

**NOTE: The governor signed this measure on 6/5/2014.**

# An Act

HOUSE BILL 14-1382

BY REPRESENTATIVE(S) Young and Wilson, Becker, Buckner, Exum, Hullinghorst, Kraft-Tharp, Labuda, Mitsch Bush, Rosenthal, Ryden, Salazar, Tyler, Duran, Fields, Schafer;  
also SENATOR(S) Kerr and Roberts, Heath, Johnston, Jones, Kefalas, King, Newell, Nicholson, Rivera, Schwartz, Todd, Ulibarri, Zenzinger.

CONCERNING THE DELIVERY OF ON-LINE EDUCATION WITHIN THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

**SECTION 1.** In Colorado Revised Statutes, 22-30.7-102, **amend** (9) and (9.5) as follows:

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

(9) "On-line program" means a full-time ~~on-line~~ education program authorized pursuant to this article that delivers a sequential program of synchronous or asynchronous instruction, ~~from a teacher to a student primarily through the use of the internet~~ DIRECTED BY A TEACHER, PRIMARILY THROUGH ON-LINE DIGITAL LEARNING STRATEGIES THAT

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

PROVIDE STUDENTS CHOICE OVER TIME, PLACE, AND PATH, AND TEACHER-GUIDED MODALITY, OF LEARNING. "On-line program" does not include a supplemental program. Accountability for each student in an on-line program is attributed ~~back~~ to a designated school that houses the on-line program. Notwithstanding any other provision of this subsection (9) to the contrary, ~~any~~ AN on-line program with one hundred or more students ~~shall be considered~~ IS an on-line school and not an on-line program.

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

**SECTION 2.** In Colorado Revised Statutes, 22-30.7-105, **amend** (2) introductory portion, (2) (a), and (4) (b) as follows:

**22-30.7-105. Program criteria - guidelines - quality standards - records - rules.** (2) The following guidelines ~~shall~~ apply to each on-line program or on-line school that is created or overseen pursuant to the provisions of this article:

(a) A student who is participating in an on-line program or on-line school ~~shall be~~ IS subject to compulsory school attendance as provided in article 33 of this title and ~~shall be~~ IS deemed to comply with the compulsory attendance requirements through participation in the on-line program or on-line school. EACH ON-LINE PROGRAM AND ON-LINE SCHOOL MUST DOCUMENT A STUDENT'S COMPLIANCE WITH COMPULSORY ATTENDANCE REQUIREMENTS BY DOCUMENTING THE STUDENT'S ATTENDANCE AND PARTICIPATION IN EDUCATIONAL ACTIVITIES THAT THE ON-LINE PROGRAM'S OR ON-LINE SCHOOL'S AUTHORIZER DEEMS APPROPRIATE TO SUPPORT STUDENT LEARNING, WHICH ACTIVITIES MAY INCLUDE, BUT NEED NOT BE LIMITED TO, ASSESSMENT, ORIENTATION, AND INDUCTION ACTIVITIES; IN-PERSON EDUCATIONAL INSTRUCTION; AND SYNCHRONOUS AND

ASYNCHRONOUS INTERNET-BASED EDUCATIONAL ACTIVITIES.

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

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

**SECTION 3.** In Colorado Revised Statutes, **add** 22-30.7-112 and 22-20.7-113 as follows:

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

(1) (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) DURING THE 2014 REGULAR LEGISLATIVE SESSION, CERTAIN LEGISLATORS INFORMALLY CONVENED THE K-12 ON-LINE EDUCATION COMMISSION, REFERRED TO IN THIS SECTION AS THE "COMMISSION", TO REVIEW THE IMPLEMENTATION OF ON-LINE EDUCATION IN COLORADO AND SUBMIT RECOMMENDATIONS TO THE GENERAL ASSEMBLY TO IMPROVE THE QUALITY OF EDUCATION FOR ALL STUDENTS IN COLORADO WHO USE ON-LINE LEARNING AS PART OR ALL OF THEIR ACCESS TO LEARNING;

(II) AMONG OTHER THINGS, THE COMMISSION RECOMMENDED THAT IT WOULD BE MORE APPROPRIATE AND EFFECTIVE, AND MORE CONSISTENT WITH THE ROLE OF THE DEPARTMENT, FOR THE DEPARTMENT AND THE STATE BOARD TO CERTIFY AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS,

RATHER THAN DIRECTLY CERTIFYING THE SCHOOLS THEMSELVES;

(III) BY CERTIFYING AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS, THE DEPARTMENT WILL HAVE THE MEANS TO DIRECTLY ADDRESS THE QUALITY OF ON-LINE EDUCATION AT THE AUTHORIZER LEVEL. BUT TO DO SO, THE STATE BOARD MUST ADOPT QUALITY STANDARDS AND PRACTICES FOR AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS TO FOLLOW.

(IV) THERE ARE SEVERAL ISSUES THAT ARISE WITH IMPLEMENTING A SYSTEM FOR CERTIFYING AUTHORIZERS RATHER THAN DIRECTLY CERTIFYING MULTI-DISTRICT ON-LINE SCHOOLS AND THAT REQUIRE CONSIDERATION AND ADVICE FROM PERSONS WITH EXPERTISE IN OVERSEEING AND PROVIDING ON-LINE EDUCATION, INCLUDING BUT NOT LIMITED TO THE TIMEFRAMES FOR IMPLEMENTING THE NEW CERTIFICATION PROCESS.

(b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS NECESSARY TO CONVENE A TASK FORCE TO REVIEW BEST PRACTICES AND POLICIES FOR AUTHORIZING AND ADMINISTERING MULTI-DISTRICT ON-LINE SCHOOLS, TO RECOMMEND TO THE STATE BOARD QUALITY STANDARDS AND PRACTICES FOR AUTHORIZERS, AND TO RECOMMEND TO THE STATE BOARD AND THE GENERAL ASSEMBLY THE REGULATORY AND STATUTORY CHANGES THAT ARE NECESSARY TO CERTIFY AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS.

(2) THERE IS CREATED A TASK FORCE OF PERSONS WITH EXPERTISE AND EXPERIENCE IN AUTHORIZING, OVERSEEING, AND OPERATING ON-LINE PROGRAMS AND ON-LINE SCHOOLS. NO LATER THAN JULY 1, 2014, THE COMMISSIONER OF EDUCATION SHALL APPOINT THE MEMBERS OF THE TASK FORCE AS FOLLOWS:

(a) ONE PERSON WHO REPRESENTS SCHOOL DISTRICTS IN THE STATE THAT OVERSEE OR OPERATE AT LEAST ONE MULTI-DISTRICT ON-LINE SCHOOL;

(b) ONE PERSON WHO REPRESENTS BOARDS OF COOPERATIVE SERVICES IN THE STATE THAT OVERSEE OR OPERATE AT LEAST ONE MULTI-DISTRICT ON-LINE SCHOOL;

(c) ONE PERSON WHO REPRESENTS THE STATE CHARTER SCHOOL INSTITUTE;

(d) THREE PERSONS WHO ARE EMPLOYED IN PUBLIC EDUCATION, AT LEAST ONE OF WHOM IS EMPLOYED AS A TEACHER IN A MULTI-DISTRICT ON-LINE SCHOOL AND AT LEAST ONE OF WHOM IS EMPLOYED AS AN ADMINISTRATOR OF AN ON-LINE PROGRAM OR ON-LINE SCHOOL;

(e) TWO PERSONS WHO REPRESENT FOR-PROFIT MULTI-DISTRICT ON-LINE SCHOOLS THAT ARE AUTHORIZED PURSUANT TO SECTION 22-30.7-106;

(f) THREE PERSONS WHO ARE EMPLOYEES OF THE DEPARTMENT WITH EXPERTISE IN ON-LINE EDUCATION, ONLY ONE OF WHOM IS A VOTING MEMBER OF THE TASK FORCE;

(g) TWO PERSONS, EACH OF WHOM IS A PARENT OF A STUDENT WHO IS ENROLLED IN AN ON-LINE SCHOOL IN COLORADO; AND

(h) TWO PERSONS WHO WERE MEMBERS OF THE COMMISSION.

(3) THE COMMISSIONER OF EDUCATION SHALL APPOINT THE CHAIR OF THE TASK FORCE AND CONVENE THE FIRST MEETING OF THE TASK FORCE. THE TASK FORCE SHALL MEET AS OFTEN AS NECESSARY AT THE CALL OF THE CHAIR TO COMPLETE THE TASK FORCE'S DUTIES. THE TASK FORCE MEETINGS ARE SUBJECT TO THE OPEN MEETING REQUIREMENTS SPECIFIED IN SECTION 24-6-402, C.R.S., AND MUST BE SIMULTANEOUSLY BROADCAST VIA THE INTERNET. THE MEMBERS OF THE TASK FORCE MUST SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES. THE DEPARTMENT SHALL PROVIDE SUPPORT AND ASSISTANCE FOR THE TASK FORCE AS NEEDED. THE DEPARTMENT MAY CONTRACT WITH A PERSON OR OTHER ENTITY TO PROVIDE FACILITATION SERVICES OR OTHER ASSISTANCE TO THE TASK FORCE SO LONG AS THE PERSON OR ENTITY DOES NOT HAVE AN ACTUAL OR POTENTIAL CONFLICT OF INTEREST WITH REGARD TO THE POTENTIAL RECOMMENDATIONS OF THE TASK FORCE AND HAS NOT STATED A POSITION IN SUPPORT OF OR OPPOSED TO ON-LINE EDUCATION.

(4) (a) THE TASK FORCE HAS THE FOLLOWING DUTIES:

(I) TO REVIEW THE BEST PRACTICES AND STANDARDS FOR

OVERSEEING AND OPERATING MULTI-DISTRICT ON-LINE SCHOOLS THAT ARE USED IN THIS STATE AND IN OTHER STATES AND COUNTRIES AND TO RECOMMEND QUALITY STANDARDS AND PRACTICES FOR AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS IN COLORADO;

(II) TO REVIEW THE EXISTING STATE BOARD RULES AND STATUTES CONCERNING ON-LINE EDUCATION AND TO RECOMMEND CHANGES TO RULES AND STATUTES TO IMPLEMENT A SYSTEM FOR CERTIFYING AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS AND DISCONTINUING CERTIFICATION OF MULTI-DISTRICT ON-LINE SCHOOLS;

(III) TO MAKE RECOMMENDATIONS CONCERNING THE SYSTEM AND PROCESS FOR CERTIFYING AUTHORIZERS, INCLUDING BUT NOT LIMITED TO THE FREQUENCY AND TIMING OF CERTIFICATION AND RECERTIFICATION AND THE EFFECT ON A MULTI-DISTRICT ON-LINE SCHOOL IF THE SCHOOL'S AUTHORIZER LOSES CERTIFICATION;

(IV) TO MAKE SUCH ADDITIONAL RECOMMENDATIONS CONCERNING MULTI-DISTRICT ON-LINE SCHOOLS AND AUTHORIZERS OF MULTI-DISTRICT ON-LINE SCHOOLS AS THE TASK FORCE DEEMS APPROPRIATE; AND

(V) TO ESTABLISH THE PARAMETERS FOR, DURATION OF, AND METHODS FOR EVALUATING PILOT PROGRAMS AS DESCRIBED IN SECTION 22-30.7-113 (2) (b).

(b) IN PREPARING ITS RECOMMENDATIONS, THE TASK FORCE SHALL SOLICIT INPUT FROM INTERESTED PERSONS, INCLUDING BUT NOT LIMITED TO SCHOOL DISTRICTS, CHARTER SCHOOLS, THE STATE CHARTER SCHOOL INSTITUTE, BOARDS OF COOPERATIVE SERVICES, EDUCATORS AND ADMINISTRATORS WHO WORK WITH ON-LINE PROGRAMS AND ON-LINE SCHOOLS, AND STUDENTS ENROLLED IN ON-LINE PROGRAMS AND ON-LINE SCHOOLS AND THEIR PARENTS.

(5) NO LATER THAN JANUARY 1, 2015, THE TASK FORCE SHALL SUBMIT ITS WRITTEN RECOMMENDATIONS TO THE STATE BOARD AND TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2015.

**22-30.7-113. On-line pilot programs - interim reports - legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

(2) (a) THE DEPARTMENT SHALL WORK WITH THE TASK FORCE CREATED IN SECTION 22-30.7-112 TO ESTABLISH THE PARAMETERS FOR, DURATION OF, AND METHODS FOR EVALUATING PILOT PROGRAMS AS DESCRIBED IN THIS SECTION AND TO ISSUE TO AUTHORIZERS REQUESTS FOR PROPOSALS FOR THE PILOT PROGRAMS. THE DEPARTMENT SHALL ISSUE THE REQUESTS FOR PROPOSALS NO LATER THAN OCTOBER 15, 2014. THE PILOT PROGRAMS MUST BEGIN OPERATION NO LATER THAN THE 2015-16 SCHOOL YEAR.

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

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

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

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

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

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

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

(4) THE DEPARTMENT MAY ACCEPT AND EXPEND PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS TO OFFSET THE COSTS INCURRED BY THE DEPARTMENT AND BY PARTICIPATING AUTHORIZERS IN IMPLEMENTING PILOT PROGRAMS PURSUANT TO THIS SECTION. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT MUST IMPLEMENT THE PROVISION OF THIS SECTION ONLY IF THE DEPARTMENT RECEIVES APPROPRIATIONS OR PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS IN AN AMOUNT IT DEEMS SUFFICIENT TO OFFSET THE COSTS INCURRED IN IMPLEMENTING PILOT PROGRAMS PURSUANT TO THIS SECTION.



**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, for the fiscal year beginning July 1, 2014, the sum of \$47,659, or so much thereof as may be necessary, for allocation to the division of on-line learning for the implementation of this act.

**SECTION 5. Safety clause.** The general assembly hereby finds,

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

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO