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Report of the Online Task Force Created by HB 14-1382

Prepared for

Colorado Department of Education

By

Augenblick, Palaich and Associates

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Executive Summary

The Online Task Force was created in response to Colorado House Bill 14-1382, and was charged with providing recommendations for: standards for authorizers of multi-district online schools; regulatory and statutory changes necessary to certify and to discontinue certification of those authorizers; establishing the frequency of and timeline for certification and recertification; the effect(s) on a multi-district online school if its authorizer loses its certification; establishing parameters, duration, and methods for evaluating pilot programs; and to provide additional recommendations, as needed.

A task force of 15 (13 of which were voting members) was convened by the Colorado Department of Education from August through December of 2014. Members received and reviewed information from a breadth of sources; reviewed accountability and performance rating data on the state's current multi-district online schools; debated the issues and language associated with their charges; and created a set of recommendations for authorizer standards, rules and regulations, pilot programs, and other recommendations.

The Task Force recommends to the General Assembly and the Colorado Department of Education:

1. That there be created a certification process of authorizers of multi-district online schools based on a specific set of quality standards and practices provided by the Online Task Force.
2. To support those quality standards and practices with a specific set of system and process elements provided by the Online Task Force.
3. That the certification of new authorizers of multi-district online schools begins in August of 2016, for implementation in the 2017 school year.
4. That CDE continue the certification of multi-district online schools until implementation of the certification of authorizers of multi-district online schools begins.
5. That multi-district online schools and their authorizers already certified by CDE at implementation of the certification of authorizers of multi-district online schools be required to meet the new standards and practices, and systems and process elements, within five years of implementation.
6. That any multi-district online school whose authorizer loses certification will continue to serve their students through the completion of the school year when their authorizer's loss of certification occurred, and for no more than one additional school year.
7. That efforts be made to support pilot programs (as defined in HB 14-1382) including establishing parameters for their selection and duration, and methods for their evaluation.
8. Other recommendations, including

Introduction

This report is the result of work by the Colorado Department of Education's Online Task Force (OTF), formed by the State legislature through House Bill 14-1382 (HB 14-1382) and convened by the Colorado Department of Education (CDE) from August through December of 2014.

This report is comprised of three sections. The first section discusses the prior online education consortiums, commissions, and task forces which led to the convening of this OTF. The second section describes this OTF, including its legislative charge, and the work it undertook to meet its charge. The third section details the recommendations of this OTF, including authorizer standards and associated rules and regulations, timelines for certification of new and currently operating authorizers, pilot programs, and other recommendations.

Background

When the Colorado General Assembly enacted HB 14-1382 concerning the delivery of online education within the public elementary and secondary education system, it continued nearly two decades of online education policymaking in the state.

In 1998, the first multi-district online effort in Colorado was formed. This collaborative, an effort of several Colorado school districts, resulted in the Colorado Online School Consortium (COSC). The intent of the COSC was to create an affiliation of online school providers for sharing of resources and best practices for online education. The COSC ultimately received a Technology Learning Challenge Fund grant and provided online advanced placement (AP), enrichment and remedial courses to Colorado students.

In 2001, the CDE formed the E-Learning Task Force (ELTF). The ELTF assisted the COSC in its transition to Colorado Online Learning (COL). This transition allowed COL to receive a federal grant, and to provide supplemental online courses. Additionally, the ELTF made recommendations that resulted in the 2002 legislative action regarding online education.

The 2002 legislative action of the Colorado General Assembly defined and authorized on-line programs, and created a funding mechanism for online students, through section 22-33-104.6, III(4) of House Bill 02-1349.

In November, 2006, the Office of the State Auditor published a Performance Audit on Online Education. The Auditor's report found accreditation processes and oversight practices of online programs lacking in rigor and quality.

In response to this, the Donnell-Kay Foundation (DLK), a private family foundation whose mission is to improve public education through school reform in Colorado, convened the Trujillo Commission. The

Trujillo Commission provided eight policy recommendations in a published report. Those recommendations were used by the CDE and the Colorado General Assembly to make online education policy changes ranging from the creation of the CDE Online Division, to funding COL to support their provision of supplemental online courses. Important to the work of this task force, was the legislature's adoption of the Trujillo recommendation for CDE to adopt standards for, and to certify, multi-district online programs.

On January 30, 2014, the General Assembly formed the K-12 Online Education Commission. The K-12 Commission, also supported by DLK, provided recommendations for improving the quality of online K-12 education to the CDE and the General Assembly. Several of its recommendations were adopted in statute through HB 14-1382. Those adopted recommendations were:

1. Amend the definition of "on-line program" and "on-line school"
2. Reduce the timeframe for the transfer of student records from 30 days to 14 days
3. Change the focus of the State Board of Education (SBE) certification process from multi-district online schools to multi-district online authorizers, the latter of which would be charged with certifying multi-district online schools
4. Convene a stakeholder group to develop recommendations for quality practices and standards for multi-district online authorizers
5. Convene a stakeholder group to assist in the establishment and implementation of pilot programs.

The Online Task Force was created to specifically address numbers four and five above.

Online Task Force

The OTF was convened by the CDE in August, 2014. The OTF is comprised of 15 members, 13 of which are voting. Parents, teachers, administrators, authorizers, and CDE staff are represented on the OTF (Appendix A).

Legislative Charge

The legislative charges of the OTF, per HB-14-1382, are:

1. To review the best practices and standards for overseeing and operating multi-district online 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 online schools in Colorado.
2. To review the existing state board rule and statutes concerning online 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.
3. 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

4. To make such additional recommendations concerning multi-district online schools and authorizers of multi-district online schools as the task force deems appropriate.
5. To establish the parameter for, duration of, and methods for evaluating pilot programs as described in section 22-30.7-113 (2) (b) in HB14-1382.

OTF Meetings

The OTF members held eight meetings between August and December, 2014. The meetings were facilitated by John L Myers and Melanie Sloan, with APA Consulting (APA). Sunny Deyé, with the National State Conference of Legislatures (NCSL), provided research assistance.

Members were able to participate in the meetings in person or through internet and/or phone connections. To guide meeting and member work and dialogue, OTF members established and adhered to ground rules. The OTF used modified consensus for substantive decision making.

OTF members and meetings were subject to Sunshine Laws. These laws require that all meetings, communications, and information be open and available to the public. In addition, CDE catalogued OTF meeting recordings, materials, and resources to a public webpage: (<http://www.cde.state.co.us/onlinelearning>).

Per open meeting guidelines, guests were welcome to attend OTF meetings, either in person or through internet or phone connections.

Work of the Task Force and Its Members

The OTF undertook a variety of tasks to complete its charge.

OTF members periodically completed homework to facilitate in meeting work. These tasks included soliciting feedback on rules and regulations for CDE statute revision; reviewing example authorizer standards (charter and/or online); identifying problems authorizer standards could address; and writing and/or editing authorizer standards, pilot programs, and/or other recommendations language.

To more fully understand the current state of online education, OTF members also submitted data requests. These requests were fulfilled by NCSL, CDE, and APA. Data requests included reports and analyses of online school performances and their practices; examples of authorizer standards policies; and rankings of all Colorado schools, by SPF. These data were shared with OTF members, discussed in OTF meetings (when appropriate), and made available to the public via the CDE OTF webpage.

The OTF solicited expert presenters to broaden their knowledge of current practice and to anticipate the impacts of their recommendations (Appendix B). The CDE presented on existing statutes and associated rules and regulations pertaining to online education, with specific focus on funding. The National Conference of State Legislatures presented the results of their national policy scan of authorizer standards (and charter authorizer standards when online authorizer standards were found to be lacking: i.e.: MN, and OH). DLK presented on the prior work and recommendations of the K-12 Online Education Commission. Exemplary on-line school administrators shared their challenges, successes, and responses

to the authorizer standards work of the OTF. The National Association of Charter School Authorizers presented a scan of national and state policy and practice, and made recommendations for consideration for, and implementation of, authorizer standards.

The CDE facilitated a survey for the OTF of the four top and four bottom ranked (by school performance rating) multi-district online schools. Those schools were emailed a set of questions seeking to identify successes; challenges; useful changes that could improve their work; how their current authorizer supports them, and if that is different than their support of brick and mortar schools; and how a change in authorizer (if applicable) impacted their work.

The OTF also solicited public input and provided for public comment at selected meetings. Thirty to 45 minutes (in three to five minute increments) was allocated for public comment in each of meetings five through seven. Comments were received through in person presentations, electronic (email or chat board) submissions, and by phone. A list of those who provided public comment is provided in Appendix C.

Lastly, the OTF received analysis of multi-district online school accountability data from 2014 from the CDE Accountability/Data Analysis Unit.

Recommendations

OTF members prioritized their work to focus on authorizer standards first, followed by rules and regulations, timelines for certification of new and currently operating authorizers, pilot programs, and other recommendations. The resulting recommendations are listed in that order below.

Authorizer Standards

Recommendation 1

The OTF recommends that there be created a certification process of authorizers of multi-district online schools based on a specific set of quality standards and practices provided by the OTF.

These standards are intended to ensure approved authorizers are competent and efficient with oversight duties, such as the assessment and interpretation of data (including, but not limited to, achievement and growth outcomes, and other data included in the CDE's School Performance Framework report). These approved authorizers should be able to identify a multi-district online school's capacity, performance, growth, successes, and failures—across the scale of performance rated schools—and to competently provide necessary authorization activities.

Under these standards, an authorizer of multi-district online schools would have to demonstrate their commitment and capacity; application and decision making processes; and ongoing oversight and evaluation practices.

Standards and Practices for Authorizers of Multi-District Online Schools¹

Definition and Terms

Administrative Capacity:

Authorizer: "Authorizer" means an entity that authorizes an online program. "Authorizer" shall include a school district, any group of two or more school districts, a board of cooperative services created pursuant to §22-5-104 C.R.S., or the state Charter School Institute established pursuant to §22-30.5-503, C.R.S.

Education Management Provider (EMP): Means a nonprofit, not-for-profit, or for-profit entity that contracts with a charter school to provide, manage, or oversee all or substantially all of the educational services provided by the charter school (SB 12-067)

Financial Capacity:

Organizational Capacity:

It is recommended that the following standards and practices provide the foundation for the Colorado Department of Education's evaluation and certification of authorizers of multi-district online schools. It is also recommended that authorizers of multi-district online charter schools first align practice with the previously adopted NACSA standards, followed by these standards specific to multi-district online authorization.

Evaluation & Certification of Authorizers

Standards & Practices

Authorizer Commitment and Capacity

- 1) Ensure the district mission is inclusive of multi-district online schools
- 2) Demonstrate sufficient staffing and expertise to provide proper oversight (direct or indirect)
- 3) Demonstrate financial commitment to support and oversight duties.
- 4) Demonstrate commitment to ongoing authorizer quality improvement

School Application Process and Authorizer Decision Making

- 1) Ensure transparency
- 2) Establish rigorous performance standards aligned to the state accountability system
- 3) Implement rigorous decision making criteria and practices
- 4) Define a timeline for local application and oversight processes

Ongoing Oversight and Evaluation

- 1) Outcomes-based annual review process.
- 2) Transparent compliance monitoring.

¹ Based largely on NACSA Standards for Quality Charter School Authorizing

- 3) Transparent timelines
- 4) Describes practices adopted by the authorizer to ensure alignment with national best practice recommendations for educational service provider contracts.

Recommendation 2

The OTF recommends that support for the created authorizer standards and practices include a specific set of system and process elements provided by the OTF.

System and Process Elements for Authorizers of Multi-District Online Schools²

Definition and Terms

Administrative Capacity:

Authorizer: : "Authorizer" means an entity that authorizes an online program. "Authorizer" shall include a school district, any group of two or more school districts, a board of cooperative services created pursuant to §22-5-104 C.R.S., or the state Charter School Institute established pursuant to §22-30.5-503, C.R.S.

Education Management Provider (EMP): Means a nonprofit, not-for-profit, or for-profit entity that contracts with a charter school to provide, manage, or oversee all or substantially all of the educational services provided by the charter school (SB 12-067)

Financial Capacity:

Organizational Capacity:

CDE Review and Certification Criteria

It is recommended that the following system and process elements serve as the basis for the Colorado Department of Education's review and certification of authorizer's of multi-district online schools.

Evidence according to each standard/area should be utilized as the foundation for evaluation and decision-making regarding authorizer capacity to successfully authorize multi-district online schools.

It is recommended that the Colorado Department of Education collect signed assurances for those standards that speak to a local district's commitments. Alternatively, for those standards that either identify local polices to be created, or ask an authorizer to describe an approach to quality authorization, CDE shall seek, through written application, information from applying districts about their existing policies, new policies, and plans for implementing these standards.

Some of the evidence elements below differ in requirement depending on whether the authorizer is new (not currently authorizing any multi-district online schools) or renewing (currently authorizing

¹ Based largely on NACSA Standards for Quality Charter School Authorizing

multi-district online schools). Therefore, each piece of evidence is labeled A for assurance and D for documentation.

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Evaluation

Standard/Area	Evidence	New	Renewing
Authorizer Commitment and Capacity			
1)	Ensure the district mission statement is inclusive of multi-district online schools (District or BOCES commitments to be made through assurances to CDE)	A	A
a)	Assurances that the authorizer:	A	A
i)	Will hold schools accountable for their performance	A	A
ii)	Has expertise in implementing and supporting online learning	A	A
b)	Assurance of accountability to the public:	A	A
i)	For the proper stewardship of educational resources	A	A
ii)	To commit to offering quality, sustainable education options to students	A	A
2)	Demonstrate sufficient staffing and expertise to provide proper oversight (direct or indirect)	D	D
a)	Description of the responsibilities of the authorizer staffing and their qualifications	D	D
b)	Describe and provide rationale for staffing (or equivalent) and financial resources devoted to authorization activities	D	D
c)	Demonstration of plan for authorizer staffing professional development	D	D
3)	Demonstrate financial commitment to support and oversight duties	A	A
a)	Expenditures on oversight and support of multi-district online schools should be annually reported	A	A
4)	Demonstrate commitment to ongoing authorizer quality improvement	A	A
a)	Plan for evaluation of authorizing practice aligned with state standards for quality multi-district online school and development of improvement plans, as needed	A	A
School Application Process and Authorizer Decision Making			

Standard/Area	Evidence	New	Renewing
	<p>Districts and BOCES who are certified as multi-district online school authorizers may decide to directly manage and operate multi-district online schools. Similarly, Districts and BOCES may choose to establish a contract with an educational service or management provider. Separately, districts may also choose to authorize charter schools or contract schools. The following components and criteria for an application process may be used by a district choosing to directly manage and operate schools as components and criteria for plans, rather than for applications to be reviewed. As such, the terms “application/plan” will be used throughout the section. Districts or BOCES planning to play both direct management, and charter, contract or service provider authorization roles should address their processes for both in their application.</p> <p>Description of the application/plan and review process the authorizer will use to make decisions regarding the granting of new multi-district online schools. The following elements should be included.</p>		
	1) Ensure Transparency	A	A
	a) Explanation of rights and responsibilities of both authorizer and applicant	A	A
	b) Evidence that training and supports for school staff are sufficiently provided	A	A
	2) Establish rigorous performance standards aligned to the state accountability system	A	A
	a) Identify sources of academic outcomes data that will form the evidence base for decision making (including but not limited to the CDE SPF)	A	A

Standard/Area	Evidence	New	Renewing
	i) Including state-mandated and other standardized assessments, student academic growth measures, internal assessments, qualitative reviews, and performance comparisons with other public schools in the district and state	A	A
	b) Identify sources of financial data that will form the evidence base for decision making, grounded in professional standards for sound financial operations and sustainability	A	A
	c) Define the sources of organizational data that will form the evidence base for decision making, focusing on fulfillment of legal obligations, fiduciary duties, and sound public stewardship	A	A
	d) Define clear, measurable, and attainable academic, financial, and organizational performance standards and targets that the school will utilize when determining renewal, including but not limited to state and federal measures	A	A
	e) The performance measures, mechanisms and consequences by which the authorizer will hold the school accountable for performance, aligned with the performance measures	A	A
	3) Implement rigorous decision making criteria and practices	A	A
	a) Evidence of rigorous application evaluation criteria and evidence of transparent and consistent procedures for decision making	A	A
	b) Evidence that performance outcomes serve as the primary basis for decision making	A	A
	4) Define a timeline for local application and oversight processes	A	A
	a) Clearly defined timeline for submission, review, and decision making	A	A
	b) Clearly defined timeline for oversight procedures	A	A

Standard/Area	Evidence	New	Renewing
Ongoing Oversight, Evaluation, and Accountability			
	1) Outcomes-based annual review process	D	D
	a) Description of the activities of the review process, including site visits (if any, physical and/or virtual), review of enrollment trends, types of outcomes data used, financial audits, and annual report creation, and how these will be used in decision making	D	D
	b) Description of comprehensive review of performance outcome data that is inclusive of review of both SPF and UIP	D	D
	c) Demonstration of evidence based decision making that holds schools accountable for performance expectations as defined by authorizer policy	D	D
	2) Transparent compliance monitoring	A	A
	a) Description of compliance monitoring systems and procedures	A	A
	b) Description of compliance monitoring systems and procedures	A	A
	3) Transparent timelines	A	A
	a) Description of timeline for authorizer review of school(s) (annually, at a minimum), and provision of feedback	A	A
	4) Assures practices adopted by the authorizer to ensure alignment with national best practice recommendations for educational management provider (EMP) contracting	A	A
	a) Documentation of educational, organizational, and financial performance records based on all existing schools (if applicable)	A	A
	b) Presentation of growth plan, business plan, and most recent financial audits	A	A
	c) Clear evidence of capacity to operate new schools successfully while maintaining quality in existing schools (if applicable)	A	A

Recommendation 3

The OTF recommends that the certification of new authorizers of multi-district online schools begins in August of 2016, for implementation in the 2017 school year.

The OTF created a timeline for certification of new authorizers of multi-district online schools, which includes additional time determined necessary for school districts, providers, schools, parents and students for implementation.

The recommended timeline for new authorizer certification is shown in Table 1:

Timeline for Authorizer Applications	Context
August, 2016	First round of authorizer applications
September, 2016	CDE has 30 days to respond to the application
October, 2016	Second round (re-application) of authorizer applications
November, 2016	CDE has 30 days to respond to the re-application process
January, 2017	Appeal process due to the State Board of Education within 60 days of CDE second round denial

Table 1: Timeline for new and existing authorizer application process

Recommendation 4

The OTF recommends that the CDE continue the certification of multi-district online schools until implementation of the certification of authorizers of multi-district online school begins.

The OTF had concern that discontinuing the existing system of certification before implementation of the recommendations may create a gap in authorizing new multi-district online schools.

Recommendation four was created to address this concern.

Recommendation 5

The OTF recommends that multi-district online schools and their authorizers that are already certified by CDE at implementation of the certification of authorizers of multi-district online schools be required to meet the new standards and practices, and systems and process elements, within five years of the implementation.

There was no consensus among OTF members on the issues of “grandfathering” authorizers of currently certified multidistrict online schools. However, this recommendation did receive a majority of votes of the OTF members.

Recommendation 6

The OTF recommends that any multi-district online school whose authorizer loses their certification continue to serve their students through the completion of the school year when their authorizer's loss of certification occurred, and for no more than one additional school year.

In making the sixth recommendation, the OTF sought to minimize disruption to the students served by schools whose authorizer lost their certification.

Rules and Regulations

The OTF recommends the CDE develop rules and regulations appropriate for implementation of the recommendations within this report.

Pilot Programs

Recommendation 7

The OTF recommends that parameters for the selection and duration of pilot programs, and their subsequent evaluation . .

The OTF considered a modified list of pilot programs and their objectives identified by the K-12 Online Education Commission and included, by reference, in HB 14-1382.

The recommended pilot programs include, but are not limited to (list is in no particular order): course-level, proportional & competency-based funding; expanded student accountability measures; improved student count measures; tiered interventions; and requirements and responsibilities of student success.

Pilot programs did not receive funding during the prior fiscal year legislative session. However, future prioritization for funding should be given to pilot programs that best fit the above recommended parameters.

Other Recommendations

Recommendation 8

The OTF made additional recommendations concerning multi-district online schools and authorizers of multi-district online schools.

To that end, the other recommendations of the OTF include, but are not limited to, (list is in no particular order): drop in/learning centers, transfer rates, CDE data collection for sharing of learning, school count processes (including identifying and addressing overlaps between online and brick and mortar schools, the use of compulsory attendance and hours in schools, and daily membership tracking), and an appeals process for authorizers denied certification.

Conclusion

The Online Task Force met from August through December of 2014 to provide a clear and concise set of recommendations to the Colorado State Legislature and the State Board of Education for the authorizing of authorizers of multi-district online schools and associated rule and regulatory changes; for the establishment of timelines for authorizer certification and re-certification; for creation of parameters and duration for, and evaluation of, pilot programs (as defined in House Bill 14-1382); and for other recommendations.

The task force reviewed best practices and standards for overseeing and operating multi-district online schools (and charter schools as analogs when multi-district online school standards and practices were lacking) in the state, in the nation, and internationally; accountability and school performance data for multi-district online schools in Colorado; expert testimony from industry leaders; and public comment..

From this work, the task force recommends a set of authorizer standards and practices and supporting systems and process elements; defers to the Colorado Department of Education to develop appropriate rules and regulations for implementation of these recommendations; decided for pilot program recommendations; and decided . . . for other recommendations.

Through these recommendations, the task force seeks to ensure consistent and quality multi-district online primary and secondary education accessible to all students in the state of Colorado.

Appendix A

Task Force Members

Judy Bauernschmidt (Parent), Jefferson County's 21st Century Virtual Academy

Brian Bissell (Parent), Colorado Virtual Academy

Scott Campbell (Superintendent), Widefield School District #3

Joe Dinnetz (Teacher), LPS Voyager

Leanne Emm³ (Associate Commissioner, Public School Finance), Colorado Department of Education

Diana Gamboa (Director of Online Learning), Boulder Valley School District & Head of School

Ethan Hemming (Executive Director), Colorado Charter Institute; **CHAIR**

Chaille Hymes (Principal), Colorado Connections Academy

Renee Martinez (Online & Blended Learning Specialist), Colorado Department of Education

Dale McCall (Executive Director), Colorado BOCES Association

Kim McClelland (Executive Director/Zone Superintendent), Colorado Digital BOCES/Falcon School District 49

Gretchen Morgan¹ (Executive Director, Choice and Innovation Unit), Colorado Department of Education

Dan Morris (Executive Director), eNet Colorado

Amy Valentine (Executive Director), Insight School of Colorado, and Colorado Preparatory Academy

Linda Van Matre (President, Board of Education), Academy School District 20

³ Non-voting member

Appendix B

Presenters

National Conference of State Legislatures: Josh Cunningham and SunnyDeyé

Donnell-Kay Foundation: Matt Samelson

Calvert Virtual Learning Academy: Elizabeth Davis

National Association of Charter School Authorizers: Alex Medler

PSD Global Academy: Heather Hiebsch

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Appendix C

Public Comment

In Person

Patricia Allen, Parent

Lori Cooney, Parent

Tillie Elvrum, Parent

Kris Enright, GOAL Academy

Heather Hiebsch, PSD Global Academy

Heather O'Mara, Hope Online

Judith Stokes, Branson School Online

Speros Vouriotis, Parent

Email

Richard Adrends

Paula Atkins

Staci Bachman

Donna Ballew

Kelli Behrend

Anna Cardelli

Shane and Margaret Chavez

Gary C Collins

Angela Christenson

Richard Damerau

Daniels Family

Scott Duft

Scott A Edholm

Mindi Edholm

Bradley N Edholm

Joan Evans

Sabrina Fritts

Penny Gabardi

Heather Gittings

Dianne Gray

Maria Hensley

Lance Kigert

Corinna P Kromer

Terry Lindsley

Kathy Mathern

Michael and Debra Mills

Vicki Moore

Cory Morehead

Lane and Jeff Morrell

Norma Oster

Gary Potts

Maggie Ratliff

Kistrina Kay Skiba

Jane Taylor, and Kesia Janeece Taylor

Stacy Telck

Emerald Zeitz

Appendix D

Referenced Materials

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