duration of, and methods for evaluating pilot programs as described in section 22-30.7-113 (2) (b).

(b) In preparing its recommendations, the task force shall solicit input from interested persons, including but not limited to school districts, charter schools, the state charter school institute, boards of cooperative services, educators and administrators who work with on-line programs and on-line schools, and students enrolled in on-line programs and on-line schools and their parents.

(5) No later than January 1, 2015, the task force shall submit its written recommendations to the state board and to the education committees of the House of Representatives and the senate, or any successor committees.

#### **C.R.S. 22-30.7-113 (2014)**

##### **22-30.7-113. On-line pilot programs - interim reports - legislative declaration**

(1) The general assembly finds that:

(a) Several challenges exist in providing on-line programs, on-line schools, and supplemental programs that effectively and successfully meet the educational needs of students and their families;

(b) Colorado's elementary and secondary education community is in a unique position to operate pilot programs to try to meet these challenges by implementing innovative strategies to provide on-line education, including strategies for enhancing and measuring student academic growth and success; and

(c) Authorizing and supporting pilot programs will help foster partnerships among education providers and result in data to support replication and the scaling of unique education policies that are successfully implemented through the pilot programs.

(2) (a) The department shall work with the task force created in section 22-30.7-112 to establish the parameters for, duration of, and methods for evaluating pilot programs as described in this section and to issue to authorizers requests for proposals for the pilot programs. The department shall issue the requests for proposals no later than October 15, 2014. The pilot programs must begin operation no later than the 2015-16 school year.

(b) The pilot programs may include, but need not be limited to:

(I) A pilot program to use objective, verifiable, and multiple measures of student achievement as indicators of school quality, which measures align with the Colorado academic standards adopted pursuant to section 22-7-1005;

(II) A pilot program to use a student-count process that is based on course completion and student competency rather than enrollment;

(III) A pilot program to examine methods of using tiered interventions in on-line education to support individual students through a well-integrated system that is matched to students' academic, social-emotional, and behavioral needs; and

(IV) A pilot program to identify and explain the requirements students must meet and the responsibilities that students must accept to succeed in on-line education.

(c) An authorizer that participates in a pilot program pursuant to this section must continue to meet statutory and regulatory requirements, including but not limited to the requirements related to funding and accountability, while participating in the pilot program.

(3) An authorizer that participates in a pilot program pursuant to this section shall submit to the department the data requested by the department to evaluate the success of the policies implemented through the pilot program. Beginning with the first school year in which a pilot program operates, the department shall prepare an annual written summary of each pilot program, which must, at a minimum, include a description of the pilot program, an evaluation of the effectiveness of the policies implemented through the pilot program, and an evaluation of whether the policies are scalable to other authorizers. The department shall submit the annual summary to the state board of education, the governor's office, and the education committees of the senate and the house of representatives, or any successor committees.

(4) The department may accept and expend public and private gifts, grants, and donations to offset the costs incurred by the department and by participating authorizers in implementing pilot programs pursuant to this section. Notwithstanding any provision of this section to the contrary, the department must implement the provisions of this section only if the department receives appropriations or public or private gifts, grants, or donations in an amount it deems sufficient to offset the costs incurred in implementing pilot programs pursuant to this section.

HISTORY: Source: L. 2014: Entire section added, (HB 14-1382), ch. 332, p. 1482, § 3, effective June 5.

(6) This section is repealed, effective July 1, 2015.

HISTORY: Source: L. 2014: Entire section added, (HB 14-1382), ch. 332, p. 1479, § 3, effective June 5.