



AUGENBLICK,  
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ASSOCIATES

# Report of the On-Line Task Force Created by HB 14-1382

Submitted to State Board of Education, House Education Committee, Senate Education Committee

By

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## Executive Summary

The On-line 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 on-line 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 on-line 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. The task force was facilitated by Augenblick, Palaich and Associates, who were selected through the standard state bid process. Members received and reviewed information from a variety of sources; reviewed accountability and performance rating data on the state's current multi-district on-line schools; debated the issues and language associated with their charges; and created a set of recommendations for authorizer standards, a system for certifying authorizers (District, BOCES, & CSI) of multi-district on-line schools, rules and regulations, pilot programs, and other recommendations.

The Task Force recommends to the General Assembly and the State Board of Education:

1. That there be created a certification process for authorizers (Districts, BOCES, and CSI) of multi-district on-line schools based on a specific set of quality standards and practices provided by the On-line Task Force.
2. To support those quality standards and practices with a specific set of system and process elements provided by the On-line Task Force for the Colorado Department of Education's (CDE) review and certification of authorizer's of multi-district on-line schools.
3. That the certification of new authorizers of multi-district on-line schools begins in August of 2016, for implementation in the 2017-2018 school year.
4. That CDE continue the certification of multi-district on-line schools until implementation of the certification of authorizers of multi-district on-line schools begins.
5. That multi-district on-line schools and their authorizers who are already certified by CDE at the time of implementation of the new system of certification of authorizers of multi-district on-line schools be required to meet the new standards and practices, determined through the certification system, within five years of implementation, and every five years thereafter.
6. That any current multi-district on-line 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 the legislature appropriate funds for pilot programs and for CDE to implement the provisions of on-line pilot programs, which would include establishing the parameters for, duration of, and methods for evaluating pilot programs, as described in section 22-30.7-113(2)(b) of HB 14-1382.

8. That the legislature considers five other recommendations: statutory modification for clarification of drop-in centers; assessment of attendance, membership, and competency based models; data collection and reporting of analysis on student membership tracking; establishing a role for CDE in data collection, research, and dissemination of learnings; and an authorizer denial appeals process.

Two minority reports were submitted by individual task force members in response to recommendations five, seven, and eight.

## Introduction

This report is the result of work by the On-line 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 on-line 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 and recertification 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 on-line education within the public elementary and secondary education system, it continued nearly two decades of on-line education policymaking in the state.

In 1998, the first multi-district on-line 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 on-line school providers for sharing of resources and best practices for on-line education. The COSC received a Technology Learning Challenge Fund grant and provided on-line advanced placement, 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 on-line courses. Additionally, the ELTF made recommendations that resulted in the 2002 legislative action regarding on-line education.

The 2002 legislative action of the Colorado General Assembly defined and authorized on-line programs, and created a funding mechanism for on-line 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 on-line programs lacking in rigor and quality.

In response to this, the Donnell-Kay Foundation (DKF), 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 Colorado General Assembly to make on-line education policy changes ranging from the creation of the CDE Online Office, to funding COL to support their provision of

supplemental on-line courses. Important to the work of the 2014 task force was the legislature's adoption of the Trujillo Commission's recommendation for CDE to adopt standards for, and to certify, multi-district on-line programs.

On January 30, 2014, the General Assembly formed the K-12 Online Education Commission. The K-12 Commission, also supported by DKF, provided recommendations for improving the quality of on-line 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 on-line schools to multi-district on-line authorizers, the latter of which would be charged with certifying multi-district on-line schools
4. Convene a stakeholder group to develop recommendations for quality practices and standards for multi-district on-line authorizers
5. Convene a stakeholder group to assist in the establishment and implementation of pilot programs.

The 2014 On-line Task Force was created to specifically address numbers three, four, and five above.

## **2014 On-Line Task Force**

The OTF was convened by the CDE in August, 2014. The OTF is comprised of 15 members with expertise and experience in authorizing, overseeing, and operating on-line programs and on-line schools, and parents of students enrolled in on-line schools in Colorado. Thirteen of these 15 OTF members are voting members. (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 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.
2. 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.
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 on-line schools and authorizers of multi-district on-line schools as the task force deems appropriate.

5. To establish the parameters 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 Conference of State 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 much of the substantive decision making. When complete consensus was not reached for substantive decision making, a majority vote was used. The recommendations determined through majority vote are noted as such.

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. Per HB 14-1382, all OTF meetings were simultaneously broadcast via the internet. In addition, CDE catalogued OTF meeting recordings, materials, and resources to a public webpage: <http://www.cde.state.co.us/on-linelearning/otfarchive>.

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

### ***Work of the 2014 On-Line Task Force and Its Members***

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

OTF members periodically completed work between meetings to facilitate in-meeting discussions. These tasks included soliciting feedback on rules and regulations for CDE statute revision; reviewing example authorizer standards (charter and/or on-line); 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 on-line education, OTF members also submitted data requests. The OTF specifically requested that the NCSL review other states' policies to determine 1) student enrollment counts for full-time on-line schools, and 2) authorizer standards / certification for full-time on-line schools.

In response to question one, the NCSL provided information about the six types of student funding counts states use: single day membership, single day attendance, multiple day membership, multiple day attendance, average daily membership, and average daily attendance. NCSL identified a handful of states that count enrollment for full-time, K-12 on-line schools differently than the typical state funding formula, including California, Minnesota, Oklahoma and Wyoming. NCSL also provided information from the International Association for K-12 Online Learning (iNACOL), including state data related to on-line school funding. In response to question two, NCSL provided information about charter school

authorizer standards: Colorado is unique in attempting to certify authorizers of multi-district on-line schools, but other states have processes in place to certify authorizers of charter schools, some of which are multi-district schools, and so provide an analog. NCSL identified Ohio as a useful comparison state, and presented information comparing Colorado and Ohio authorizing procedures.

The presentation from NCSL on Minnesota charter authorizer standards influenced the task force to use the NACSA Principles & Standards for Quality Charter School Authorizing as a base for the creation of their authorizer standards recommendations. Additionally, the work of the OTF on pilot programs (Appendix G) was influenced by the Illinois Commission report on virtual schooling<sup>1</sup>. A full list of the referenced materials can be found in Appendix F.

The OTF also submitted data requests to the CDE and APA, including analyses of on-line school performance rankings of all Colorado schools, across all modalities. All data requests were shared with OTF members, discussed in OTF meetings, 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 contributed information on existing statutes and associated rules and regulations pertaining to on-line education, with specific focus on funding.

The National Association of Charter School Authorizers (NACSA) presented a scan of national and state policy and practice, and made recommendations for consideration for, and implementation of, authorizer standards.

DKF presented on the prior work and recommendations of the K-12 Online Education Commission.

Additionally, exemplary on-line school administrators shared their challenges and successes in operating a multi-district on-line school, and provided feedback to the authorizer standards work of the OTF. Elizabeth Davis, Principal of Colorado Calvert Academy, quoted Richard Tanski, stating “a school-is-a-school-is-a-school” and emphasized that the work of the OTF should focus not on the tool (on-line schools) but on the service (education), and that the role of learning and teaching theory in on-line schools not be compromised. Heather Hiebsch, Administrator of Poudre School District Global Academy, shared that standards should (1) require authorizers to show how on-line learning is part of their plan, vision for school improvement, and student success; (2) ensure authorizers demonstrate both their history of using innovative approaches and their review and response to the results of these approaches; and (3) ensure authorizers demonstrate expertise (or plan for) the training of their staff and parents.

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<sup>1</sup> The Illinois Charter School Commission was required to present a report containing policy recommendations for virtual school by Public Act 98-0016, enacted on May 24, 2013. The Illinois legislature did not introduce legislation implementing these recommendations during the 2014 legislative session.

At the request of the task force, the CDE facilitated a survey of the four top and four bottom ranked (by school performance rating) multi-district on-line 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 the authorizer’s support of brick and mortar schools; and how a change in authorizer (if applicable) impacted their work. Respondents from two top and two bottom ranked schools completed the survey; their comments are presented in Appendix C.

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 eight. 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 D.

Lastly, the OTF received analysis of multi-district on-line school accountability data from 2013 and 2014 from the CDE Accountability/Data Analysis Unit. Table 1 shows a summary of the distribution of school performance ratings by on-line status, as provided and presented by Marie Huchton. The 2013 data summary information can be found in Appendix E.

<b>Distribution of School Performance Ratings by On-Line Status (2014)</b>				
	<b>Single District On-Line (N=8)</b>	<b>Multi-District On-Line (N=25)</b>	<b>Total On-Line (N=33)</b>	<b>State not-On-Line Total (N=1633)</b>
<b>Turnaround</b>	4 (50.0%) - 1 school closed for 2014-15	4 (16.0%) - 1 school closed for 2014-15	8 (24.2%)	52 (3.2%) - 4 schools closed for 2014-15
<b>Priority Improvement</b>	0 (0.0%)	6 (24.0%) - 1 school closed for 2014-15	6 (18.2%)	115 (7.0%) - 7 schools closed for 2014-15
<b>Improvement</b>	4 (50.0%)	7 (28.0%)	11 (33.3%)	318 (19.5%) - 4 schools closed for 2014-15
<b>Performance</b>	0 (0.0%)	8 (32.0%)	8 (24.2%)	1148 (70.3%) - 7 schools closed for 2014-15

Table 1: Distribution of school performance ratings by on-line status, 2012. Source: Marie Huchton, CDE Accountability and 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 below in this order.

In general, most decisions were made by complete consensus. Where complete consensus was not ultimately achieved, the report will note the use of majority vote.

Terms used are as defined in statute.

### ***Recommendation 1***

In accordance with the guiding statute, the OTF recommends that there be created a certification process of authorizers (Districts, BOCES, and CSI) of multi-district on-line schools based on a specific set of quality standards and practices provided by the OTF. Adoption of this recommendation requires a legislative change.

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 on-line 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 on-line 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 On-Line Schools<sup>2</sup>

### Evaluation & Certification of Authorizers

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#### Standards & Practices

##### Authorizer Commitment and Capacity

- 1) Ensure the district mission is inclusive of multi-district on-line 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
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<sup>2</sup> Based largely on NACSA Principles & Standards for Quality Charter School Authorizing

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- 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
- 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 the system and process elements described below serve as the basis for the Colorado Department of Education’s review and certification of authorizer’s of multi-district on-line schools.

### **System and Process Elements for Authorizers of Multi-District On-Line Schools<sup>3</sup>**

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 on-line schools.

Evidence according to each standard/area should be utilized as the foundation for certification decision-making regarding authorizer capacity to successfully authorize multi-district on-line 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 and documentation from applying authorizers about their existing policies, new policies, and plans for implementing these standards. Therefore, each piece of evidence is labeled A for assurance or D for documentation.

Some of the evidence elements below differ in requirement depending on whether the authorizer is new (not currently authorizing any multi-district on-line schools) or renewing (currently authorizing multi-district on-line schools). Therefore, columns exist to distinguish between New and Renewing authorizers.

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<sup>3</sup> Based largely on NACSA Principles & Standards for Quality Charter School Authorizing

## Evaluation

Standard/Area	Evidence	New	Renewing
<b>Authorizer Commitment and Capacity</b>			
1)	Ensure the district mission statement is inclusive of multi-district on-line schools (District, BOCES, or CSI 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 on-line 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 internal or external staffing and expertise to provide proper oversight	D	D
a)	Description of and rationale for the responsibilities of the authorizer staffing and their qualifications	D	D
b)	Demonstration of plan for professional development for authorizer staff	D	D
3)	Demonstrate financial commitment to support and oversight duties	A	A
a)	Expenditures on oversight and support of multi-district on-line schools are annually reported	A	D
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 on-line schools and development of improvement plans, as needed	D	A
<b>School Application Process and Authorizer Decision Making</b>			
Districts and BOCES who are certified as multi-district			

Standard/Area	Evidence	New	Renewing
	<p>on-line school authorizers may decide to directly manage and operate multi-district on-line schools. Similarly, Districts and BOCES may choose to establish a contract with an educational 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 direct management, and charter, contract or education management provider authorization roles should address their processes for both in their application.</p> <p>The following elements should be included.</p>		
	1) Define roles and responsibilities for authorizer and applicant	A	A
	a) Provide written explanation of the roles 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	A	A
	a) Identify sources of academic outcomes data aligned to the state accountability system that will form the evidence base for decision making (including but not limited to the CDE SPF), 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

Standard/Area	Evidence	New	Renewing
	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 submission, review and decision making along with ongoing oversight processes	A	A
<b>Ongoing Oversight, Evaluation, and Accountability</b>			
	1) Description of outcomes-based annual review process	D	D
	a) Description of the activities of the review process, including site visits (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

Standard/Area	Evidence	New	Renewing
	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, systems and procedures	A	A
	3) Transparent timelines, 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 align with national best practice recommendations for educational management provider contracting	A	A
	a) Documentation of educational, organizational, and financial performance records based on 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 on-line schools begins in August of 2016 for implementation in the 2017-2018 school year.

The OTF created a timeline for certification of new authorizers of multi-district on-line schools which includes additional time for implementation determined necessary for Districts/BOCES/CSI, providers, schools, parents and students.

The recommended timeline for new authorizer certification is shown in Table 2:

<b>Timeline for First Year Authorizer Applications (subsequent years follow the same calendar)</b>	<b>Context</b>
<b>January, 2016</b>	Application available
<b>August, 2016</b>	First round of authorizer applications
<b>September, 2016</b>	CDE has 30 days to respond to the application
<b>October, 2016</b>	Second round (re-application) of authorizer applications
<b>November, 2016</b>	CDE has 30 days to respond to the re-application process
<b>January, 2017</b>	Appeal process due to the State Board of Education within 60 days of CDE second round denial

Table 2: Timeline for new authorizer application process

### ***Recommendation 4***

The OTF recommends that the CDE continue the certification of multi-district on-line schools until implementation of the certification of authorizers of multi-district on-line schools 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 on-line schools.

Recommendation four was created to address this concern.

### ***Recommendation 5***

The OTF recommends that multi-district on-line schools and their authorizers that are already certified by CDE at the time of implementation of the new system of certification of authorizers of multi-district on-line schools be required to meet the new standards and practices, determined through the certification system, within five years of implementation.

Additionally, the OTF recommends that all authorizers of multi-district on-line schools must apply for and receive certification every five years.

The OTF did not reach complete consensus on the recommendation to require recertification every five years.

### ***Recommendation 6***

The OTF recommends that any multi-district on-line 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.

The OTF recommends that CDE create a pathway for multi-district on-line schools to find a new authorizer should their current authorizer be disallowed.

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.

### ***Recommendation 7***

The OTF recommends that the legislature appropriate funds in order for CDE to implement the provisions of on-line pilot programs, which would include establishing the parameters for, duration of, and methods for evaluating pilot programs, as described in section 22-30.7-113(2)(b) of HB 14-1382.

The OTF recommends that CDE focus for consideration should be on, though not limited to, the five recommended pilot programs, as prioritized by the OTF and identified in Appendix G.

These five recommended pilot program topics are a modification of pilot programs and objectives identified by the K-12 Online Education Commission and included, by reference, in HB 14-1382. The recommended pilot programs include: measures of student achievement, student academic needs, student count process/competency-based funding models, tiered interventions, and requirements and responsibilities for student success.

Future prioritization for funding should be given to pilot programs that best fit these recommendations.

Additionally, the OTF recommends that applicants be able to participate in more than one pilot program.

### ***Recommendation 8***

The OTF makes several other recommendations including, but not limited to: drop in/learning centers; attendance, membership, and competency; membership tracking; CDE role in data collection, research, and dissemination of learnings; and an authorizer denial appeals process (Appendix H).

**1. Drop-In Center/Learning Center**

Modify state statute to define the term drop-in center (to be distinguished from learning center, as defined in C.R.S. § 22-30.7-102(4) and 1 C.C.R. 301-71, § 2.05), and require authorizers of schools proposing to operate drop-in centers to comply with the process already defined in statute for authorizers proposing to open learning centers within the boundaries of other school districts. The OTF recommends research into potential conflict between drop-in centers and learning centers in CRS 22-32-109.

**2. Attendance, Membership, and Competency**

The OTF recommends that the legislature study attendance, membership, and competency based models.

**3. Membership Tracking**

The OTF recommends that CDE study the issue of student mobility, and the associated collection of data and reporting.

**4. CDE Role in Data Collection, Research, and Dissemination of Learnings**

The OTF recommends that a system within existing CDE capacity be established to collect data on multi-district on-line school authorizer and school practice for disseminating lessons learned and best practices, and for conducting research to improve the field of on-line learning.

**5. Authorizer Denial Appeals Process**

The OTF recommends that a system be established for the creation of an appeals process and timeline for new and existing authorizers of multi-district on-line schools who are denied authorizer status.

All but one other recommendation (Drop-In Center/Learning Center) reached complete consensus of the OTF members. Drop-In Center/Learning Center was approved by a majority vote, with eight members in favor and five members opposed.

***Minority Reports***

Two minority reports were submitted by individual task force members in response to recommendations five, seven, and eight. These minority reports can be found in Appendix I. A facilitator’s note responding the issues of process identified in the minority reports can be found in Appendix J.

## Appendix A

### *Task Force Members*

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

**Brian Bissell** (Parent)

**Scott Campbell** (Superintendent), Widefield School District #3

**Joe Dinnetz** (Teacher), LPS Voyager

**Leanne Emm**<sup>4</sup> (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 Morgan**<sup>4</sup> (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

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<sup>4</sup> 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**

## Appendix C

### *Survey Responses*

By request of the OTF, surveys were sent by CDE to the four top and four bottom ranked (by school performance rating) multi-district on-line schools in Colorado. Four responses were received, two from each of the rankings.

Responses to all questions are listed in alphabetical order by theme.

### What has been essential to your success?

#### *Top Ranked*

##### Autonomy

Autonomy in working within the parameters of running a school in a site-based district.

##### Flexibility

Flexibility: we need to make decisions that fit our school culture and school population, as much as possible.

##### Parity across Modality

Being treated like a school regardless of delivery modality.

##### Staff

The use of on-line mentors for support for teachers, so they only focus on curriculum and face-to-face opportunities for students within our building.

#### *Bottom Ranked*

##### Staff

Hiring the right staff is the most critical piece to running any successful school but I believe it to be even more important with on-line schools, specifically hiring on-line teachers.

Having dedicated and talented teachers

##### Intake Procedures

Implementing the proper in-take (orientation) process has been key when enrolling students/parents in our on-line school. The 2 hour required orientation clearly explains expectations/rules for both the student and parent. We have found out thru trial and error that on-line school actually takes a higher level of commitment from both the student and parent, which is why it needs to be clearly explained at start. We have found that a valuable part of orientation is providing hands on tutorials for parents in regards to following their students' attendance and progress.

##### Student-Teacher Interaction

Reaching out to students on a consistent basis from our on-line teachers (face to face, text, web cam, phone, etc.) is a critical piece to ensuring student engagement which leads to academic success. Our teachers are required to engage in weekly check-ins with their homeroom students and families. We also have a student lounge in building that students can come in (everyday if they choose) to have direct access with their teachers. The face to face connections allow students to build relationships with staff and receive one-on-one tutoring as necessary.

#### Student Testing Information

The fact that all kids were tested last year.

#### **What are your barriers to success?**

##### ***Top Ranked***

#### Competition

The lack of massive marketing budgets to compete with EMO's.

#### Cost

High costs of curriculum and internal IT support to manage LMS.

#### Drop In Centers

"Drop in" locations located within our district boundaries without agreement or discussion despite our district having exclusive chartering authority.

#### Reporting/Documentation Requirements

Extremely burdensome reporting and documentation for October Count and other compliance requirements and different sets of rules, procedures, etc. for on-line schools vs in-building schools (on-line students are assumed to be absent unless proven to be present where in-building students are assumed to be present unless marked absent). The time it takes the people in our organization, down to the teacher level, to complete October Count and other compliance based requirements takes away from our ability to effectively serve students.

#### Staffing

Staffing.

#### Student Mismatch

We believe that we have a program that could benefit a large number of students, but many of the students that seek out our program are doing it out of desperation or as a last resort. We continue to seek solutions to this problem.

#### Student Supports

Social Emotional resources in the area are very minimal.

#### Transitioning Home School Families

Previously homeschooled families who do not want accountability, but are unable to continue to their homeschooling efforts.

### ***Bottom Ranked***

#### Curriculum Development

Finding time to build curriculum the right way: even with dedicated teachers this is difficult.

#### Lack of Parental Involvement

Parent involvement and support continues to be a struggle as well. Contrary to popular belief, the majority of our families are not necessarily technologically savvy, but looking to on-line alternatives because their students haven't been successful in traditional schools.

#### Student Mobility

Very high mobility rates are perhaps the biggest barrier. Keeping the same students from year to year is always very challenging. A good number of on-line students see it as a transition period and eventually end up back in brick and mortar schools.

### **What support or accountability from your authorizer has positively changed practice in your school?**

### ***Top Ranked***

#### Parity across Modality

We receive support for accreditation, site planning, UIP production, and administrative support and supervision as any other school does.

We are treated like any other school in our district and this provides support and accountability. We have access to district leadership for decision making, problem-solving, and other issues.

We have the same accountability standards as our brick and mortar schools.

### ***Bottom Ranked***

#### AECs

The support provided by our district in applying for and becoming an Alternative Education Campus has been outstanding.

#### Added Staff

The support given has been to add staff over the past 3 years to meet the increase in student enrollment.

#### Are the Authorizer

We are the authorizer, but, we've tried to support our teachers when students issues come up or they need supporting materials.

### **Curriculum**

The department of curriculum has also become better at providing additional/supplemental resources to add to the existing on-line curriculum. )

### List one to three things that if changed right now would dramatically increase your potential for success?

#### *Top Ranked*

##### Broadband

Expansion of broad band internet access to families.

##### Disparate Requirements due to Modality

Removal of the designation and associated inequitable practices associated with delivery model (on-line, blended, etc.).

##### Multi-district School Authorization

Removal of requirements to be authorized as a multi-district school –In-building schools who choice as many or more kids from outside our district boundaries don't have to undergo "authorization" for any purpose.

##### Reduction in State Assessments

Drastic reduction in State Assessments

##### Staffing

Staffing ratio equivalent to tradition brick and mortar.

##### State Interference

Removal of state interference with how a district chooses to operate a school within its own operations.

#### *Bottom Ranked*

##### Professional Community

Monthly meetings with all Colorado on-line schools to discuss best practices which would include professional development for on-line teachers.

##### Reduced Reporting Requirements

Less stringent reporting measures required from CDE during the 10 day count window.

##### Decreased Mobility Rates

Decrease in student mobility rates.

##### Standardized Curriculum

The ability to have a statewide curriculum bank of on-line resources for all districts to draw from. If we had an up-to-date curriculum with "ready to use" lesson plans.

### Is there anything your authorizer does differently with your school, in terms of oversight or support, as compared to brick and mortar schools?

#### *Top Ranked*

##### Nothing

No, we're treated the same as any other school in our district. Delivery modality doesn't and shouldn't matter.

### ***Bottom Ranked***

#### Curriculum Roll-Out

The manner in which curriculums are rolled out to students seems to be completely different from the brick and mortar schools.

We are held to the same standards and requirements as the brick and mortar schools within our district.

#### **If you have changed authorizers, how did that impact your ability to ensure student performance?**

No responses were provided by survey respondents.

## Appendix D

### *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 District

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 E

## 2013 Multi-District Online School Accountability Data

# Colorado Online School Performance



### Enrollment and Composition

According to the Colorado Department of Education (July, 2014), enrollment in online schools and programs has significantly increased in recent years, with student composition mirroring that of the general Colorado population.

Colorado Online Enrollment between SY 2009-10 and SY 2013-14

**24%** Increase in online student enrollment between SY 2009-10 and SY 2013-14.

Online Enrollment by Student Characteristics Compared to Colorado Average

Characteristic	2009-10	2013-14
Minority	46.1%	45.0%
Free and Reduced Lunch	43.2%	41.9%
English Language Learners	13.3%	14.5%
Special Education	8.2%	10.1%
Gifted/Talented	3.8%	7.6%

As the report acknowledges, a large proportion of online students are now concentrated in a few online alternative education campuses. When online programs and AECs are removed from the analysis, 2013-2014 figures show that the demographic composition in online schools is different from the general population.

Of the 14,734 K-12 students enrolled last year in online schools (not programs), more than 1/4 were enrolled in AECs (27.6%). Of the 10,667 students enrolled in non-AEC online schools, 30.0% of students identify as minority and less than 1/4 (24.7%) are eligible for free or reduced-price meals.

### Distribution along SPF Indicators and Ratings

A majority of online schools have performed in the bottom quartile of all Colorado schools for the past three years.

Year	Bottom Quartile	Top Quartile	PI/TA	Imp/Perf
2011	90.9	0.0	63.0	96.4
2012	80.0	8.0	56.0	44.0
2013	82.1	10.7	57.1	42.9

### 2013 Accreditation Distribution

#### All Schools in Colorado (n=1645)

**Bottom Quartile (82.1%)**

- 70 Online
- Achieve K12
- Brighthouse Universal
- Branson Online
- Canon Online
- Center Virtual
- Colorado eLearn
- Colorado Connections
- Colorado eProvet
- COVA
- Delta County
- Denver Online
- EDCSD
- Grande River
- Hope Online
- Insight
- Karned Online
- Monterey Vista
- Peak Virtual
- SW e-school
- St. Vrain
- Thompson
- V.I.L.A.S.

#### Online Schools in Colorado (n=28)

**Top Quartile (10.7%)**

- Academy Online
- TCA College Pathways
- Edison

**2nd Quartile (3.6%)**: PDS Global

**3rd Quartile (3.6%)**: Falcon Virtual

Note: New schools, closed schools, schools w/insufficient data, and AECs removed

### Online School SPF Ratings over Time

The color coding below reflects the final accreditation rating of current online schools, and may consider requests to reconsider and failure to meet participation rate requirements. Schools closed prior to the 2013-2014 school year are not included in the table below.

School Name	SPF Level	Charter	2012 Student Count PE 12-12th	2012 Student Count PE 12-12th	2012 SP7%	2013 SP7%	2013 Rating	2014 Rating	2015 SP7%	2015 Rating	2016 SP7%	2016 Rating	2017 SP7%	2017 Rating	2018 SP7%	2018 Rating	2019 SP7%	2019 Rating	2020 SP7%	2020 Rating
ACADEMY ONLINE	PE	N	205	2,376	83.8	83.8	Performance Plan	75.1	83.8	Performance Plan										
ALPINE CONNECTION	PE	N	429	5,336	80.0	80.0	Performance Plan	80.0	80.0	Performance Plan										
ALPINE CONNECTION	PE	N	429	5,336	80.0	80.0	Performance Plan	80.0	80.0	Performance Plan										
ALPINE CONNECTION	PE	N	429	5,336	80.0	80.0	Performance Plan	80.0	80.0	Performance Plan										
ALPINE CONNECTION	PE	N	429	5,336	80.0	80.0	Performance Plan	80.0	80.0	Performance Plan										
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ALPINE CONNECTION	PE	N	429	5,336	80.0	80.0	Performance Plan	80.0	80.0	Performance Plan										
ALPINE CONNECTION	PE	N	429	5,336	80.0	80.0	Performance Plan	80.0	80.0	Performance Plan										
ALPINE CONNECTION	PE	N	429																	

## Appendix F

### *Referenced Materials*

#### NCSL Resources

- Cunningham, J. (2013). *Comprehensive School Choice Policy: A Guide for Legislators*. National Conference of State Legislatures.

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- Lara, L.M., Spradlin, T.E., and Wodicka, C.Y. (2012). *Student Count Mechanisms for Funding Purposes*. Center for Evaluation and Education Policy.
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#### Additional Resources Referenced by the OTF

- Richmond, G. (2014). *Virtual School Report and Recommendations [Memorandum]*. Chicago, IL: Illinois State Charter School Commission.
- Ricordati, C. (n.d.). *Building Systems to Evaluate and Sanction Failing Authorizers Case Study: Minnesota*. National Association of Charter School Authorizers

## Appendix G

### *Pilot Programs*

Per Colorado Revised Statute (C.R.S.) 22-30.7-112 (2014), the OTF is charged with identifying pilot programs that meet the unique challenges of on-line schools by providing innovative strategies for providing on-line education, “including strategies for enhancing and measuring student academic growth and success.”

The top five ranked pilot programs, agreed to by OTF members for continued recommendation, include:

#### **1. Measures of Student Achievement**

The use of objective, verifiable, and multiple measures of student achievement as indicators of school quality is absolutely necessary, but a comprehensive accountability measure requires multiple data points. The current accountability system in Colorado is heavily based on singular assessments. Multiple data points beyond state assessments can and should be used to determine accountability. A pilot program would identify and assess additional data points for state accountability.

#### **2. Student Academic Needs**

A pilot program would provide an opportunity to develop and assess services that are appropriate for all students, including those with disabilities, gifted and talented, English Language Learners, or students identified “at risk.”

#### **3. Student Count Process/Competency-Based Funding Models**

For all schools, but particularly for on-line and blended learning, any student count model needs to de-emphasize seat time. A step toward a competency-based system could be achieved by implementing a count process based on participation in the form of work completion rather than seat time. A pilot program would provide an opportunity to study the details of such an alternate model. This model would create a system where schools can explore course-level, proportional, and competency-based models and move away from seat time requirements.

#### **4. Tiered Interventions**

In order to serve students, on-line schools, in partnership with parents, need to initiate interventions and practices to support individual students. These interventions would be based on a well-integrated system that is matched to a student’s academic, social-emotional, and behavioral need(s). A pilot program would explore how on-line students can be supported through the use of tiered interventions.

## **5. Requirements & Responsibilities for Student Success**

On-line education is an excellent choice for many, but not all, of Colorado's students. The transition to an on-line education may be difficult, misunderstood, or not the appropriate educational path for the student. In order to serve these students and ensure their success, student, parents, and on-line schools all need to understand and accept their requirements and responsibilities. A pilot program would study ways in which state policy could make it possible for virtual schools to assess the readiness of potential students to succeed prior to enrollment.

## Appendix H

### ***Other Recommendations***

C.R.S. 22-30.7-112 (2014), (4)(a)(IV) charges the OTF with making “such additional recommendations concerning multi-district on-line schools and authorizers of multi-district on-line schools as the task force deems appropriate.”

All but one other recommendation (Drop-In Center/Learning Center) reached complete consensus of the OTF members. Drop-In Center/Learning Center was approved by a majority vote, with eight members in favor and five members opposed.

### **Drop-In Center/Learning Center**

Modify state statute to define the term drop-in center (to be distinguished from learning center, as defined in C.R.S. § 22-30.7-102(4) and 1 C.C.R. 301-71, § 2.05), and require authorizers of schools proposing to operate drop-in centers to comply with the process already defined in statute for authorizers proposing to open learning centers within the boundaries of other school districts. The OTF recommends research into potential conflict between drop-in centers and learning centers in CRS 22-32-109.

### **Attendance, Membership, and Competency**

The OTF recommends that the legislature study attendance, membership, and competency based models.

### **Membership Tracking**

The OTF recommends that CDE study the issue of student mobility, collection of data, and reporting.

### **CDE Role in Data Collection, Research, and Dissemination of Learnings**

The OTF recommends that a system within existing CDE capacity be established to collect data on multi-district on-line school authorizer and school practice for disseminating lessons learned and best practices, and for conducting research to improve the field of on-line learning.

### **Authorizer Denial Appeals Process**

The OTF recommends that a system be established for the creation of an appeals and timeline process for new and existing authorizers of multi-district on-line schools who are denied authorizer status.

## Appendix I

### Minority Reports

#### Minority Report of Brian Bissell

#### A MINORITY VIEW

Of the

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

#### **1. Recommendation #5 was taken in violation of the Open Meetings Act and is void**

The Online Task Force Meeting of December 16, 2014, was scheduled to discuss pilot programs and engage — in the words of the posted agenda — in final “Report Editing.”<sup>5</sup> Instead, without amendment of the publicly-noticed agenda, certain individuals insisted on revisiting what has become Recommendation #5, resulting in a direct reversal of the previous version of the recommendation.

I respectfully disagree with Recommendation #5 because this action violated the Open Meetings Act, adopts recommendations that are not well supported by evidence, and proposes a process that is needlessly redundant.

The Task Force was required to follow the Open Meetings Act. That Act requires advance public notice of the agenda listing the items of business to be discussed. The agenda (see the link provided at footnote 1) gives no notice that a recommendation that was previously approved by formal vote was slated for reconsideration. Indeed, the Task Force chair can be heard, on the recording of the December meeting, expressing surprise that the issue is being raised. I shared that surprise and concern.

Courts around the nation have found that acting on an issue that is beyond the reasonably understood scope of an agenda violates statutory notice requirements for Open Meetings. See cases from Nevada, Texas, Nebraska, and Rhode Island in this footnote.<sup>6</sup>

I objected to this issue being re-considered at the December meeting, but was overruled by a majority of those at the meeting. As a result, a previous vote on recommendation # 5 was reversed. Those who disagreed with both the process and outcome on December 16 then asked for an

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<sup>5</sup> [http://www.cde.state.co.us/sites/default/files/Meeting\\_8\\_Agenda\\_Draft\\_Shared.pdf](http://www.cde.state.co.us/sites/default/files/Meeting_8_Agenda_Draft_Shared.pdf).

<sup>6</sup> *Sandoval v. Bd. of Regents*, 119 Nev. 148, 67 P.3d 902 (2003) (Nevada law); *Salazar v. Gallardo*, 57 S.W.3d 629 (Tex. App. 2001) (Texas law); *Hansmeyer v. Neb. Pub. Power Dist.*, 6 Neb. Ct. App. 889, 578 N.W.2d 476 (1998) *aff'd*, 256 Neb. 1, 588 N.W.2d 589 (1999) (Nebraska law). See also *Pine v. Charlestown Town Council*, 1997 R.I. Super. LEXIS 102, 1997 WL 839926 (R.I. Super. Ct. 1997) (failure to plainly notice issue followed by failure to amend agenda violated open meetings requirements; Rhode Island Law).

opportunity to consult with each other in formulating a dissenting statement. We were instructed such consultation would violate the Open Meetings Act. Thus, the properly noticed, formal vote of the Task Force on the subject of Recommendation #5 is not reflected in the report. The substance of the report was changed in violation of the Open Meetings Act. And those objecting to this change were unable to work with each other because we complied with the Open Meetings Act.

*Because Recommendation #5 was taken in violation of the Open Meetings Act, it is void.<sup>7</sup>*

## **2. Recommendation #5 solves a problem that does not exist**

Substantively, Recommendation #5 makes two suggestions with which I respectfully disagree. It recommends public bodies with real experience in on-line K-12 education — school districts, the charter school institute, and boards of cooperative services — and that are already certified by the State Board of Education, be forced to go through certification again. And it proposes that all State Board certifications be subject to periodic renewal. Such re-certification is a process Colorado previously used for on-line certification, found of little value, and repealed.

*What compelling evidence suggests this previously-rejected process now be re-created?*  
*None.*

There is no evidence that periodic recertification of those who can authorize multi-district on-line programs will have any beneficial outcome for students. In Colorado, all “authorizers” are already subject to year-by-year scrutiny of their performance under Colorado’s system of accreditation. Re-certification needlessly duplicates the work of accreditation, and is not supported with evidence that it is likely to be beneficial. Further, the idea that there will be meaningful benefit is not plausible.

In effect, Recommendation #5 asks that we believe a system of repeatedly requiring a second form of approval (on top of accreditation) of school districts and others who then authorize schools who then interact with those (teachers, parents and students) actually responsible for learning will, somehow, improve learning. That such indirect and redundant oversight of existing public education institutions will have real benefit for students is unlikely.

*There is simply no evidence it will add real value to accreditation.*

It appears the idea of re-authorizing authorizers emerged in the *charter school* field from the National Association of Charter School Authorizers (NACSA). A few years ago NACSA and others began recommending that states multiply the pathways for charter authorizing. Some states took this to an extreme. Minnesota, for example, permitted private bodies with no experience in K-12 education to “authorize” public charter schools. A variety of problems ensued. Seeing irresponsible “private” authorizing in some jurisdictions, NACSA then proposed a solution — re-authorizing authorizers. Whether this solved problems in the charter sector in Minnesota and elsewhere I cannot say. But it seems clear this experience has nothing to do with how on-line schools are already authorized or overseen in Colorado.

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<sup>7</sup> C.R.S. § 24-6-402(8).

Colorado has limited the bodies permitted to start multi-district on-line schools. Only public bodies well-grounded in the K-12 system are eligible to be multi-district authorizers. Colorado already vets these bodies for their capacity at the front end with Department of Education certification. And Colorado already monitors performance of those bodies, year-in and year-out, through accreditation. Layering a second system of ongoing state oversight on top of what appear to be sufficient existing systems is solving a problem that doesn't exist.

None of this is to say Colorado on-line education does not face challenges. It does. But Recommendation #5 is a distraction from those challenges, not a solution. I respectfully dissent from Recommendation #5. I believe this dissent likely reflects the opinion of other members of the Online Task Force. However, given the directions we received on compliance with the Open Meetings Act, it has not been circulated to other Task Force members to document any such agreement.

**3. Unequal treatment of multi-district on-line schools is inappropriate public policy**

Throughout its work, the Online Task Force consistently demonstrated a bias that multi-district on-line schools warrant higher levels of scrutiny. The assertion is that these schools should be subject to additional requirements because multi-district on-line schools enroll students outside the borders of their authorizing district (on-line schools which enroll more than 11 students outside their district are required to obtain multi-district authorization).

*However, the same standard is not applied to other Colorado public schools.*

State law currently permits brick & mortar traditional schools, brick & mortar charter schools, and brick & mortar district programs to enroll students from outside their district. Many of these schools enroll far more than 11 students from outside district boundaries. All Colorado public schools should be held to the same standards. Multi-district on-line schools should be treated equally.

**4. Unequal treatment of multi-district on-line schools is unwarranted**

During the final meeting of the Online Task Force, Marie Huchton (CDE Principal Statistical Consultant), provided data which suggests that 50% of Colorado's single district on-line schools received an SPF of "Turnaround," as compared with 24% of Colorado's multi-district on-line schools.

*If the outcome of the Online Task Force and any related legislation is designed to improve the quality of Colorado on-line schools, why not apply the same standards to single district schools?*

**5. Many Recommendations are not consistent with the majority of public input received**

One of the statutory duties of the Online Task Force was, “In preparing its recommendations, the Task Force shall solicit input from interested persons....” The Task Force successfully solicited and received input from many interested persons.

*Unfortunately, many of the Recommendations made by the Task Force are inconsistent with, and even in direct contradiction to, the input received from the vast majority of interested persons.*

## Minority Report of Amy Valentine

The minority feels that the On-line Task Force did an inadequate review of the existing framework under which on-line authorizers operate. On--line schools, and specifically multi-district on-line schools, are held to several accountability structures in current Colorado law and rules, such as the school accreditation system established through the Education Accountability Act of 2009, and the multi-district certification process established through the On-line Program Accountability Act of 2007. In addition multi-district on-line programs, which are charter schools, are held to additional accountability structures of the Charter School Act of 1993. *This colored every decision subsequently made by the Task Force. Recommendations were made as if few or no regulations were in place.*

In addition, a broad group of stakeholders, including parents, invited the Task Force to review their processes, directions and recommendations in the following light:

- Does a recommendation harm access and choice with layers of duplication, bureaucracy, and opacity for parents and students to fight through? And by extension, put the bureaucrats in charge to narrow and stifle scholastic innovation and choice?
- Does a recommendation limit or box the ability of a local district or BOCES from developing and implementing their mission and purpose for establishing an on-line school to meet needs they have identified?
- Does a recommendation increase duplication, bureaucracy and opacity in the name of school accountability standards? And does it do it in a way that is different than those applied to traditional bricks and mortar schools? On-line schools are regulated the same as bricks and mortar schools, and should only be additionally regulated for traits distinct from traditional public schools.

In general, the Task Force process was very disjointed and not well connected to statutory directives. Specifically we believe several recommendations included in the report do not comport with the principles, above. HB14-1382 allows, but does not require, the On-line Task Force to make additional recommendations concerning multi-district on-line schools and their authorizers. Mission creep was apparent and certain On-line Task Force members used “other” as a bucket to address personal agenda items, or promote an organization’s national agenda.

As such, we submit a minority report on the recommendations we find most objectionable.

### **Pilot Programs:**

The On-line Task Force Commission failed to follow the direction of HB14-1382 regarding pilot programs. We firmly believe that there should be no inclusion of pilot programs in the report offered by the Task Force. The group missed all deadlines clearly explained in the bill’s Fiscal Note:

*The task force must also assist the CDE to design pilot programs that address specified issues in providing on-line education. **No later than October 2014**, the CDE will issue requests for proposals for on-line programs and schools to initiate pilot programs in the 2015-16 school year. The CDE must prepare summary reports annually for the pilot*

*programs. The CDE may accept and expend gifts, grants, and donations to implement the pilot programs and is not required to implement pilot programs unless it receives sufficient funding.*

Though we understand that the General Assembly did not appropriate funding to Pilot Programs, we disagree with the position of the majority of the On-line Task Force that their obligation to meet the statutory deadlines was relieved. It is our opinion that the report should simply state: In the absence of funding, pilot programs were not considered in a timely fashion and therefore it is not appropriate to include pilot program recommendations in the final report.

Pilot programs are fundamentally unnecessary because of the lengthy experience Colorado already has with on-line education and the diversity of schools that exist. If an organization wished to pilot something that would improve innovation, the diversity of authorizers available provides ample opportunity.

We believe that no further mandated piloting is necessary.

### **Drop-in Centers:**

The minority vigorously opposes the recommendation to regulate drop-in centers as learning centers. To follow the path of unnecessary regulation is a fundamental disservice to those attempting to obtain the best education for on-line learners. The effect of this recommendation is to stifle innovation and may hold parents captive to their district of residence with respect to choosing schools that best fit their students' needs.

Given the law of unintended consequences, this bureaucratic burden places additional approvals on school operation. This recommendation also provides the opportunity to block the delivery of a service which may be fundamental to a schools operation, i.e. testing, tutoring, or fundraising; any of which could trigger the need to get local district approval.

This is one of the best examples of harming access and choice with layers of duplication and opacity. Again, we believe that all recommendations should do no harm to choice or needlessly increase bureaucracy.

### **Existing Authorizers:**

The minority believes that standards for authorizers are appropriate; however they are reflected in current statute related to CDE's oversight of certification of multi-district on-line schools. Authorizers, via school certification, have already been through a rigorous process with CDE that already has the capacity to review, approve, or deny certification of any school.

No school should face the uncertainty of losing their school if an authorizer were to be reexamined as a result of this process. The certification law already has provisions to revoke certification of any multi-district on-line school.

If this recommendation goes forward, we believe that existing schools should be grandfathered in so that their students and parents will have certainty that their school remains viable. This viewpoint is reflected

in the comments from parents that were submitted and testimony that was provided to the Task Force, but was conveniently left out of the report submitted to the legislature.

**Conclusion:**

Colorado is looked to as a leader in on-line accountability, with states such as Virginia borrowing the frameworks of the multi-district certification process through the certification of multi division on-line providers in 2010. The fact is many of the recommendations proposed by the task force are already addressed within current law, and can be added through the State Board's certification authority under the On-line Program Accountability Act of 2007.

## Appendix J

### Facilitator Note

At the August 28, 2014 meeting of the OTF a “timeline of task force work” was approved by task force members. The work of the task force conformed to the unanimous consent of task force members. All additions, changes, and adjustments to the task force schedule and meeting agendas were by unanimous consent of the task force.

In meeting #7, the OTF voted to not require recertification every five years by a vote of 7 to 3, with 3 absent members. In meeting #8, the OTF voted to require recertification every five years by a vote of 9 to 3 with one abstention, with all voting members present.

The agenda for the final meeting of the task force (December 16) included a “Report Recommendations” section that was designed to allow for final edits to any and/or all recommendations of the OTF. The task force, by consensus and/or by majority vote, made substantive changes to Recommendations 5, 7 and 8 as described in this report.