

SENATE BILL 13-139

BY SENATOR(S) Roberts, Baumgardner, Brophy, Cadman, Crowder, Giron, Grantham, Guzman, Harvey, Heath, Jahn, Kerr, King, Lambert, Lundberg, Newell, Scheffel, Schwartz, Todd; also REPRESENTATIVE(S) Coram, Holbert, Labuda, Rosenthal, Schafer, Young.

CONCERNING SUPPLEMENTAL ON-LINE EDUCATION SERVICES.

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

**SECTION 1.** In Colorado Revised Statutes, 22-5-119, **amend** (1)

(a) (I) (A), (1) (a) (II), (1) (a) (III), (3), (4), (5) introductory portion, (5) (j), and (5) (l); and **add** (1) (a.5), (3.3), and (3.5) as follows:

**22-5-119. Supplemental on-line education and blended learning education services - legislative declaration - contract - definitions.**

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

(A) On-line education courses that are supplemental to the education program provided by a school district, charter school, or BOCES are a valuable resource for schools because they allow a school district, charter school, or BOCES to provide a much richer, more varied curriculum of courses for students at all levels of achievement. **MANY SMALL SCHOOL**

**NOTE: The governor signed this measure on 4/19/2013.**

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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.*

DISTRICTS AND RURAL COMMUNITIES, HOWEVER, LACK THE CAPACITY AND RESOURCES TO DEVELOP THEIR OWN SUPPLEMENTAL ON-LINE COURSES AND BLENDED LEARNING STRATEGIES.

(II) It is therefore in the best interests of the state to ensure the availability of affordable supplemental on-line education courses for school districts, charter schools, and BOCES by subsidizing the provision of supplemental on-line education courses INVEST IN THE EXPANSION OF AFFORDABLE, HIGH-QUALITY SUPPLEMENTAL ON-LINE EDUCATION COURSES AND BLENDED LEARNING SUPPORT FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES, ESPECIALLY THOSE THAT LACK THE CAPACITY TO DEVELOP THEIR OWN SUPPLEMENTAL OFFERINGS, BY SUBSIDIZING THE PROVISION OF ON-LINE EDUCATION COURSES, PROFESSIONAL DEVELOPMENT, AND TECHNICAL ASSISTANCE TO IMPLEMENT ON-LINE AND BLENDED LEARNING STATEWIDE.

(III) Due to its experience in assisting school districts in obtaining supplemental on-line courses WITH ON-LINE AND BLENDED LEARNING IN COLORADO, it is further in the best interests of the state to designate the mountain A BOCES to contract, with a provider of supplemental on-line education courses as a mechanism for reimbursement of the cost of providing the courses to school districts, charter schools, and BOCES and to reduce the cost of the courses THROUGH A REQUEST FOR A PROPOSAL

PROCESS THAT ADHERES TO THE GOALS SET FORTH IN PARAGRAPH (a.5) OF THIS SUBSECTION (1) DEVELOPED IN CONSULTATION WITH THE DEPARTMENT, WITH ONE OR MORE NONPROFIT PROVIDERS TO PROVIDE RESOURCES FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES IN THE FORM OF SUPPLEMENTAL ON-LINE COURSE OFFERINGS, PROFESSIONAL DEVELOPMENT FOR EDUCATORS, AND CONSULTING ASSISTANCE FOR SCHOOLS AND SCHOOL DISTRICTS WANTING TO USE ON-LINE AND BLENDED LEARNING FOR THEIR STUDENTS. IN CONTRACTING WITH PROVIDERS, THE PRIORITY SHALL RESULT IN THE EXPANSION OF STUDENT ACCESS TO QUALITY SUPPLEMENTAL ON-LINE COURSES AND RESOURCES AVAILABLE TO IMPLEMENT SUPPLEMENTAL ON-LINE AND BLENDED LEARNING IN SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES STATEWIDE.

(a.5) THE GENERAL ASSEMBLY ALSO FINDS THAT THE GOALS OF ON-LINE COURSES AND BLENDED LEARNING STRATEGIES ARE TO:

(I) EXPAND THE AVAILABILITY OF ON-LINE COURSES AND BLENDED  
PAGE 2-SENATE BILL 13-139

LEARNING STRATEGIES;

(II) INCREASE THE NUMBER OF STUDENTS TAKING HIGH-QUALITY, EFFECTIVE, AND AFFORDABLE ON-LINE COURSES;

(III) ESTABLISH A PROGRAM TO WORK WITH SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES TO CREATE, OFFER, AND SUSTAIN THEIR OWN HIGH-QUALITY, EFFECTIVE, AND AFFORDABLE BLENDED LEARNING COURSES, AS WELL AS TARGETED PROFESSIONAL DEVELOPMENT AND MENTORING SUPPORT;

(IV) INCREASE THE CAPACITY OF EDUCATORS IN SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES TO UTILIZE STANDARDS, DATA, AND INTERVENTIONS IN REGULAR, ON-LINE, AND BLENDED LEARNING CLASSES; AND

(V) DOCUMENT AND SHARE BEST PRACTICES IN ON-LINE AND BLENDED LEARNING.

(3) On or before August 1, 2007, and on or before August 1 of each year thereafter through August 1, 2011, and on or before August 1, 2012, and on or before August 1 of every third year thereafter, the mountain BOCES ON OR BEFORE FEBRUARY 15, 2015, AND ON OR BEFORE FEBRUARY 15 OF EVERY THIRD YEAR THEREAFTER, THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL, subject to available appropriations, shall contract with a provider CREATE A FAIR AND TRANSPARENT REQUEST FOR A PROPOSAL PROCESS TO SELECT ONE OR MORE NONPROFIT PROVIDERS to provide supplemental on-line education courses to RESOURCES FOR school districts, charter schools, and BOCES that choose to purchase the courses. At a minimum, the contract shall provide that: IN THE FORM OF SUPPLEMENTAL ON-LINE COURSE OFFERINGS, PROFESSIONAL DEVELOPMENT FOR EDUCATORS, AND CONSULTING ASSISTANCE FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES WANTING TO USE ON-LINE AND

BLENDED LEARNING FOR STUDENTS. PROPOSALS RECEIVED IN RESPONSE TO THE REQUEST FOR PROPOSALS MUST BE REVIEWED BY A COMMITTEE CONSISTING OF A REPRESENTATIVE FROM THE DESIGNATED BOCES; A REPRESENTATIVE FROM THE OFFICE IN THE DEPARTMENT RESPONSIBLE FOR ON-LINE AND BLENDED LEARNING; A NATIONAL EXPERT IN ON-LINE AND BLENDED LEARNING, TO BE SELECTED BY THE DESIGNATED BOCES AND THE DEPARTMENT; AN ADMINISTRATOR FROM AN ALTERNATIVE EDUCATION  
PAGE 3-SENATE BILL 13-139

CAMPUS SCHOOL, TO BE SELECTED BY THE DESIGNATED BOCES AND THE DEPARTMENT; AND AN ADMINISTRATOR FROM A SCHOOL THAT PURCHASES ON-LINE OR BLENDED SERVICES, TO BE SELECTED BY THE DESIGNATED BOCES AND THE DEPARTMENT. THE COMMITTEE MUST CONVENE AT LEAST NINETY DAYS PRIOR TO THE RELEASE OF THE REQUEST FOR PROPOSALS. THE COMMITTEE SHALL REVIEW ALL PROPOSALS USING AN ESTABLISHED RUBRIC AND SHALL RECOMMEND ONE OR MORE PROVIDERS FOR APPROVAL TO THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION. IF THE DESIGNATED BOCES CHOOSES NOT TO FOLLOW THE RECOMMENDATIONS OF THE COMMITTEE CONCERNING ANY PROVIDER, IT SHALL PROVIDE THE COMMITTEE WITH A WRITTEN EXPLANATION OF ITS RATIONALE FOR SO DOING.

(a) Supplemental on-line education courses shall be provided to a purchasing school district, charter school, or BOCES at a cost of no more than two hundred dollars per student per semester course; and

(b) The cost per student per semester course charged to the school district, charter school, or BOCES shall not increase regardless of the number of students enrolled or the number of courses provided.

(3.3) SUPPLEMENTAL ON-LINE EDUCATION COURSES MUST BE PROVIDED TO A PURCHASING SCHOOL DISTRICT, CHARTER SCHOOL, OR BOCES AT AN AFFORDABLE TOTAL PROGRAM COST FOR HIGH-QUALITY, ACCREDITED COURSES WITH LOCAL SUPPORT.

(3.5) EACH HIGH SCHOOL STUDENT IN COLORADO MAY TAKE AT LEAST ONE SUPPLEMENTAL ON-LINE COURSE PER YEAR. THE SUPPLEMENTAL ON-LINE COURSE PROVIDER SHALL REPORT TO THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION WHICH STUDENTS ARE PARTICIPATING IN SUPPLEMENTAL ON-LINE COURSES SO THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION CAN TRACK STUDENT ACADEMIC PERFORMANCE FOR THOSE STUDENTS TAKING SUPPLEMENTAL ON-LINE COURSES. THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL ANNUALLY COLLECT DATA RELATED TO COMPLETION AND PASSAGE RATES FROM ANY NONPROFIT PROVIDERS SELECTED TO PROVIDE ON-LINE AND BLENDED LEARNING AND REPORT THAT DATA TO THE DEPARTMENT. THE DATA COLLECTED BY THE DEPARTMENT MUST BE COLLECTED THROUGH EXISTING STUDENT DATA COLLECTION SYSTEMS AND IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS AND  
PAGE 4-SENATE BILL 13-139

REGULATIONS CONCERNING THE PRIVACY OF INFORMATION, INCLUDING BUT NOT LIMITED TO THE FEDERAL "FAMILY EDUCATION RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AS AMENDED.

(4) The general assembly shall annually appropriate to the department of education for allocation to the mountain A BOCES DESIGNATED, IN CONSULTATION WITH THE STATEWIDE ASSOCIATION OF BOCES, moneys sufficient to administer and fund the ANY contract with the provider entered into WITH A PROVIDER pursuant to this section. The mountain DESIGNATED BOCES may expend not more than two percent of the contract amount in administering the ANY SUCH contract.

(5) On or before March 15, 2008, and on or before March 15 each year thereafter, the mountain DESIGNATED BOCES shall submit to the education committees of the house of representatives and the senate, or any successor committees, the joint budget committee of the general assembly, and the department a report summarizing the provision of supplemental on-line courses pursuant to this section. At a minimum, the report shall MUST include:

(j) A representative sampling of student and administrator comments regarding participation in supplemental on-line courses RESULTS FROM AN ANNUAL SURVEY OF PARENTS, TEACHERS, AND STUDENTS REGARDING PARTICIPATION IN AND SATISFACTION WITH SUPPLEMENTAL ON-LINE COURSES OFFERED BY A NONPROFIT PROVIDER WITH WHICH THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION CONTRACTED;

(l) An accounting of the expenditure of the funds allocated to the mountain BOCES pursuant to SUBSECTION (4) OF this section, which shall MUST include an accounting by the mountain DESIGNATED BOCES and by the ANY contract provider PROVIDERS.

**SECTION 2.** In Colorado Revised Statutes, 22-30.7-103, **add** (3)

(h.5) as follows:

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

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

(h.5) ON OR BEFORE JUNE 1, 2015, AND ON OR BEFORE JUNE 1 EVERY YEAR THEREAFTER, TO PREPARE A SUMMARY REPORT OF DATA RELATED TO PAGE 5-SENATE BILL 13-139

STUDENTS WHO PARTICIPATED IN A SUPPLEMENTAL ON-LINE COURSE OFFERED BY A NONPROFIT PROVIDER SELECTED PURSUANT TO SECTION 22-5-119 AND SUBMIT THE REPORT TO SAID NONPROFIT PROVIDER AND TO THE DEPARTMENT AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES.

**SECTION 3. Act subject to petition - effective date.** This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a

referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2014 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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John P. Morse Mark Ferrandino  
PRESIDENT OF SPEAKER OF THE HOUSE  
THE SENATE OF REPRESENTATIVES

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Cindi L. Markwell Marilyn Eddins  
SECRETARY OF CHIEF CLERK OF THE HOUSE  
THE SENATE OF REPRESENTATIVES  
APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO  
PAGE 7-SENATE BILL 13-139