

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 12-0678.02 Jane Ritter x4342

HOUSE BILL 12-1240

HOUSE SPONSORSHIP

Kerr A.,

SENATE SPONSORSHIP

(None),

House Committees

Education
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATUTORY CHANGES TO K-12 EDUCATION.**

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 contains several statutory changes proposed by the department of education (department), including:

- ! A requirement will be placed on the office of legislative legal services to report any introduced legislation concerning education data to the education data advisory committee.
- ! The date for the adoption of graduation guidelines by the

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.*

HOUSE
Amended 2nd Reading
March 28, 2012

state board of education is extended from December 15, 2011, to May 15, 2013. The provision that the state board of education receive, maintain, and post copies of collective bargaining agreements are repealed.

- ! The pool of potential sources for gifts, grants, and donations for S.B. 10-191 is expanded by allowing the department to accept moneys outside of federal moneys.
- ! The date for the inclusion of diploma endorsements in performance indicators is extended.
- ! The criteria for awarding the John Irwin Schools of Excellence Award is changed to include those schools with the highest level of attainment on the performance indicator concerning student achievement levels.
- ! The difference between an "on-line program" and an "on-line school" is clarified.
- ! The military dependent supplemental pupil enrollment aid program is repealed.
- ! The number of charter school food authorities is increased from 6 to 10 and the deadline is extended to 2016.
- ! Ongoing deficit is defined.
- ! The department will notify a local board of education if it approves a letter of intent on emergency reserves.
- ! The requirement that a school district receiving an impact assistance grant must certify the amount of that grant to the state board of education is removed.
- ! Specifies that if a charter school or institute charter school offers a full-day kindergarten program, the supplemental funding should be passed to the charter school or institute charter school.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-2-106, **amend** (1)

3 (a.5) introductory portion as follows:

4 **22-2-106. State board - duties.** (1) It is the duty of the state
5 board:

6 (a.5) To adopt, on or before ~~December 15, 2011~~ MAY 15, 2013,
7 a comprehensive set of guidelines for the establishment of high school
8 graduation requirements to be used by each school district board of

1 education in developing local high school graduation requirements. Each
2 school district board of education shall retain the authority to develop its
3 own unique high school graduation requirements, so long as those local
4 high school graduation requirements meet or exceed any minimum
5 standards or basic core competencies or skills identified in the
6 comprehensive set of guidelines for high school graduation developed by
7 the state board pursuant to this paragraph (a.5). In developing the
8 guidelines for high school graduation, the state board shall utilize the
9 recommendations of the state graduation guidelines development council
10 established in section 22-7-414, as it existed prior to July 1, 2008, and
11 shall:

12 **SECTION 2.** In Colorado Revised Statutes, 22-32-109, **amend**
13 (1) (kk) (I) as follows:

14 **22-32-109. Board of education - specific duties.** (1) In addition
15 to any other duty required to be performed by law, each board of
16 education shall have and perform the following specific duties:

17 (kk) (I) To undertake a community-based process to develop a
18 blueprint for the education system in the community and to determine the
19 skills students will need to be successful after graduation. Each board of
20 education shall seek input from the community at large, which may
21 include, but need not be limited to, students, parents, business persons,
22 neighboring school districts, and regional boards of cooperative services.
23 Each board of education shall use this blueprint, together with the
24 guidelines for high school graduation requirements developed by the state
25 board pursuant to section 22-2-106 (1) (a.5), to establish local high school
26 graduation requirements applicable to students enrolling in ninth grade
27 beginning in the ~~2012-13~~ 2014-15 school year. To assist the state board

1 of education in fulfilling its duties under part 10 of article 7 of this title,
2 each board of education shall provide to the state board of education
3 information concerning the blueprint and the input received in developing
4 the blueprint. A board of education that has undertaken a comprehensive
5 community-based process and has revised its high school graduation
6 requirements within the previous two years shall not be required to
7 develop a new blueprint for the education system in its community or
8 make any revisions to its high school graduation requirements.

9 **SECTION 3.** In Colorado Revised Statutes, 22-2-109, **repeal** (1)
10 (r) as follows:

11 **22-2-109. State board of education - additional duties - teacher**
12 **standards - principal standards.** (1) The state board of education shall:

13 ~~(r) Receive the true and correct copies of all school district~~
14 ~~collective bargaining agreements submitted pursuant to the "Colorado~~
15 ~~School Collective Bargaining Agreement Sunshine Act", section~~
16 ~~22-32-109.4, and shall:~~

17 ~~(I) Create a repository for all of said current collective bargaining~~
18 ~~agreements that is available to the public for inspection during regular~~
19 ~~business hours in a convenient and identified location; and~~

20 ~~(H) Post copies of all of said current collective bargaining~~
21 ~~agreements on the department's web site. The posting may be done~~
22 ~~through a link to an individual school district's web site.~~

23 **SECTION 4.** In Colorado Revised Statutes, **add** 22-2-308 as
24 follows:

25 **22-2-308. Data reporting requirements - office of legislative**
26 **legal services.** NOTWITHSTANDING THE PROVISIONS OF SECTION 2-3-505,
27 C.R.S., THE OFFICE OF LEGISLATIVE LEGAL SERVICES, CREATED IN SECTION

1 2-3-501, C.R.S., SHALL NOTIFY EDAC OF ANY LEGISLATION INTRODUCED
2 THAT CREATES BY SPECIFIC LANGUAGE A NEW DATA REPORTING
3 REQUIREMENT TO ANY STATE OR FEDERAL AGENCY.

4 **SECTION 5.** In Colorado Revised Statutes, 22-7-1018, **amend**
5 (2) (c) as follows:

6 **22-7-1018. Cost study.** (2) The entity selected to conduct the cost
7 study shall submit reports to the department of education and the
8 department of higher education in accordance with the following
9 timeline:

10 (c) On or before October 1, ~~2012~~, 2014, a report of the costs
11 pertaining to implementation of the diploma endorsements.

12 **SECTION 6.** In Colorado Revised Statutes, 22-9-105.7, **amend**
13 (1) as follows:

14 **22-9-105.7. Great teachers and leaders fund - created - gifts,**
15 **grants, and donations.** (1) The department is authorized to seek, accept,
16 and expend ~~federal grants~~ GIFTS, GRANTS, AND DONATIONS for the
17 implementation of section 22-9-105.5; except that the department may not
18 accept a gift, grant, or donation ~~except from federal moneys~~ that is subject
19 to conditions that are inconsistent with this or any law of the state. The
20 department shall transmit all ~~federal~~ moneys received to the state
21 treasurer, who shall credit the same to the great teachers and leaders fund,
22 which fund is hereby created and referred to in this section as the "fund".
23 Moneys in the fund are continuously appropriated to the department for
24 the direct and indirect costs associated with implementing section
25 22-9-105.5.

26 **SECTION 7.** In Colorado Revised Statutes, 22-11-204, **amend**
27 (4) (a) (II) as follows:

1 **22-11-204. Performance indicators - measures.** (4) The
2 department shall determine the level of attainment of each public high
3 school, each school district, the institute, and the state as a whole on the
4 postsecondary and workforce readiness indicator by using, at a minimum,
5 the following measures:

6 (a) For each public high school, the department shall calculate:

7 (II) ~~Beginning with the 2011-12 school year and for each school~~
8 ~~year thereafter~~ AS SOON AS THE DATA IS AVAILABLE, the percentage of
9 students graduating from the public high school who receive a diploma
10 that includes a postsecondary and workforce readiness endorsement as
11 described in section 22-7-1009 (1) and the percentage who receive a
12 diploma that includes an endorsement for exemplary demonstration of
13 postsecondary and workforce readiness as described in section 22-7-1009
14 (2); and

15 **SECTION 8.** In Colorado Revised Statutes, 22-11-602, **amend**
16 (2) as follows:

17 **22-11-602. Colorado school awards program - John Irwin**
18 **schools of excellence awards - rules.** (2) Of the moneys available for
19 the program pursuant to this part 6, one third shall be awarded to the
20 public schools ~~whose~~ WITH THE HIGHEST level of attainment on the
21 performance indicator concerning student achievement levels, as
22 calculated pursuant to section 22-11-204 (3). ~~is within the top eight~~
23 ~~percent of all public schools in the state.~~ An award granted pursuant to
24 this section shall be known as a "John Irwin Schools of Excellence
25 Award".

26 **SECTION 9.** In Colorado Revised Statutes, 30-25-302, **repeal** (5)
27 (b) as follows:

1 **30-25-302. Eligibility - determination of impact - procedures**
2 **- legislative declaration.** (5) (b) ~~Any school district which receives an~~
3 ~~impact assistance grant pursuant to this section shall certify the amount~~
4 ~~of said grant to the state board of education.~~

5 **SECTION 10.** In Colorado Revised Statutes, 22-30.5-112, **add**
6 (2) (c) (III) as follows:

7 **22-30.5-112. Charter schools - financing - definitions -**
8 **guidelines.** (2) (c) (III) IF A CHARTER SCHOOL OPERATES A FULL-DAY
9 KINDERGARTEN PROGRAM, FOR PURPOSES OF CALCULATING THE CHARTER
10 SCHOOL'S FUNDING PURSUANT TO THIS SUBSECTION (2), THE NUMBER OF
11 PUPILS ENROLLED IN THE CHARTER SCHOOL SHALL INCLUDE THE
12 SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION
13 22-54-103 (15).

14 **SECTION 11.** In Colorado Revised Statutes, 22-30.5-112.1, **add**
15 (3) (c) as follows:

16 **22-30.5-112.1. Charter schools - definitions - exclusive**
17 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**
18 (3) (c) IF A CHARTER SCHOOL OPERATES A FULL-DAY KINDERGARTEN
19 PROGRAM, FOR PURPOSES OF CALCULATING THE CHARTER SCHOOL'S
20 FUNDING PURSUANT TO THIS SUBSECTION (3), THE NUMBER OF PUPILS
21 ENROLLED IN THE CHARTER SCHOOL SHALL INCLUDE THE SUPPLEMENTAL
22 KINDERGARTEN ENROLLMENT AS DEFINED IN SECTION 22-54-103 (15).

23 **SECTION 12.** In Colorado Revised Statutes, 22-30.5-513, **add**
24 (2) (b.5) as follows:

25 **22-30.5-513. Institute charter schools - definitions - funding.**
26 (2) (b.5) IF AN INSTITUTE CHARTER SCHOOL OPERATES A FULL-DAY
27 KINDERGARTEN PROGRAM, FOR PURPOSES OF CALCULATING THE INSTITUTE

1 CHARTER SCHOOL'S FUNDING PURSUANT TO THIS SUBSECTION (2), THE
2 NUMBER OF PUPILS ENROLLED IN THE INSTITUTE'S CHARTER SCHOOL SHALL
3 INCLUDE THE SUPPLEMENTAL KINDERGARTEN ENROLLMENT AS DEFINED
4 IN SECTION 22-54-103 (15).

5 **SECTION 13.** In Colorado Revised Statutes, 22-30.7-107, **repeal**
6 (3) as follows:

7 **22-30.7-107. Funding.** (3) ~~For the 2008-09 budget year, and for~~
8 ~~each budget year thereafter, an authorizer that is providing an on-line~~
9 ~~program may receive funding for each student enrolled in the on-line~~
10 ~~program, regardless of whether the student was included in the pupil~~
11 ~~enrollment or on-line pupil enrollment of a school district or institute~~
12 ~~charter school for the preceding school year.~~

13 **SECTION 14.** In Colorado Revised Statutes, 22-30.7-102,
14 **amend** (9) and **add** (9.5) as follows:

15 **22-30.7-102. Definitions.** As used in this article, unless the
16 context otherwise requires:

17 (9) "On-line program" means a full-time, on-line education
18 program ~~or school~~ authorized pursuant to this article that delivers a
19 sequential program of synchronous or asynchronous instruction from a
20 teacher to a student primarily through the use of ~~technology. via the~~
21 ~~internet in a virtual or remote setting.~~ THE INTERNET. "On-line program"
22 does not include a supplemental program. ACCOUNTABILITY FOR EACH
23 STUDENT IN AN ON-LINE PROGRAM IS ATTRIBUTED BACK TO A DESIGNATED
24 SCHOOL THAT HOUSES THE ON-LINE PROGRAM.

25 (9.5) "ON-LINE SCHOOL" MEANS A FULL-TIME, ON-LINE EDUCATION
26 SCHOOL AUTHORIZED PURSUANT TO THIS ARTICLE THAT DELIVERS A
27 SEQUENTIAL PROGRAM OF SYNCHRONOUS OR ASYNCHRONOUS

1 INSTRUCTION FROM A TEACHER TO A STUDENT PRIMARILY THROUGH THE
2 USE OF THE INTERNET. AN ON-LINE SCHOOL HAS AN ASSIGNED SCHOOL
3 CODE AND OPERATES WITH ITS OWN ADMINISTRATOR, A SEPARATE
4 BUDGET, AND A COMPLETE INSTRUCTIONAL PROGRAM. AN ON-LINE
5 SCHOOL IS RESPONSIBLE FOR FULFILLING ALL REPORTING REQUIREMENTS
6 AND WILL BE HELD TO STATE AND FEDERALLY MANDATED
7 ACCOUNTABILITY PROCESSES.

8 **SECTION 15.** In Colorado Revised Statutes, 22-32-109.4,
9 **amend** (3) (a) and **repeal** (3) (b) as follows:

10 **22-32-109.4. "Colorado School Collective Bargaining**
11 **Agreement Sunshine Act" - board of education - specific duties.**

12 (3) In addition to any other duty required to be performed by law, each
13 board of education shall cause, within thirty days following August 8,
14 2001, a true and correct copy of each collective bargaining agreement
15 entered into by the board of education and in effect as of said date and all
16 subsequent collective bargaining agreements entered into by the board of
17 education, within thirty working days following the date of ratification of
18 each agreement, to be:

19 (a) Posted on the web site of the school district; ~~if the school~~
20 ~~district maintains a web site;~~

21 (b) ~~Filed with the state board of education;~~

22 **SECTION 16.** In Colorado Revised Statutes, 22-32-120, **amend**
23 (7) (b) (V) as follows:

24 **22-32-120. Food services - facilities - school food authorities -**
25 **rules.** (7) On or before October 1, 2009, the state board of education
26 shall promulgate rules establishing:

27 (b) A timeline, standards, and procedures for the department of

1 education to use in granting or denying authorization as a school food
2 authority to a district charter school or an institute charter school. The
3 standards shall include, at a minimum, the following requirements:

4 (V) The department of education shall not grant authorization as
5 a school food authority to more than ~~six~~ TEN applicant district charter
6 schools or institute charter schools until July 1, ~~2011~~ 2016, including any
7 district charter schools or institute charter schools that have been granted
8 provisional authorization pursuant to subsection (6) of this section.

9 **SECTION 17.** In Colorado Revised Statutes, 22-44-102, **add**
10 (7.5) as follows:

11 **22-44-102. Definitions.** As used in this part 1, unless the context
12 otherwise requires:

13 (7.5) "ONGOING DEFICIT" MEANS ANY NEGATIVE AMOUNT
14 REPORTED IN THE ANNUAL FINANCIAL AUDIT OR SUBMITTED THROUGH THE
15 DEPARTMENT'S FINANCIAL DATA-COLLECTION PROCESS BY THE SCHOOL
16 DISTRICT, BOARD OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR
17 CHARTER SCHOOL INSTITUTE IN THE UNASSIGNED FUND BALANCE FOR
18 GOVERNMENTAL FUNDS OR UNRESTRICTED NET ASSETS FOR PROPRIETARY
19 FUNDS AS IDENTIFIED IN THE STANDARD STATEWIDE CHART OF ACCOUNTS.

20 **SECTION 18.** In Colorado Revised Statutes, 22-44-105, **add** (1)
21 (c.4) as follows:

22 **22-44-105. Budget - contents - mandatory.** (1) The budget shall
23 be presented in the standard budget report format established by the state
24 board of education by rule pursuant to subsection (5) of this section. The
25 standard budget report format established by the state board shall be
26 substantially consistent from year to year and shall adhere to the
27 following guidelines:

1 (c.4) UPON REVIEW OF THE LETTER OF INTENT SUBMITTED TO THE
2 STATE TREASURER AND THE DEPARTMENT OF EDUCATION, THE
3 DEPARTMENT OF EDUCATION WILL NOTIFY THE BOARD OF EDUCATION OF
4 THE ACCEPTANCE, IF APPROPRIATE, OF THE USE OF REAL PROPERTY ■ ■
5 FOR THE ESTABLISHMENT OF A DISTRICT EMERGENCY RESERVE PURSUANT
6 TO PARAGRAPH (c.5) OF THIS SUBSECTION (1).

7 **SECTION 19.** In Colorado Revised Statutes, 22-54-115, **amend**
8 (1) (a) as follows:

9 **22-54-115. Distribution from state public school fund.** (1) No
10 later than June 30 of each year, the state board shall determine the amount
11 of the state's share of the district's total program for the budget year
12 beginning on July 1, and the total thereof for all districts, which amount
13 shall be payable in twelve approximately equal monthly payments during
14 such budget year; except that:

15 (a) Such payments shall be adjusted following the certification of
16 pupil enrollments, the certification of valuations for assessment to the
17 state board pursuant to section 22-54-112 (1) and (2), ~~the certification of~~
18 ~~the amount of any impact assistance grants on behalf of school districts~~
19 ~~pursuant to section 30-25-302, C.R.S.,~~ and the certification of any
20 payments in lieu of taxes received by school districts pursuant to section
21 39-3-114.5, C.R.S.;

22 **SECTION 20.** In Colorado Revised Statutes, **repeal** 22-54-128.

23 **SECTION 21.** In Colorado Revised Statutes, 22-2-130, **amend** (2)
24 (b) and (2) (c) as follows:

25 **22-2-130. Supplemental on-line education grant program -**
26 **legislative declaration - definitions - creation - eligibility - award -**
27 **fund.** (2) As used in this section, unless the context otherwise requires:

1 (b) "Eligible charter school" means:

2 (I) A charter school that is authorized by an eligible school district
3 pursuant to part 1 of article 30.5 of this title and that does not operate an
4 on-line program OR AS AN ON-LINE SCHOOL; or

5 (II) An institute charter school that is authorized pursuant to part
6 5 of article 30.5 of this title, that enrolls fewer than three thousand
7 students, as determined by the institute charter school's pupil enrollment
8 certified by the state charter school institute on behalf of the institute
9 charter school to the state board pursuant to section 22-30.5-513 (3) (a),
10 and that does not operate an on-line program OR AS AN ON-LINE SCHOOL.

11 (c) "Eligible school district" means a school district that does not
12 export an on-line program OR ON-LINE SCHOOL to students receiving the
13 program at a location outside of the school district's geographic
14 boundaries and that enrolls fewer than three thousand students, as
15 determined by the school district's pupil enrollment certified to the state
16 board pursuant to section 22-54-112.

17 **SECTION 22.** In Colorado Revised Statutes, 22-11-103, **amend**
18 (28) as follows:

19 **22-11-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

21 (28) "Public school" shall have the same meaning as provided in
22 section 22-1-101 and includes, but is not limited to, a district charter
23 school, an institute charter school, ~~and~~ an on-line program, as defined in
24 section 22-30.7-102 (9), AND AN ON-LINE SCHOOL, AS DEFINED IN SECTION
25 22-30.7-102 (9.5).

26 **SECTION 23.** In Colorado Revised Statutes, 22-11-307, **amend**
27 (2.5) as follows:

1 **22-11-307. Accreditation of public schools.** (2.5) In adopting its
2 school accreditation policies for its on-line programs AND ON-LINE
3 SCHOOLS, as defined in ~~section~~ SECTIONS 22-30.7-102 (9) AND
4 22-30.7-102 (9.5), a local school board or the institute board shall include
5 a review of the on-line program's OR SCHOOL'S alignment to the quality
6 standards outlined in section 22-30.7-105 (3) (b).

7 **SECTION 24.** In Colorado Revised Statutes, 22-20-109, **amend**
8 (2.5) (a), (4) (a), (5) (a), (6), (7) introductory portion, (7) (b), (7) (c), and
9 (7) (d) as follows:

10 **22-20-109. Tuition - rules.** (2.5) (a) When a child with a
11 disability is placed out of the home in a group home and attends school
12 in an administrative unit other than the child's administrative unit of
13 residence and the school does not provide the child with an on-line
14 program OR ON-LINE SCHOOL pursuant to article 30.7 of this title, the
15 district of residence shall be responsible for paying the tuition charge for
16 educating the child to the administrative unit of attendance.

17 (4) (a) When a child with a disability enrolls and attends a school
18 in an administrative unit other than the child's administrative unit of
19 residence pursuant to the provisions of section 22-36-101, and the school
20 does not provide the child an on-line program OR ON-LINE SCHOOL
21 pursuant to article 30.7 of this title, the district of residence shall be
22 responsible for paying the tuition charge for educating the child to the
23 administrative unit of attendance.

24 (5) (a) When a child with a disability enrolls in and attends a
25 district charter school pursuant to the provisions of part 1 of article 30.5
26 of this title or an institute charter school pursuant to part 5 of article 30.5
27 of this title, including a district or institute charter school that provides an

1 on-line program OR OPERATES AS AN ON-LINE SCHOOL pursuant to article
2 30.7 of this title, the district of residence shall be responsible for paying
3 to the district or institute charter school the tuition charge for the excess
4 costs incurred in educating the child.

5 (6) (a) When a child with a disability enrolls in and attends an
6 on-line program OR ON-LINE SCHOOL pursuant to article 30.7 of this title
7 that is not provided by a district or institute charter school, the district of
8 residence shall be responsible for paying to the provider of the on-line
9 program OR ON-LINE SCHOOL the tuition charge for the excess costs
10 incurred in educating the child.

11 (b) The provider of the on-line program OR ON-LINE SCHOOL shall
12 not charge the district of residence tuition for the excess costs incurred in
13 educating a child with a disability who receives educational services from
14 the provider of the on-line program OR ON-LINE SCHOOL unless the child
15 meets the criteria for funding pursuant to section 22-20-114 (1) (c) (II).

16 (c) The on-line provider shall provide notice to the administrative
17 unit of attendance, the administrative unit of residence, and the district of
18 residence if it is not an administrative unit, in accordance with state board
19 rules adopted pursuant to subsection (7) of this section when a child with
20 a disability applies to enroll in the on-line program OR ON-LINE SCHOOL.
21 The notice shall be in writing and shall also be sent to the special
22 education directors for the administrative units of residence and of
23 attendance. If the on-line provider does not intend to seek tuition costs,
24 notification is not required.

25 (d) The amount of the tuition charge shall be determined pursuant
26 to rules adopted by the state board pursuant to subsection (7) of this
27 section. The tuition responsibility shall be reflected in a contract entered

1 into by the administrative unit of residence, the district of residence if it
2 is not an administrative unit, the administrative unit of attendance, and the
3 district of attendance if it is not an administrative unit. Under the
4 circumstances described in this subsection (6), the provisions of section
5 22-20-108 (8) shall not apply.

6 (7) For the 2004-05 budget year and budget years thereafter, the
7 state board shall promulgate rules pertaining to the education of children
8 with disabilities in charter schools and rules pertaining to the education
9 of children with disabilities through on-line programs AND ON-LINE
10 SCHOOLS. Both sets of rules shall include, but need not be limited to, rules
11 to:

12 (b) Define the types and amounts of allowable costs in excess of
13 the per pupil funding for the child with a disability, as determined
14 pursuant to article 54 of this title, and any other state and federal revenues
15 received for educating the child, that a charter school, ~~or~~ on-line program,
16 OR ON-LINE SCHOOL may charge as tuition to a district of residence;

17 (c) Define other applicable revenues that a district of residence of
18 a child with a disability shall apply in paying the tuition charge for excess
19 costs incurred in educating the child at a charter school or through an
20 on-line program OR ON-LINE SCHOOL;

21 (d) Specify the limitations on the number of staff members per
22 number of students that a charter school, ~~or~~ on-line program, OR ON-LINE
23 SCHOOL shall provide in educating children with disabilities;

24 **SECTION 25.** In Colorado Revised Statutes, 22-30.5-103,
25 **amend** (6) as follows:

26 **22-30.5-103. Definitions.** As used in this part 1, unless the
27 context otherwise requires:

1 (6) "On-line pupil" means:

2 (a) For the 2007-08 budget year, a child who receives educational
3 services predominantly through an on-line program OR ON-LINE SCHOOL
4 created pursuant to article 30.7 of this title.

5 (b) For the 2008-09 budget year, and for each budget year
6 thereafter, a child who receives educational services predominantly
7 through a multi-district ~~program~~ ON-LINE SCHOOL, as defined in section
8 22-30.7-102 ~~(6)~~ (9.5), created pursuant to article 30.7 of this title.

9 **SECTION 26.** In Colorado Revised Statutes, 22-30.5-104,
10 **amend** (8) as follows:

11 **22-30.5-104. Charter school - requirements - authority.** (8) A
12 charter school shall be authorized to offer any educational program,
13 including but not limited to an on-line program OR ON-LINE SCHOOL
14 CREATED pursuant to article 30.7 of this title, that may be offered by a
15 school district and that is research-based and has been proven to be
16 effective, unless expressly prohibited by state law.

17 **SECTION 27.** In Colorado Revised Statutes, 22-30.5-112,
18 **amend** (2) (a.7) as follows:

19 **22-30.5-112. Charter schools - financing - definitions -**
20 **guidelines.** (2) (a.7) For the 2000-01 budget year through the 2008-09
21 budget year, each charter school shall annually allocate the minimum per
22 pupil dollar amount specified in section 22-54-105 (2) (b), multiplied by
23 the number of students enrolled in the charter school who are not students
24 enrolled in an on-line program OR AN ON-LINE SCHOOL, as defined in
25 ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), to a fund
26 created by the charter school for capital reserve purposes, as set forth in
27 section 22-45-103 (1) (c) and (1) (e), or solely for the management of

1 risk-related activities, as identified in section 24-10-115, C.R.S., and
2 article 13 of title 29, C.R.S., or among such allowable funds. Said moneys
3 shall be used for the purposes set forth in section 22-45-103 (1) (c) and
4 (1) (e) and may not be expended by the charter school for any other
5 purpose. Any moneys remaining in ~~such~~ THE fund that have not been
6 expended prior to the 2009-10 budget year shall be budgeted for the
7 purposes set forth in section 22-45-103 (1) (c) and (1) (e) in the 2009-10
8 budget year or any budget year thereafter.

9 **SECTION 28.** In Colorado Revised Statutes, 22-30.5-112.1,
10 **amend** (1) (k) (II) as follows:

11 **22-30.5-112.1. Charter schools - definitions - exclusive**
12 **jurisdiction districts - authorized on or after July 1, 2004 - financing.**

13 (1) As used in this section, unless the context otherwise requires:

14 (k) "On-line pupil enrollment" means:

15 (II) For the 2008-09 budget year, and for budget years thereafter,
16 the number of pupils, on October 1 within the applicable budget year or
17 the school day nearest said date, enrolled in, attending, and actively
18 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in
19 section 22-30.7-102 (6), created pursuant to article 30.7 of this title, by
20 the district charter school.

21 **SECTION 29.** In Colorado Revised Statutes, 22-30.5-112.3,
22 **amend** (1) (a.7) (II) as follows:

23 **22-30.5-112.3. Charter schools - additional aid from district.**

24 (1) (a.7) (II) As used in this paragraph (a.7), "pupils" means
25 pupils, other than pupils enrolled in an on-line program OR ON-LINE
26 SCHOOL, as defined in ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102
27 (9.5), who are enrolled in a charter school.

1 **SECTION 30.** In Colorado Revised Statutes, 22-30.5-502,
2 **amend** (9) as follows:

3 **22-30.5-502. Definitions.** As used in this part 5, unless the
4 context otherwise requires:

5 (9) "On-line pupil" means:

6 (a) For the 2007-08 budget year, a child who receives educational
7 services predominantly through an on-line program OR ON-LINE SCHOOL
8 created pursuant to article 30.7 of this title;

9 (b) For the 2008-09 budget year, and for each budget year
10 thereafter, a child who receives educational services predominantly
11 through a multi-district program ON-LINE SCHOOL, as defined in section
12 22-30.7-102 (6), created pursuant to article 30.7 of this title.

13 **SECTION 31.** In Colorado Revised Statutes, 22-30.5-507,
14 **amend** (9) as follows:

15 **22-30.5-507. Institute charter school - requirements -**
16 **authority.** (9) An institute charter school is authorized to offer any
17 educational program, including but not limited to an on-line program OR
18 ON-LINE SCHOOL pursuant to article 30.7 of this title, that may be offered
19 by a school district, unless expressly prohibited by its charter contract or
20 by state law.

21 **SECTION 32.** In Colorado Revised Statutes, 22-30.5-513,
22 **amend** (1) (j) (II) as follows:

23 **22-30.5-513. Institute charter schools - definitions - funding.**

24 (1) As used in this section, unless the context otherwise requires:

25 (j) "On-line pupil enrollment" means:

26 (II) For the 2008-09 budget year, and for budget years thereafter,
27 the number of pupils, on October 1 within the applicable budget year or

1 the school day nearest said date, enrolled in, attending, and actively
2 participating in a multi-district program ON-LINE SCHOOL, as defined in
3 section 22-30.7-102 (6), created pursuant to article 30.7 of this title by the
4 institute charter school.

5 **SECTION 33.** In Colorado Revised Statutes, amend 22-30.5-514
6 as follows:

7 **22-30.5-514. Institute charter school - capital reserve, risk**
8 **management, and instructional purposes.** (1) For the 2004-05 budget
9 year through the 2008-09 budget year, each institute charter school shall
10 annually allocate the minimum per pupil dollar amount specified in
11 section 22-54-105 (2) (b), multiplied by the number of students enrolled
12 in the institute charter school who are not students enrolled in an on-line
13 program OR ON-LINE SCHOOL, as defined in section SECTIONS 22-30.7-102
14 (9) AND 22-30.7-102 (9.5), to a fund created by the institute charter school
15 for capital reserve purposes, as set forth in section 22-45-103 (1) (c) and
16 (1) (e), or solely for the management of risk-related activities, as
17 identified in section 24-10-115, C.R.S., and article 13 of title 29, C.R.S.,
18 or among such allowable funds. Said moneys shall be used for the
19 purposes set forth in section 22-45-103 (1) (c) and (1) (e) and may not be
20 expended by the institute charter school for any other purpose. Any
21 moneys remaining in such THE fund that have not been expended prior to
22 the 2009-10 budget year shall be budgeted for the purposes set forth in
23 section 22-45-103 (1) (c) and (1) (e) in the 2009-10 budget year or any
24 budget year thereafter.

25 (2) For the 2004-05 budget year through the 2008-09 budget year,
26 each institute charter school shall annually allocate the minimum per
27 pupil dollar amount specified in section 22-54-105 (1) (b), multiplied by

1 the number of students enrolled in the institute charter school who are not
2 students enrolled in an on-line program OR ON-LINE SCHOOL, as defined
3 in ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), to accounts
4 created by the institute charter school for instructional supplies and
5 materials, instructional capital outlays, or other instructional purposes, as
6 set forth in section 22-45-103 (1) (a) (II), or among such accounts.
7 Moneys may be transferred among the three accounts. The moneys in the
8 accounts shall be used for the purposes set forth in section 22-45-103 (1)
9 (a) (II) and may not be expended by the institute charter school for any
10 other purpose. Any moneys in the accounts that are not projected to be
11 expended during a budget year shall be budgeted for the purposes set
12 forth in section 22-45-103 (1) (a) (II) in the next budget year. Nothing in
13 this subsection (2) shall be construed to require that interest on moneys
14 in the accounts be specifically allocated to the accounts. Any moneys
15 remaining in any ~~such~~ THE account that have not been expended prior to
16 the 2009-10 budget year shall be budgeted for the purposes set forth in
17 section 22-45-103 (1) (a) (II) in the 2009-10 budget year or any budget
18 year thereafter.

19 **SECTION 34.** In Colorado Revised Statutes, 22-30.5-515,
20 **amend** (1) (b) as follows:

21 **22-30.5-515. Institute charter school - additional aid.**
22 (1) (b) As used in this subsection (1), "pupils" means pupils other than
23 pupils enrolled in an on-line program OR ON-LINE SCHOOL, as defined in
24 ~~section~~ SECTIONS 22-30.7-102 (9) AND 22-30.7-102 (9.5), who are
25 enrolled in a qualified charter school.

26 **SECTION 35.** In Colorado Revised Statutes, 22-30.7-101, **amend**
27 (1) (e) and (1) (f) as follows:

1 **22-30.7-101. Legislative declaration.** (1) The general assembly
2 hereby finds and declares that:

3 (e) On-line programs AND ON-LINE SCHOOLS must be accountable
4 to students and parents and to the institutions that accredit on-line
5 programs AND ON-LINE SCHOOLS;

6 (f) The state has a role in ensuring quality oversight of on-line
7 programs AND ON-LINE SCHOOLS, but the state should not replace a school
8 district or an authorizing entity in directly administering on-line programs
9 AND ON-LINE SCHOOLS;

10 **SECTION 36.** In Colorado Revised Statutes, 22-30.7-102,
11 **amend** (2), (6), (8), and (13) as follows:

12 **22-30.7-102. Definitions.** As used in this article, unless the
13 context otherwise requires:

14 (2) "Authorizer" means an entity that authorizes an on-line
15 program OR ON-LINE SCHOOL. "Authorizer" shall include a school district,
16 any group of two or more school districts, a board of cooperative services
17 created pursuant to section 22-5-104, or the state charter school institute
18 established pursuant to section 22-30.5-503.

19 (6) "Multi-district ~~program~~ ON-LINE SCHOOL" means an on-line
20 ~~program~~ SCHOOL that serves a student population drawn from two or
21 more school districts.

22 (8) "On-line learning expert" means a person with special
23 knowledge of and experience in the teaching or administration of
24 ~~multi-district programs, single district programs,~~ SINGLE-DISTRICT
25 ON-LINE PROGRAMS AND ON-LINE SCHOOLS, MULTI-DISTRICT ON-LINE
26 SCHOOLS, or supplemental programs for students in kindergarten through
27 twelfth grade.

1 (13) "Single-district ON-LINE program" OR "SINGLE-DISTRICT
2 ON-LINE SCHOOL" means an on-line program OR ON-LINE SCHOOL that
3 serves only students who reside within a single school district. ~~or, in the~~
4 ~~case of a program authorized by one or more districts or a board of~~
5 ~~cooperative services, an on-line program that serves only students who~~
6 ~~reside within the authorizing districts or within the member districts of~~
7 ~~the authorizing board of cooperative services.~~

8 **SECTION 37.** In Colorado Revised Statutes, 22-30.7-103,
9 **amend** (2), (3) (b), (3) (d), (3) (i), (3) (j), (3) (l), and (3) (m) as follows:

10 **22-30.7-103. Division of on-line learning - created - duties.**

11 (2) **Purposes.** The purposes of the on-line division are:

12 (a) To support on-line programs AND ON-LINE SCHOOLS, students,
13 parents, authorizers, and other entities related to on-line learning by
14 providing information and access to available data; and

15 (b) To facilitate the certification of multi-district ~~programs~~
16 ON-LINE SCHOOLS in accordance with rules promulgated by the state board
17 pursuant to section 22-30.7-106.

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

19 (b) To evaluate applications for certification of multi-district
20 ~~programs~~ ON-LINE SCHOOLS using criteria adopted by rules promulgated
21 by the state board pursuant to section 22-30.7-106 and to recommend that
22 the state board grant or deny certification based upon the criteria;

23 (d) To recommend to the state board on or before September 1,
24 2007, a process, timeline, and standard MOU form for use by
25 multi-district ~~programs~~ ON-LINE SCHOOLS and school districts in crafting
26 memoranda of understanding pursuant to section 22-30.7-111 regarding
27 the placement of learning centers within the boundaries of a school

1 district. At a minimum, the standard MOU form shall include the
2 information specified in section 22-30.7-111 (1) (b).

3 (i) To establish a process and timeline for documenting and
4 tracking complaints concerning on-line programs AND ON-LINE SCHOOLS;

5 (j) To collect resources to support the implementation of quality
6 on-line programs AND ON-LINE SCHOOLS and make the resources available
7 to on-line programs AND ON-LINE SCHOOLS upon request;

8 (l) To annually collect and review information concerning sound
9 financial and accounting practices and resources for each on-line program
10 AND ON-LINE SCHOOL. The information may be the same information
11 submitted by on-line charter schools pursuant to section 22-30.5-109 (1);
12 and

13 (m) If the on-line division has reason to believe that an on-line
14 program OR ON-LINE SCHOOL is not in substantial compliance with one or
15 more of the statutory or regulatory requirements applicable to on-line
16 programs AND ON-LINE SCHOOLS, to provide notice to the on-line program
17 OR ON-LINE SCHOOL, and its authorizer, and require that the on-line
18 program OR ON-LINE SCHOOL, together with its authorizer, address a plan
19 for coming into compliance. The plan may be included in the school plan
20 required pursuant to section 22-11-210 (2).

21 **SECTION 38.** In Colorado Revised Statutes, **amend** 22-30.7-105
22 as follows:

23 **22-30.7-105. Program criteria - guidelines - quality standards**
24 **- records - rules.** (1) (a) A school district ~~a group of two or more school~~
25 ~~districts, a board of cooperative services created pursuant to section~~
26 ~~22-5-104,~~ and the state charter school institute established pursuant to
27 section 22-30.5-503 are hereby authorized to create or oversee

1 single-district ON-LINE programs OR SINGLE-DISTRICT ON-LINE SCHOOLS.

2 (b) A school district, a group of two or more school districts, a
3 board of cooperative services created pursuant to section 22-5-104, and
4 the state charter school institute established pursuant to section
5 22-30.5-503 are hereby authorized to create or oversee multi-district
6 programs ON-LINE SCHOOLS, subject to the requirement that the authorizer
7 apply to the on-line division for certification of the multi-district program
8 ON-LINE SCHOOL as described in section 22-30.7-106.

9 (c) Nothing in this article shall be construed to prohibit an on-line
10 program OR ON-LINE SCHOOL from providing supplemental on-line
11 courses.

12 (2) The following guidelines shall apply to each on-line program
13 OR ON-LINE SCHOOL that is created or overseen pursuant to the provisions
14 of this article:

15 (a) A student who is participating in an on-line program OR
16 ON-LINE SCHOOL shall be subject to compulsory school attendance as
17 provided in article 33 of this title and shall be deemed to comply with the
18 compulsory attendance requirements through participation in the on-line
19 program OR ON-LINE SCHOOL.

20 (b) Each student participating in an on-line program OR ON-LINE
21 SCHOOL shall be subject to the statewide assessments administered
22 pursuant to section 22-7-409.

23 (c) The provisions of article 36 of this title concerning schools of
24 choice shall apply to an on-line program OR ON-LINE SCHOOL
25 implemented pursuant to this article.

26 (d) The provisions of the "Education Accountability Act of 2009",
27 article 11 of this title, shall apply to an on-line program OR ON-LINE

1 SCHOOL implemented pursuant to this article in the same manner as said
2 provisions apply to the other public schools operating in this state.

3 (3) (a) An on-line program OR ON-LINE SCHOOL that is
4 administered pursuant to the provisions of this article shall satisfy the
5 quality standards established by rules promulgated by the state board
6 pursuant to paragraph (b) of this subsection (3).

7 (b) On or before January 1, 2008, the state board, in consultation
8 with the on-line division, shall promulgate rules establishing quality
9 standards for on-line programs AND ON-LINE SCHOOLS administered
10 pursuant to the provisions of this article. The rules shall include, but need
11 not be limited to, the establishment of quality standards in the following
12 areas:

13 (I) An on-line program's OR ON-LINE SCHOOL'S governance, vision,
14 and organization;

15 (II) Standards-based curricula and data-driven instructional
16 practices;

17 (III) Technological capacity and support;

18 (IV) Internet safety;

19 (V) Sound financial and accounting practices and resources;

20 (VI) Student academic performance and improvement;

21 (VII) Monitoring and assessment of student academic
22 performance and improvement;

23 (VIII) Course completion measurements;

24 (IX) Attendance tracking procedures;

25 (X) Data analysis, management, and reporting;

26 (XI) Guidance counseling;

27 (XII) Engagement of parents and communities in on-line

1 programs AND ON-LINE SCHOOLS;

2 (XIII) Provisions for students with special needs, including gifted
3 and talented students and English language learners; and

4 (XIV) Program evaluation and improvement.

5 (c) Repealed.

6 (4) (a) The records of each student participating in a multi-district
7 program ON-LINE SCHOOL shall be maintained on a permanent basis by the
8 authorizer of the multi-district program ON-LINE SCHOOL; except that, if
9 a charter school provides the multi-district program ON-LINE SCHOOL,
10 only the charter school and not the authorizer shall be required to
11 maintain the records. The records shall include, but need not be limited
12 to:

13 (I) Attendance data;

14 (II) Test, evaluation, and statewide assessment results;

15 (III) Immunization records, as required by sections 25-4-902 and
16 25-4-903, C.R.S.; and

17 (IV) Such other records as are required under law concerning
18 enrolled students, including but not limited to records required by state or
19 federal statutes concerning the education of students with disabilities.

20 (b) (I) If a student enrolled in a school within a school district
21 transfers to an on-line program OR ON-LINE SCHOOL, the school district
22 shall transmit to the on-line program OR ON-LINE SCHOOL all performance,
23 attendance, and assessment data concerning the student within thirty days
24 after the school district receives notice from the on-line program OR
25 ON-LINE SCHOOL that the student has enrolled in the on-line program OR
26 ON-LINE SCHOOL.

27 (II) If a student enrolled in an on-line program OR ON-LINE

1 SCHOOL transfers to a school within a school district, the on-line program
2 OR ON-LINE SCHOOL shall transmit to the school all performance,
3 attendance, and assessment data concerning the student within thirty days
4 after the on-line program OR ON-LINE SCHOOL receives notice from the
5 school district that the student has enrolled in the school.

6 (5) Each student participating in an on-line program OR ON-LINE
7 SCHOOL shall be a resident of this state and shall demonstrate that he or
8 she possesses the appropriate electronic equipment and resources to
9 participate in the program OR SCHOOL; except that an on-line program OR
10 ON-LINE SCHOOL may provide such equipment and resources to a student
11 to enable the student to participate in the on-line program OR ON-LINE
12 SCHOOL.

13 **SECTION 39.** In Colorado Revised Statutes, **amend** 22-30.7-106
14 as follows:

15 **22-30.7-106. Certification of multi-district on-line schools -**
16 **criteria - rules.** (1) If a school district, a group of two or more school
17 districts, a board of cooperative services created pursuant to section
18 22-5-104, or the state charter school institute established pursuant to
19 section 22-30.5-503 chooses to authorize a multi-district ~~program~~
20 ON-LINE SCHOOL, the school district, group of two or more school
21 districts, board of cooperative services, or state charter school institute
22 shall, prior to authorizing the multi-district ~~program~~ ON-LINE SCHOOL,
23 apply to the on-line division for certification of the multi-district ~~program~~
24 ON-LINE SCHOOL.

25 (2) Notwithstanding the provisions of subsection (1) of this
26 section, the state board may, in its discretion, waive the requirement that
27 an authorizer that chooses to authorize a multi-district ~~program~~ ON-LINE

1 SCHOOL apply to the on-line division for certification of the program
2 SCHOOL if the multi-district program ON-LINE SCHOOL that the authorizer
3 seeks to authorize has ten or fewer students from outside the school
4 district enrolled in the program SCHOOL.

5 (3) Notwithstanding the provisions of subsection (1) of this
6 section, an authorizer of a single-district ON-LINE program OR ON-LINE
7 SCHOOL that becomes a multi-district program ON-LINE SCHOOL shall not
8 be required to apply to the on-line division for certification of the
9 multi-district program ON-LINE SCHOOL in the event that ten or fewer
10 students from outside the school district in which the single-district
11 ON-LINE program OR ON-LINE SCHOOL is operating enroll in the program
12 MULTI-DISTRICT ON-LINE SCHOOL.

13 (4) The state board shall promulgate rules specifying criteria to be
14 used by the on-line division in certifying multi-district programs ON-LINE
15 SCHOOLS. The criteria shall include, but need not be limited to, the
16 following:

17 (a) Whether the authorizer of the multi-district program ON-LINE
18 SCHOOL possesses adequate resources and the capacity to oversee the
19 multi-district program ON-LINE SCHOOL, including but not limited to
20 oversight of the following components of the multi-district program
21 ON-LINE SCHOOL:

- 22 (I) Curriculum and instruction;
- 23 (II) Use of software applications and technology;
- 24 (III) Data gathering, analysis, and reporting;
- 25 (IV) Human resources management;
- 26 (V) Financial management, facilities management, and risk
27 management; and

- 1 (VI) Other relevant public education administration functions;
- 2 (b) Whether the plan for operating and monitoring the
- 3 multi-district program ON-LINE SCHOOL agreed to by the authorizer of the
- 4 multi-district program ON-LINE SCHOOL and the principal, director, or
- 5 other chief administrator of the multi-district program ON-LINE SCHOOL
- 6 adequately addresses, at a minimum, consideration of the following
- 7 elements:
- 8 (I) The multi-district program's ON-LINE SCHOOL'S vision, mission,
- 9 and goals;
- 10 (II) The multi-district program's ON-LINE SCHOOL'S organizational
- 11 structure and governance, including governing board and school policies
- 12 and procedures;
- 13 (III) Equitable access for all students;
- 14 (IV) Guidance counseling for all students enrolled in the
- 15 multi-district program ON-LINE SCHOOL;
- 16 (V) Student academic credit policies;
- 17 (VI) Student achievement and attendance policies, including but
- 18 not limited to monitoring graduation and dropout rates;
- 19 (VII) Student records policies and procedures;
- 20 (VIII) Student admission and placement policies and procedures;
- 21 (IX) Staff development plans;
- 22 (X) Student services, including counseling and tutorial support;
- 23 (XI) Staff, student, and parent handbooks;
- 24 (XII) Employment and contractor policies and procedures;
- 25 (XIII) Annual budgeting and finance practices;
- 26 (XIV) Facility plans, including any contemplated physical sites;
- 27 (XV) Risk management;

1 (XVI) Data development, analysis, and reporting; and
2 (XVII) Policies and procedures for facilitating communication
3 between the multi-district program ON-LINE SCHOOL, parents, and school
4 districts in which students who are enrolled in the multi-district program
5 ON-LINE SCHOOL reside; and

6 (c) The degree to which the multi-district program ON-LINE
7 SCHOOL will satisfy the quality standards for on-line programs AND
8 ON-LINE SCHOOLS described in section 22-30.7-105.

9 (5) On or before January 1, 2008, the state board shall promulgate
10 rules establishing processes and timelines by which a prospective
11 authorizer may apply to the on-line division for certification of a
12 multi-district program ON-LINE SCHOOL pursuant to this section.

13 (6) On or before January 1, 2008, the state board shall create an
14 expedited procedure for the approval or denial of certification for
15 multi-district programs ON-LINE SCHOOLS that were operating as of
16 January 1, 2007.

17 (7) Notwithstanding any provision of this section to the contrary,
18 an authorizer of a multi-district program ON-LINE SCHOOL that was
19 operating as of January 1, 2007, may continue to operate until August 1,
20 2008, without receiving certification of the program SCHOOL by the
21 on-line division pursuant to this section.

22 (8) The state board shall not approve the certification of a
23 multi-district program ON-LINE SCHOOL until the state board has
24 promulgated rules for such certification pursuant to this section.

25 **SECTION 40.** In Colorado Revised Statutes, 22-30.7-107,
26 **amend** (2) and (3) as follows:

27 **22-30.7-107. Funding.** (2) For the 2008-09 budget year, and for

1 each budget year thereafter, for purposes of determining total program
2 funding pursuant to article 54 of this title:

3 (a) (I) A school district that is providing a single-district ON-LINE
4 program OR ON-LINE SCHOOL, or a school district in which a district
5 charter school is providing a single-district ON-LINE program OR ON-LINE
6 SCHOOL, shall include each student who is enrolled in the single-district
7 ON-LINE program OR ON-LINE SCHOOL as of October 1 of the applicable
8 budget year in the school district's pupil enrollment for the applicable
9 budget year and shall receive the school district's per-pupil funding for
10 each student enrolled in the single-district ON-LINE program OR ON-LINE
11 SCHOOL.

12 (II) An institute charter school that is providing a single-district
13 ON-LINE program OR ON-LINE SCHOOL shall include each student who is
14 enrolled in the single-district ON-LINE program OR ON-LINE SCHOOL as of
15 October 1 of the applicable budget year in the institute charter school's
16 pupil enrollment for the applicable budget year and shall receive the
17 per-pupil funding of the institute charter school's accounting district for
18 each student enrolled in the single-district ON-LINE program OR ON-LINE
19 SCHOOL.

20 (b) (I) A school district that is providing a multi-district program
21 ON-LINE SCHOOL, or a school district in which a district charter school is
22 providing a multi-district program ON-LINE SCHOOL, shall include each
23 student who is enrolled in the multi-district program ON-LINE SCHOOL as
24 of October 1 of the applicable budget year in the school district's on-line
25 pupil enrollment for the applicable budget year and shall receive on-line
26 funding, as specified in section 22-54-104 (4.5).

27 (II) An institute charter school that is providing a multi-district

1 **program** ON-LINE SCHOOL shall include each student who is enrolled in
2 the multi-district **program** ON-LINE SCHOOL as of October 1 of the
3 applicable budget year in the institute charter school's on-line enrollment
4 for the applicable budget year and shall receive on-line funding, as
5 specified in section 22-54-104 (4.5).

6 (3) For the 2008-09 budget year, and for each budget year
7 thereafter, an authorizer that is providing an on-line program OR ON-LINE
8 SCHOOL may receive funding for each student enrolled in the on-line
9 program OR ON-LINE SCHOOL, regardless of whether the student was
10 included in the pupil enrollment or on-line pupil enrollment of a school
11 district or institute charter school for the preceding school year.

12 **SECTION 41.** In Colorado Revised Statutes, 22-30.7-108,
13 **amend** (1) as follows:

14 **22-30.7-108. Extracurricular and interscholastic activities.**

15 (1) A student who is participating in an on-line program OR AN ON-LINE
16 SCHOOL, other than a student who is participating in the on-line program
17 OR ON-LINE SCHOOL after having been expelled from a public school, may
18 participate on an equal basis in any extracurricular or interscholastic
19 activity offered by a public school or offered by a private school, at the
20 private school's discretion, as provided in section 22-32-116.5.

21 **SECTION 42.** In Colorado Revised Statutes, **amend**
22 22-30.7-109.5 as follows:

23 **22-30.7-109.5. On-line programs and on-line schools - report**
24 **to authorizer and department.** Each on-line program AND ON-LINE
25 SCHOOL shall annually submit to its authorizer and to the department
26 information, pursuant to state board rules, concerning sound financial and
27 accounting practices and resources. A multi-district on-line **program**

1 SCHOOL shall notify its authorizer and the department of any intent to
2 amend the program's OR SCHOOL'S application for certification, which
3 shall include any intent to expand grade levels served by the program OR
4 SCHOOL, any intent to change education service providers, or other
5 intended changes, as defined by the state board. If the department
6 concludes that the on-line program OR ON-LINE SCHOOL should not be
7 permitted to amend its application for certification, based on the quality
8 standards established by the state board pursuant to section 22-30.7-105,
9 the department shall notify the authorizer and the on-line program OR
10 ON-LINE PROGRAM of its decision within thirty days of receiving the
11 notification from the program OR SCHOOL. The authorizer shall then have
12 thirty days to appeal the department's decision to the state board, pursuant
13 to the state board's administrative policies.

14 **SECTION 43.** In Colorado Revised Statutes, **amend** 22-30.7-111
15 as follows:

16 **22-30.7-111. Learning centers - memoranda of understanding**
17 **- rules - appeal process.** (1) (a) A multi-district ~~program~~ ON-LINE
18 SCHOOL that intends to provide instruction to students within one or more
19 learning centers shall, before providing such instruction, seek to enter into
20 a memorandum of understanding with each school district in which the
21 multi-district ~~program~~ ON-LINE SCHOOL intends to provide instruction
22 within a learning center.

23 (b) A multi-district ~~program~~ ON-LINE SCHOOL that intends to
24 provide instruction to students within a learning center shall notify the
25 school district in which the proposed learning center is located of the
26 multi-district ~~program's~~ ON-LINE SCHOOL'S intention in writing at least
27 ninety days before the multi-district ~~program~~ ON-LINE SCHOOL intends to

1 commence providing such instruction. The notice shall include the
2 standard MOU form that addresses, at a minimum, the following
3 information as it applies to each learning center to be located within the
4 school district:

5 (I) A description of any curricula that will be offered by the
6 multi-district program ON-LINE SCHOOL at the learning center;

7 (II) The proposed location of the learning center;

8 (III) The grade levels to be served at the learning center;

9 (IV) The number of students projected to attend the multi-district
10 program ON-LINE SCHOOL at the learning center;

11 (V) Any building permits or certifications of building safety that
12 may be required by law;

13 (VI) A list of all staff positions at the learning center, including
14 a description of duties for each position;

15 (VII) Measures to ensure compliance with state and federal laws
16 concerning educator licensing and fingerprint-based criminal history
17 record checks;

18 (VIII) The name of and contact information for the multi-district
19 program ON-LINE SCHOOL and the names of and contact information for
20 all learning center administrators; and

21 (IX) The plans for one or more public meetings to be held prior
22 to the opening of a learning center.

23 (c) Within forty-five days after receiving the notice and standard
24 MOU form from a multi-district program ON-LINE SCHOOL pursuant to
25 paragraph (b) of this subsection (1), the school district and the
26 multi-district program ON-LINE SCHOOL shall meet to discuss the terms of
27 the memorandum of understanding, based on the standard MOU form

1 provided with the notice. The school district and the multi-district
2 program ON-LINE SCHOOL may mutually agree to change the information
3 in the standard MOU form provided with the notice or to include
4 information in the memorandum of understanding in addition to that
5 included in the standard MOU form.

6 (d) Within forty-five days after receiving the notice and the
7 standard MOU form pursuant to paragraph (b) of this subsection (1), the
8 school district and the multi-district program ON-LINE SCHOOL shall hold
9 at least one public meeting at which they shall receive public input
10 concerning location of one or more learning centers within the school
11 district.

12 (e) No later than forty-five days after the school district receives
13 the notice and standard MOU form pursuant to paragraph (b) of this
14 subsection (1), the school district shall notify the multi-district program
15 ON-LINE SCHOOL, the on-line division, and the state board in writing of the
16 school district's decision whether to enter into a memorandum of
17 understanding with the multi-district program ON-LINE SCHOOL for
18 operation of a learning center within the school district. If the school
19 district does not provide notice of its decision within forty-five days, the
20 standard MOU form provided by the multi-district program ON-LINE
21 SCHOOL with the notice shall become effective on the forty-sixth day
22 following the school district's receipt of the notice and standard MOU
23 form, and the multi-district program ON-LINE SCHOOL may proceed under
24 the terms of the standard MOU form as provided to the school district.

25 (f) A school district may refuse to enter into a memorandum of
26 understanding with a multi-district program ON-LINE SCHOOL for the
27 operation of a learning center within the school district only if:

1 (I) The standard MOU form provided by the multi-district
2 program ON-LINE SCHOOL fails to satisfy the requirements described in
3 paragraph (b) of this subsection (1); or

4 (II) The school district reasonably determines that the
5 multi-district program ON-LINE SCHOOL is contrary to the best interests of
6 the pupils, parents, community, or school district.

7 (g) If a school district refuses to enter into a memorandum of
8 understanding with a multi-district program ON-LINE SCHOOL for
9 operation of a learning center, the multi-district program ON-LINE SCHOOL
10 may appeal the school district's decision to the state board pursuant to the
11 provisions of subsection (6) of this section.

12 (h) Notwithstanding any provision of this section to the contrary,
13 a multi-district program ON-LINE SCHOOL that seeks to operate a learning
14 center within a school district shall not be required to enter into a
15 memorandum of understanding with the school district if the school
16 district is the authorizer of the multi-district program ON-LINE SCHOOL.

17 (i) Notwithstanding any provision of this section to the contrary,
18 a school district and a multi-district program ON-LINE SCHOOL may
19 mutually agree in writing to decline to enter into a memorandum of
20 understanding.

21 (j) To ensure that all students have a reasonable opportunity to
22 benefit from on-line education, a school district and a multi-district
23 program ON-LINE SCHOOL shall make good faith efforts to craft and enter
24 into a memorandum of understanding pursuant to the provisions of this
25 section.

26 (2) A memorandum of understanding entered into by a school
27 district and a multi-district program ON-LINE SCHOOL pursuant to the

1 provisions of this section shall be effective for three years. A school
2 district and a multi-district program ON-LINE SCHOOL may enter into an
3 unlimited number of successive memoranda of understanding.

4 (3) If a school district and a multi-district program ON-LINE
5 SCHOOL enter into a memorandum of understanding pursuant to the
6 provisions of this section, the memorandum of understanding shall
7 include consideration of all learning centers that the multi-district
8 program ON-LINE SCHOOL proposes, at the time the memorandum of
9 understanding is crafted, to operate within the school district, and the
10 memorandum of understanding shall supersede any memorandum of
11 understanding previously entered into by the school district and the
12 multi-district program ON-LINE SCHOOL.

13 (4) (a) If a multi-district program ON-LINE SCHOOL is operating a
14 learning center within a school district under the terms of a memorandum
15 of understanding, and the multi-district program ON-LINE SCHOOL seeks
16 to operate an additional learning center within the school district, which
17 additional learning center is not contemplated in an existing memorandum
18 of understanding, the multi-district program ON-LINE SCHOOL shall
19 provide notice to the school district of the multi-district program's
20 ON-LINE SCHOOL'S intention to operate an additional learning center. The
21 notice shall include the standard MOU form.

22 (b) Upon receiving notice from a multi-district program ON-LINE
23 SCHOOL as described in paragraph (a) of this subsection (4), the school
24 district shall decide whether to seek to craft a new memorandum of
25 understanding with the multi-district program ON-LINE SCHOOL, and the
26 school district shall notify the multi-district program ON-LINE SCHOOL of
27 the school district's decision within thirty days after receiving the notice

1 described in paragraph (a) of this subsection (4).

2 (c) (I) If the multi-district program ON-LINE SCHOOL receives
3 notice within thirty days that the school district has decided to seek to
4 craft a new memorandum of understanding, the multi-district program
5 ON-LINE SCHOOL and the school district shall seek to craft a new
6 memorandum of understanding pursuant to the provisions of this section.

7 (II) If the multi-district program ON-LINE SCHOOL does not receive
8 notice within thirty days after the school district's decision, or the
9 multi-district program ON-LINE SCHOOL receives notice that the school
10 district has decided not to seek to craft a new memorandum of
11 understanding, the multi-district program ON-LINE SCHOOL may begin to
12 operate the additional learning center.

13 (5) On or before October 1, 2007, the state board shall approve the
14 standard MOU form, which shall, at a minimum, include the information
15 specified in paragraph (b) of subsection (1) of this section. The standard
16 MOU form approved by the state board shall be based on the standard
17 MOU form recommended by the on-line division pursuant to section
18 22-30.7-103 (3) (d).

19 (6) (a) On or before January 1, 2008, the state board shall
20 promulgate rules establishing procedures and timelines by which a
21 multi-district program ON-LINE SCHOOL may appeal to the state board a
22 decision by a school district to refuse to enter into a memorandum of
23 understanding with the multi-district program ON-LINE SCHOOL for the
24 operation of a learning center within the school district.

25 (b) If the state board determines that a school district's decision to
26 refuse to enter into a memorandum of understanding was contrary to the
27 best interests of the pupils, parents, community, or school district, the

1 state board shall issue an order directing the school district to enter into
2 a final memorandum of understanding with the multi-district program
3 ON-LINE SCHOOL regarding the placement of one or more learning centers
4 within the school district and to use the standard MOU form provided
5 with the notice pursuant to paragraph (b) of subsection (1) of this section
6 as the basis for the final memorandum of understanding.

7 (c) Upon receiving notice from a multi-district program ON-LINE
8 SCHOOL that the multi-district program ON-LINE SCHOOL is appealing a
9 decision by a school district to refuse to enter into a memorandum of
10 understanding with the multi-district program ON-LINE SCHOOL, the state
11 board shall resolve the dispute within forty-five days by either affirming
12 the school district's decision or issuing an order directing the school
13 district to enter into a memorandum of understanding with the
14 multi-district program ON-LINE SCHOOL, as described in paragraph (b) of
15 this subsection (6).

16 (7) Notwithstanding any provision of this section to the contrary,
17 a multi-district program ON-LINE SCHOOL that operates one or more
18 learning centers within a school district as of January 1, 2007, may
19 continue to operate learning centers within the school district until August
20 1, 2008, without entering into a memorandum of understanding with the
21 school district. A multi-district program ON-LINE SCHOOL that operates
22 one or more learning centers within a school district as of January 1,
23 2007, shall provide notification to the school district on or before
24 September 1, 2007, of any learning centers being operated by the
25 multi-district program ON-LINE SCHOOL within the school district. The
26 notice shall include the information described in subparagraphs (I)
27 through (VIII) of paragraph (b) of subsection (1) of this section.

1 **SECTION 44.** In Colorado Revised Statutes, 22-33-104, **amend**
2 (1) (c) as follows:

3 **22-33-104. Compulsory school attendance.** (1) (c) A student
4 who participates in an on-line program OR ON-LINE SCHOOL pursuant to
5 the provisions of article 30.7 of this title shall be deemed to attend school
6 in accordance with the requirements of this subsection (1).

7 **SECTION 45.** In Colorado Revised Statutes, 22-33-105, **amend**
8 (5) (a) as follows:

9 **22-33-105. Suspension, expulsion, and denial of admission.**
10 (5) (a) Whenever a petition filed in juvenile court alleges that a child at
11 least twelve years of age but under eighteen years of age has committed
12 an offense that would constitute unlawful sexual behavior, as defined in
13 section 16-22-102 (9), C.R.S., or a crime of violence, as defined in
14 section 18-1.3-406, C.R.S., if committed by an adult or whenever charges
15 filed in district court allege that a child has committed such an offense,
16 basic identification information concerning such child and the details of
17 the alleged delinquent act or offense shall be provided immediately to the
18 school district in which the child is enrolled in accordance with the
19 provisions of section 19-1-304 (5), C.R.S. Upon receipt of such
20 information, the board of education of the school district or its designee
21 shall determine whether the student has exhibited behavior that is
22 detrimental to the safety, welfare, and morals of the other students or of
23 school personnel in the school and whether educating the student in the
24 school may disrupt the learning environment in the school, provide a
25 negative example for other students, or create a dangerous and unsafe
26 environment for students, teachers, and other school personnel. The
27 determination may be made in executive session to the extent allowed by

1 section 24-6-402 (4) (h), C.R.S. If the board of education or its designee,
2 in accordance with the provisions of this subsection (5), makes a
3 determination that the student should not be educated in the school, it may
4 proceed with suspension or expulsion in accordance with subsection (2)
5 of this section and section 22-33-106. Alternatively, the board of
6 education or its designee may determine that it will wait until the
7 conclusion of the juvenile proceedings to consider the expulsion matter,
8 in which case it shall be the responsibility of the district to provide the
9 student with an appropriate alternate education program, including but not
10 limited to an on-line program OR ON-LINE SCHOOL authorized pursuant to
11 article 30.7 of this title, or a home-based education program during the
12 period pending the resolution of the juvenile proceedings. Information
13 made available to the school district and not otherwise available to the
14 public pursuant to the provisions of section 19-1-304, C.R.S., shall
15 remain confidential.

16 **SECTION 46.** In Colorado Revised Statutes, 22-54-103, **amend**
17 (8.5) (a) (II) and (10) (a) (II) (B) as follows:

18 **22-54-103. Definitions - repeal.** As used in this article, unless the
19 context otherwise requires:

20 (8.5) (a) "On-line pupil enrollment" means:

21 (II) For the 2008-09 budget year, and for budget years thereafter,
22 the number of pupils, on October 1 within the applicable budget year or
23 the school day nearest said date, enrolled in, attending, and actively
24 participating in a multi-district ~~program~~ ON-LINE SCHOOL, as defined in
25 section 22-30.7-102 (6), created pursuant to article 30.7 of this title.

26 (10) (a) (II) "Pupil enrollment" shall include:

27 (B) For the 2008-09 budget year, and for budget years thereafter,

1 a pupil who is enrolled in, attending, and actively participating in a
2 single-district on-line program OR ON-LINE SCHOOL operated pursuant to
3 article 30.7 of this title.

4 **SECTION 47.** In Colorado Revised Statutes, 22-54-126, **amend**
5 (1) (b) as follows:

6 **22-54-126. Declining enrollment districts with new charter**
7 **schools - additional aid - definitions.** (1) As used in this section, unless
8 the context otherwise requires:

9 (b) "New charter school enrollment" means the number of pupils
10 enrolled in a new district charter school of a declining enrollment district
11 on October 1 or the school date nearest said date in the budget year in
12 which the new district charter school is opened in the declining
13 enrollment district minus the number of pupils enrolled as of that date in
14 an on-line program OR AN ON-LINE SCHOOL who are also enrolled in the
15 new district charter school of the declining enrollment district.

16 **SECTION 48.** In Colorado Revised Statutes, 22-58-101, **amend**
17 (2) as follows:

18 **22-58-101. Legislative declaration.** (2) The general assembly
19 therefore finds that it is in the best interests of the state to encourage
20 school districts and charter schools to test alternative models of school
21 funding by collecting data to show the effects a model would have if it
22 were implemented, while continuing to receive actual funding pursuant
23 to the "Public School Finance Act of 1994", article 54 of this title. School
24 districts and charter schools are encouraged to consider funding models
25 that may address, at a minimum, the unique challenges of funding
26 students who are significantly at risk of academic failure, students who
27 are gifted and talented, students enrolled in on-line programs OR ON-LINE

1 SCHOOLS, students who return to public school after dropping out, and
2 students concurrently enrolled in high school and higher education
3 classes. School districts and charter schools are also encouraged to
4 consider models of education funding based on achievement rather than
5 attendance or hours of participation.

6 **SECTION 49.** In Colorado Revised Statutes, 22-82.9-104,
7 **amend** (3) as follows:

8 **22-82.9-104. Child nutrition school lunch protection program**
9 **- creation - administration - objectives.** (3) The department shall
10 approve a multi-district on-line ~~program~~ SCHOOL operating in learning
11 centers, as defined in section 22-30.7-102 (4), to participate in the
12 program and in the school lunch program so long as the multi-district
13 on-line ~~program~~ SCHOOL complies with the federal requirements for
14 participating in the school lunch program, including but not limited to
15 completing and submitting the required federal application form for each
16 student who chooses to participate in the school lunch program.

17 **SECTION 50. Safety clause.** The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.