

**First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 13-0366.01 Jane Ritter x4342

SENATE BILL 13-139

SENATE SPONSORSHIP

Roberts,

HOUSE SPONSORSHIP

Coram,

Senate Committees

Education

State, Veterans, & Military Affairs

House Committees

A BILL FOR AN ACT

101 **CONCERNING SUPPLEMENTAL ON-LINE EDUCATION SERVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill removes the responsibility for the administration of contracts for on-line and blended education services from mountain boards of cooperative services to the office within the department of education dedicated to on-line and blended learning. The time frame for requests for proposals is changed from August to February. The requirement that on-line classes must be sold for no more than \$200 is removed. Requirements are added to ensure every high school student has

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 18, 2013

the opportunity to take at least one supplemental on-line course per year and that school districts, charter schools, and BOCES must report to the department of education which students are participating in supplemental on-lines course so the department can track student academic performance.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-5-119, **amend** (1)
3 (a) (I) (A), (1) (a) (II), (1) (a) (III), (3), (4), (5) introductory portion, (5)
4 (j), and (5) (l); and **add** (1) (a.5), (3.3), and (3.5) as follows:

5 **22-5-119. Supplemental on-line education and blended**
6 **learning education services - legislative declaration - contract -**
7 **definitions.** (1) (a) (I) The general assembly finds that:

8 (A) On-line education courses that are supplemental to the
9 education program provided by a school district, charter school, or
10 BOCES are a valuable resource for schools because they allow a school
11 district, charter school, or BOCES to provide a much richer, more varied
12 curriculum of courses for students at all levels of achievement. MANY
13 SMALL SCHOOL DISTRICTS AND RURAL COMMUNITIES, HOWEVER, LACK THE
14 CAPACITY AND RESOURCES TO DEVELOP THEIR OWN SUPPLEMENTAL
15 ON-LINE COURSES AND BLENDED LEARNING STRATEGIES.

16 (II) It is therefore in the best interests of the state to ~~ensure the~~
17 ~~availability of affordable supplemental on-line education courses for~~
18 ~~school districts, charter schools, and BOCES by subsidizing the provision~~
19 ~~of supplemental on-line education courses~~ INVEST IN THE EXPANSION OF
20 AFFORDABLE, HIGH-QUALITY SUPPLEMENTAL ON-LINE EDUCATION
21 COURSES AND BLENDED LEARNING SUPPORT FOR SCHOOL DISTRICTS,
22 CHARTER SCHOOLS, AND BOCES, ESPECIALLY THOSE THAT LACK THE
23 CAPACITY TO DEVELOP THEIR OWN SUPPLEMENTAL OFFERINGS, BY

1 SUBSIDIZING THE PROVISION OF ON-LINE EDUCATION COURSES,
2 PROFESSIONAL DEVELOPMENT, AND TECHNICAL ASSISTANCE TO
3 IMPLEMENT ON-LINE AND BLENDED LEARNING STATEWIDE.

4 (III) Due to its experience in assisting school districts ~~in obtaining~~
5 ~~supplemental on-line courses~~ WITH ON-LINE AND BLENDED LEARNING IN
6 COLORADO, ___ it is further in the best interests of the state to designate
7 the mountain A BOCES ___ to contract, ~~with a provider of supplemental~~
8 ~~on-line education courses as a mechanism for reimbursement of the cost~~
9 ~~of providing the courses to school districts, charter schools, and BOCES~~
10 ~~and to reduce the cost of the courses~~ THROUGH A REQUEST FOR A
11 PROPOSAL PROCESS THAT ADHERES TO THE GOALS SET FORTH IN
12 PARAGRAPH (a.5) OF THIS SUBSECTION (1) DEVELOPED IN CONSULTATION
13 WITH THE DEPARTMENT, WITH ONE OR MORE NONPROFIT PROVIDERS TO
14 PROVIDE RESOURCES FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND
15 BOCES IN THE FORM OF SUPPLEMENTAL ON-LINE COURSE OFFERINGS,
16 PROFESSIONAL DEVELOPMENT FOR EDUCATORS, AND CONSULTING
17 ASSISTANCE FOR SCHOOLS AND SCHOOL DISTRICTS WANTING TO USE
18 ON-LINE AND BLENDED LEARNING FOR THEIR STUDENTS. IN CONTRACTING
19 WITH ___ PROVIDERS, THE PRIORITY SHALL RESULT IN THE EXPANSION OF
20 STUDENT ACCESS TO ___ QUALITY SUPPLEMENTAL ON-LINE COURSES AND
21 RESOURCES AVAILABLE TO IMPLEMENT SUPPLEMENTAL ON-LINE AND
22 BLENDED LEARNING IN SCHOOL DISTRICTS, CHARTER SCHOOLS, AND
23 BOCES STATEWIDE.

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

26 (I) EXPAND THE AVAILABILITY OF ON-LINE COURSES AND BLENDED
27 LEARNING STRATEGIES;

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

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

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

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

14 ==

15 (3) ~~On or before August 1, 2007, and on or before August 1 of~~
16 ~~each year thereafter through August 1, 2011, and on or before August 1,~~
17 ~~2012, and on or before August 1 of every third year thereafter, the~~
18 ~~mountain BOCES ON OR BEFORE FEBRUARY 15, 2015, AND ON OR BEFORE~~
19 FEBRUARY 15 OF EVERY THIRD YEAR THEREAFTER, THE BOCES
20 DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION == SHALL,
21 subject to available appropriations, ~~shall contract with a provider~~ CREATE
22 A FAIR AND TRANSPARENT REQUEST FOR A PROPOSAL PROCESS TO SELECT
23 ONE OR MORE NONPROFIT PROVIDERS to provide ~~supplemental on-line~~
24 ~~education courses to~~ RESOURCES FOR school districts, charter schools, and
25 BOCES that choose to purchase the courses. At a minimum, the contract
26 ~~shall provide that:~~ IN THE FORM OF SUPPLEMENTAL ON-LINE COURSE
27 OFFERINGS, PROFESSIONAL DEVELOPMENT FOR EDUCATORS, AND

1 CONSULTING ASSISTANCE FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND
2 BOCES WANTING TO USE ON-LINE AND BLENDED LEARNING FOR
3 STUDENTS. PROPOSALS RECEIVED IN RESPONSE TO THE REQUEST FOR
4 PROPOSALS MUST BE REVIEWED BY A COMMITTEE CONSISTING OF A
5 REPRESENTATIVE FROM THE DESIGNATED BOCES; A REPRESENTATIVE
6 FROM THE OFFICE IN THE DEPARTMENT RESPONSIBLE FOR ON-LINE AND
7 BLENDED LEARNING; A NATIONAL EXPERT IN ON-LINE AND BLENDED
8 LEARNING, TO BE SELECTED BY THE DESIGNATED BOCES AND THE
9 DEPARTMENT; AN ADMINISTRATOR FROM AN ALTERNATIVE EDUCATION
10 CAMPUS SCHOOL, TO BE SELECTED BY THE DESIGNATED BOCES AND THE
11 DEPARTMENT; AND AN ADMINISTRATOR FROM A SCHOOL THAT PURCHASES
12 ON-LINE OR BLENDED SERVICES, TO BE SELECTED BY THE DESIGNATED
13 BOCES AND THE DEPARTMENT. THE COMMITTEE MUST CONVENE AT
14 LEAST NINETY DAYS PRIOR TO THE RELEASE OF THE REQUEST FOR
15 PROPOSALS. THE COMMITTEE SHALL REVIEW ALL PROPOSALS USING AN
16 ESTABLISHED RUBRIC AND SHALL RECOMMEND ONE OR MORE PROVIDERS
17 FOR APPROVAL TO THE BOCES DESIGNATED PURSUANT TO SUBSECTION
18 (4) OF THIS SECTION. IF THE DESIGNATED BOCES CHOOSES NOT TO
19 FOLLOW THE RECOMMENDATIONS OF THE COMMITTEE CONCERNING ANY
20 PROVIDER, IT SHALL PROVIDE THE COMMITTEE WITH A WRITTEN
21 EXPLANATION OF ITS RATIONALE FOR SO DOING.

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

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

1 (3.3) SUPPLEMENTAL ON-LINE EDUCATION COURSES MUST BE
2 PROVIDED TO A PURCHASING SCHOOL DISTRICT, CHARTER SCHOOL, OR
3 BOCES AT AN AFFORDABLE TOTAL PROGRAM COST FOR HIGH-QUALITY,
4 ACCREDITED COURSES WITH LOCAL SUPPORT.

5 (3.5) EACH HIGH SCHOOL STUDENT IN COLORADO MAY TAKE AT
6 LEAST ONE SUPPLEMENTAL ON-LINE COURSE PER YEAR. THE
7 SUPPLEMENTAL ON-LINE COURSE PROVIDER SHALL REPORT TO THE BOCES
8 DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION WHICH
9 STUDENTS ARE PARTICIPATING IN SUPPLEMENTAL ON-LINE COURSES SO
10 THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION
11 CAN TRACK STUDENT ACADEMIC PERFORMANCE FOR THOSE STUDENTS
12 TAKING SUPPLEMENTAL ON-LINE COURSES. THE BOCES DESIGNATED
13 PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL ANNUALLY
14 COLLECT DATA RELATED TO COMPLETION AND PASSAGE RATES FROM ANY
15 NONPROFIT PROVIDERS SELECTED TO PROVIDE ON-LINE AND BLENDED
16 LEARNING AND REPORT THAT DATA TO THE DEPARTMENT. THE DATA
17 COLLECTED BY THE DEPARTMENT MUST BE COLLECTED THROUGH EXISTING
18 STUDENT DATA COLLECTION SYSTEMS AND IN COMPLIANCE WITH ALL
19 STATE AND FEDERAL LAWS AND REGULATIONS CONCERNING THE PRIVACY
20 OF INFORMATION, INCLUDING BUT NOT LIMITED TO THE FEDERAL "FAMILY
21 EDUCATION RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g,
22 AS AMENDED.

23 (4) The general assembly shall annually appropriate to the
24 department of education for allocation to the mountain A BOCES
25 DESIGNATED, IN CONSULTATION WITH THE STATEWIDE ASSOCIATION OF
26 BOCES, moneys sufficient to administer and fund ~~the~~ ANY contract ~~with~~
27 ~~the provider~~ entered into WITH A PROVIDER pursuant to this section. The

1 mountain DESIGNATED BOCES may expend not more than two percent of
2 the contract amount in administering ~~the~~ ANY SUCH contract.

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

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

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

21 **SECTION 2. In Colorado Revised Statutes, 22-30.7-103, add (3)**
22 **(h.5) as follows:**

23 **22-30.7-103. Division of on-line learning - created - duties.**

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

25 **(h.5) ON OR BEFORE JUNE 1, 2015, AND ON OR BEFORE JUNE 1**
26 **EVERY YEAR THEREAFTER, TO PREPARE A SUMMARY REPORT OF DATA**
27 **RELATED TO STUDENTS WHO PARTICIPATED IN A SUPPLEMENTAL ON-LINE**

1 COURSE OFFERED BY A NONPROFIT PROVIDER SELECTED PURSUANT TO
2 SECTION 22-5-119 AND SUBMIT THE REPORT TO SAID NONPROFIT PROVIDER
3 AND TO THE DEPARTMENT AND THE EDUCATION COMMITTEES OF THE
4 HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR
5 COMMITTEES.

6 **SECTION 3. Act subject to petition - effective date.** This act
7 takes effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part will not take effect
13 unless approved by the people at the general election to be held in
14 November 2014 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.