

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

REVISED

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

LLS NO. 16-0947.01 Julie Pelegrin x2700

HOUSE BILL 16-1222

HOUSE SPONSORSHIP

Rankin and Tyler, Dore, Thurlow, Wilson, Garnett, Hamner, Lee, Moreno, Pettersen

SENATE SPONSORSHIP

Todd and Hill,

House Committees

Education  
Appropriations

Senate Committees

Finance  
Appropriations

A BILL FOR AN ACT

101 CONCERNING INCREASING THE AVAILABILITY OF SUPPLEMENTAL  
102 ONLINE EDUCATION RESOURCES, AND, IN CONNECTION  
103 THEREWITH, CREATING THE STATEWIDE SUPPLEMENTAL ONLINE  
104 AND BLENDED LEARNING PROGRAM AND MAKING AN  
105 APPROPRIATION.

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>.)*

Under current law, a board of cooperative services (BOCES) is designated to make supplemental online education courses, teacher

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  
May 6, 2016

HOUSE  
3rd Reading Unamended  
April 29, 2016

HOUSE  
Amended 2nd Reading  
April 28, 2016

professional development, and consulting services available to school districts, charter schools, and other BOCES (local education providers). The designated BOCES contracts with nonprofit entities to provide these services.

The bill creates the statewide supplemental online and blended learning program (program) to better administer the availability of these courses and services. The designated BOCES is charged with leading and administering the program, which includes creating a statewide plan for making supplemental online and blended learning resources available to local education providers. In administering the program, the designated BOCES may contract with multiple nonprofit providers for the supplemental online education courses, professional development, and consulting services. The designated BOCES must also actively market the program to local education providers. The designated BOCES may expend up to 10 % of the amount appropriated for the program to offset the increased costs of administering the program.

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

2           **SECTION 1.** In Colorado Revised Statutes, **amend** 22-5-119 as  
3 follows:

4           **22-5-119. Statewide supplemental online and blended learning**  
5 **program - legislative declaration - created - contract - definitions.**

6 (1) THE SHORT TITLE OF THIS SECTION IS THE "EMPOWERING DIGITAL  
7 LEARNING FOR ALL ACT".

8           (+) (2) (a) (I) The general assembly finds that:

9           (A) ~~Online education courses that are supplemental to the~~  
10 ~~education program provided by a school district, charter school, or~~  
11 ~~BOCES are a valuable resource for schools because they allow a school~~  
12 ~~district, charter school, or BOCES to provide a much richer, more varied~~  
13 ~~curriculum of courses for students at all levels of achievement. Many~~  
14 ~~small school districts and rural communities, however, lack the capacity~~  
15 ~~and resources to develop their own supplemental online courses and~~  
16 ~~blended learning strategies~~ THE OVERWHELMING INFLUENCE OF THE

1 RAPIDLY EVOLVING USE OF TECHNOLOGY AND THE INTERNET WILL RENDER  
2 HIGH-QUALITY REMOTE DIGITAL EDUCATIONAL CONTENT ALMOST  
3 COST-FREE AFTER A PERIOD OF DECLINING COSTS. ACCESS TO DIGITAL  
4 CONTENT AND EDUCATIONAL COURSES IS ALREADY AN ESSENTIAL PART OF  
5 THE HIGHER EDUCATION SYSTEM, BUT IS NOT WIDELY APPLIED IN  
6 ELEMENTARY AND SECONDARY EDUCATION. WHILE SOME SCHOOL  
7 DISTRICTS HAVE BEEN ABLE TO KEEP PACE WITH THE CHANGING CONTEXT  
8 OF PUBLIC EDUCATION, MOST HAVE NOT.

9 ~~(B) Supplemental online education courses provide tools for~~  
10 ~~school districts, charter schools, and BOCES to use in decreasing the~~  
11 ~~college remediation rates and in helping their students comply with the~~  
12 ~~higher education admission guidelines;~~ THE SCOPE OF THE COMING  
13 CHANGE IN THE DELIVERY OF PUBLIC EDUCATION SERVICES IS MASSIVE  
14 AND MORE FAR-REACHING THAN THE CURRENTLY AVAILABLE CONSTRUCTS  
15 OF ONLINE LEARNING OR BLENDED LEARNING. THE SCOPE OF THE CHANGE  
16 IS SUCH THAT EVERY PUBLIC SCHOOL IN THE STATE MUST EVOLVE INTO A  
17 DIGITAL LEARNING ENVIRONMENT THAT CAPITALIZES ON THE  
18 STUDENT-TEACHER RELATIONSHIP WHILE LEVERAGING THE ADVANCES  
19 THAT THE TECHNOLOGY REVOLUTION BRINGS.

20 ~~(C) The cost of supplemental online education courses is~~  
21 ~~prohibitive for many school districts, charter schools, and BOCES whose~~  
22 ~~students may be most in need of these courses. Because of the value of~~  
23 ~~these courses, it is appropriate that the state provide moneys to assist~~  
24 ~~school districts, charter schools, and BOCES in purchasing supplemental~~  
25 ~~online education courses~~ THE PUBLIC EDUCATION SYSTEM MUST TAKE  
26 ADVANTAGE OF THIS OPPORTUNITY TO SIGNIFICANTLY IMPROVE  
27 STATEWIDE EDUCATIONAL EQUITY BY DELIVERING EDUCATIONAL

1 SERVICES THROUGH THE DIGITAL LEARNING ENVIRONMENT. IT IS LIKELY  
2 THAT FAILURE TO EMBRACE THIS CHANGE IN THE DELIVERY OF PUBLIC  
3 EDUCATION SERVICES WILL LEAD TO A DECLINE IN THE EQUITY AND  
4 QUALITY OF THE SYSTEM OF PUBLIC EDUCATION IN COLORADO.

5 (D) COLORADO LACKS A CLEARLY ARTICULATED AND ACCEPTED  
6 VISION AND PLAN TO IMPLEMENT THE SHIFT IN DELIVERING EDUCATIONAL  
7 SERVICES TO A DIGITAL ENVIRONMENT, WHICH MUST OCCUR TO  
8 ADEQUATELY PREPARE STUDENTS FOR POSTSECONDARY SUCCESS. IT IS  
9 CRUCIAL THAT THE STATE IDENTIFY A SINGLE PUBLIC ENTITY TO PROVIDE  
10 LEADERSHIP IN DESIGNING AND IMPLEMENTING A STATEWIDE PLAN FOR  
11 INCREASING THE AVAILABILITY OF SUPPLEMENTAL ONLINE EDUCATIONAL  
12 COURSES AND BLENDED LEARNING FOR SCHOOL DISTRICTS, CHARTER  
13 SCHOOLS, AND BOCES.

14 (II) It is therefore in the best interests of the state to invest  
15 INCREASE ITS INVESTMENT in the expansion of affordable, high-quality  
16 supplemental online education courses and blended learning support for  
17 school districts, charter schools, and BOCES, especially those that lack  
18 the capacity to develop their own supplemental ONLINE EDUCATION  
19 COURSE offerings, by subsidizing the provision of SUPPLEMENTAL online  
20 education courses, professional development, and technical assistance to  
21 implement SUPPLEMENTAL online and blended learning statewide.

22 (III) Due to its experience in assisting school districts with  
23 SUPPLEMENTAL online EDUCATION COURSES and blended learning in  
24 Colorado, it is further in the best interests of the state to designate a  
25 BOCES to ~~contract through a request for a proposal process that adheres~~  
26 ~~to the goals set forth in paragraph (a.5) of this subsection (1) developed~~  
27 ~~in consultation with the department, with one or more nonprofit providers~~

1 to provide resources for school districts, charter schools, and BOCES in  
2 the form of supplemental online course offerings, professional  
3 development for educators, and consulting assistance for schools and  
4 school districts wanting to use online and blended learning for their  
5 students. In contracting with providers, the priority shall result in the  
6 expansion of student access to quality supplemental online courses and  
7 resources available to implement supplemental online and blended  
8 learning in school districts, charter schools, and BOCES statewide  
9 ARTICULATE THE STATEWIDE PLAN FOR SUPPLEMENTAL ONLINE AND  
10 BLENDED LEARNING AND TO LEAD, MANAGE, AND ADMINISTER THE  
11 STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM IN  
12 ACCORDANCE WITH THIS SECTION.

13 (a.5) ~~The general assembly also finds that the goals of online~~  
14 ~~courses and blended learning strategies are to:~~

15 (I) ~~Expand the availability of online courses and blended learning~~  
16 ~~strategies;~~

17 (II) ~~Increase the number of students taking high-quality, effective,~~  
18 ~~and affordable online courses;~~

19 (III) ~~Establish a program to work with school districts, charter~~  
20 ~~schools, and BOCES to create, offer, and sustain their own high-quality,~~  
21 ~~effective, and affordable blended learning courses, as well as targeted~~  
22 ~~professional development and mentoring support;~~

23 (IV) ~~Increase the capacity of educators in school districts, charter~~  
24 ~~schools, and BOCES to utilize standards, data, and interventions in~~  
25 ~~regular, online, and blended learning classes; and~~

26 (V) ~~Document and share best practices in online and blended~~  
27 ~~learning.~~

1 (b) ~~It is further the intent of~~ The general assembly DECLARES that  
2 the amount necessary to ~~reduce the cost to school districts, charter~~  
3 ~~schools, and BOCES of purchasing supplemental online education~~  
4 ~~courses~~ IMPLEMENT THE STATEWIDE SUPPLEMENTAL ONLINE AND  
5 BLENDED LEARNING PROGRAM MAY be appropriated ~~annually~~ from federal  
6 mineral leasing revenues transferred to the state public school fund  
7 pursuant to section 34-63-102, C.R.S., and section 22-54-114 (1).

8 (c) THE GENERAL ASSEMBLY FURTHER DECLARES THAT, FOR  
9 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE  
10 STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM IS  
11 AN IMPORTANT ELEMENT IN IMPLEMENTING ACCOUNTABLE EDUCATION  
12 REFORM AND ENABLING SCHOOL DISTRICTS, CHARTER SCHOOLS, AND  
13 BOCES TO MEET STATE ACADEMIC STANDARDS AND MAY THEREFORE  
14 RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION  
15 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

16 ~~(2)~~ (3) As used in this section, unless the context otherwise  
17 requires:

18 (a) "ADMINISTERING BOCES" MEANS THE BOCES THAT THE  
19 DEPARTMENT DESIGNATES AS PROVIDED IN SUBSECTION (4) OF THIS  
20 SECTION.

21 (b) "BLENDED LEARNING" MEANS A FORMAL EDUCATION PROGRAM  
22 THROUGH WHICH A STUDENT LEARNS AT LEAST IN PART THROUGH DIGITAL  
23 CONTENT WITH SOME ELEMENT OF STUDENT CONTROL AND AT LEAST IN  
24 PART AT A SUPERVISED PHYSICAL LOCATION THAT IS NOT THE STUDENT'S  
25 HOME.

26 ~~(a)~~ (c) "BOCES" means a board of cooperative services created  
27 pursuant to this article.

1           ~~(b)~~ (d) "Charter school" means a district charter school authorized  
2 pursuant to part 1 of article 30.5 of this title or an institute charter school  
3 authorized pursuant to part 5 of article 30.5 of this title.

4           ~~(c)~~ (e) "Department" means the department of education created  
5 and existing pursuant to section 24-1-115, C.R.S.

6           (f) "LOCAL PUBLIC EDUCATION AGENCY" MEANS A SCHOOL  
7 DISTRICT, BOCES, OR CHARTER SCHOOL.

8           ~~(d)~~ (g) "Provider" means ~~an~~ A NONPROFIT entity OR A LOCAL  
9 PUBLIC EDUCATION AGENCY that ~~sells~~ PROVIDES:

10           (I) Supplemental online education courses that are taught by  
11 employees of the provider who are teachers licensed in Colorado pursuant  
12 to article 60.5 of this title;

13           (II) PROFESSIONAL DEVELOPMENT RESOURCES FOR TEACHERS; OR

14           (III) CONSULTING SERVICES FOR SCHOOL DISTRICTS, CHARTER  
15 SCHOOLS, AND BOCES WITH REGARD TO PROVIDING SUPPLEMENTAL  
16 ONLINE EDUCATION COURSES AND BLENDED LEARNING.

17           (h) "SMALL RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT  
18 IN COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON  
19 THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE  
20 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT  
21 ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN  
22 THROUGH TWELFTH GRADE.

23           (i) "STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING  
24 PROGRAM" OR "PROGRAM" MEANS THE PROGRAM DESCRIBED IN  
25 SUBSECTION (4) OF THIS SECTION.

26           ~~(e)~~ (j) "Supplemental online education course" means an  
27 education course that is:

1 (I) Taught by a teacher who is licensed pursuant to article 60.5 of  
2 this title;

3 (II) Delivered via ~~an internet~~ A TECHNOLOGICALLY ENHANCED  
4 format to one or more students at a location that is remote from the  
5 delivery point; and

6 (III) ~~Purchased~~ DEVELOPED by a school district, charter school, or  
7 BOCES OR OBTAINED from a provider to augment the education program  
8 provided by the school district, charter school, or BOCES.

9 (4) (a) THE DEPARTMENT, IN CONSULTATION WITH THE STATEWIDE  
10 ASSOCIATION OF BOCES, SHALL DESIGNATE A BOCES TO LEAD, MANAGE,  
11 AND ADMINISTER THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED  
12 LEARNING PROGRAM AS PROVIDED IN THIS SECTION. IN ADMINISTERING  
13 THE PROGRAM, THE BOCES, SUBJECT TO AVAILABLE APPROPRIATIONS,  
14 SHALL SELECT AND CONTRACT WITH PROVIDERS IN ACCORDANCE WITH  
15 SUBSECTION (6) OF THIS SECTION TO PROVIDE THE RESOURCES DESCRIBED  
16 IN PARAGRAPH (b) OF SUBSECTION (5) OF THIS SECTION. **AT LEAST EVERY**  
17 **FIVE YEARS, THE DEPARTMENT, IN CONSULTATION WITH THE STATEWIDE**  
18 **ASSOCIATION OF BOCES, SHALL REVIEW THE DESIGNATION OF THE**  
19 **ADMINISTERING BOCES AND MAY CONTINUE THE DESIGNATION OR**  
20 **SELECT A DIFFERENT BOCES.**

21 (b) THE ADMINISTERING BOCES SHALL MANAGE AND ADMINISTER  
22 THE PROGRAM TO ACHIEVE, AT A MINIMUM, THE FOLLOWING GOALS:

23 (I) EXPANDING THE AVAILABILITY OF SUPPLEMENTAL ONLINE  
24 EDUCATION COURSES AND BLENDED LEARNING STRATEGIES;

25 (II) INCREASING SIGNIFICANTLY THE NUMBER OF STUDENTS WHO  
26 ENROLL IN HIGH-QUALITY, EFFECTIVE, AND AFFORDABLE SUPPLEMENTAL  
27 ONLINE EDUCATION COURSES;

1 (III) WORKING WITH SCHOOL DISTRICTS, CHARTER SCHOOLS, AND  
2 BOCES TO CREATE, OFFER, AND SUSTAIN THEIR OWN HIGH-QUALITY,  
3 EFFECTIVE, AND AFFORDABLE SUPPLEMENTAL ONLINE EDUCATION  
4 COURSES AND BLENDED LEARNING, AS WELL AS TARGETED PROFESSIONAL  
5 DEVELOPMENT AND MENTORING SUPPORT;

6 (IV) ASSISTING EDUCATORS IN LOCAL PUBLIC EDUCATION  
7 AGENCIES TO INCREASE THEIR COMPETENCY SPECIFICALLY IN USING  
8 DIGITAL LEARNING STRATEGIES TO LEAD AND INSTRUCT IN, AND  
9 OTHERWISE IMPLEMENT, DIGITAL LEARNING; AND

10 (V) DOCUMENTING AND SHARING BEST PRACTICES IN PROVIDING  
11 SUPPLEMENTAL ONLINE EDUCATION COURSES AND BLENDED LEARNING.

12 (5) (a) IN LEADING THE STATEWIDE SUPPLEMENTAL ONLINE AND  
13 BLENDED LEARNING PROGRAM, THE ADMINISTERING BOCES, IN  
14 PARTNERSHIP WITH THE COMMISSIONER OF EDUCATION, THE STATE BOARD  
15 OF EDUCATION AND ONE OR MORE PRIVATE, NONPROFIT ENTITIES, SHALL  
16 PREPARE A PLAN FOR INTEGRATING SUPPLEMENTAL ONLINE AND BLENDED  
17 LEARNING INTO THE EDUCATIONAL PROGRAMS PROVIDED BY SCHOOL  
18 DISTRICTS, CHARTER SCHOOLS, AND BOCES. EACH SCHOOL DISTRICT,  
19 CHARTER SCHOOL, AND BOCES MAY DETERMINE THE EXTENT TO WHICH  
20 IT PARTICIPATES IN THE STATEWIDE PLAN.

21 (b) THE ADMINISTERING BOCES SHALL ENSURE THAT, THROUGH  
22 THE PROGRAM, ALL SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES  
23 IN THE STATE HAVE ACCESS TO:

24 (I) SUPPLEMENTAL ONLINE AND BLENDED LEARNING RESOURCES,  
25 INCLUDING, AT A MINIMUM, SUPPLEMENTAL ONLINE EDUCATION COURSES  
26 AVAILABLE FROM CONTRACT PROVIDERS OR FROM A SCHOOL DISTRICT,  
27 CHARTER SCHOOL, OR BOCES AND A LIBRARY OF DIGITAL COURSE

1 CONTENT;

2 (II) PROFESSIONAL DEVELOPMENT RESOURCES FOR TEACHERS,  
3 INCLUDING RESOURCES FOR CERTIFYING TEACHERS' ABILITY TO  
4 SUCCESSFULLY INTEGRATE SUPPLEMENTAL ONLINE AND BLENDED  
5 LEARNING RESOURCES INTO SCHOOL-BUILDING-BASED EDUCATIONAL  
6 PROGRAMS; AND

7 (III) CONSULTING ASSISTANCE FOR SCHOOL DISTRICTS, CHARTER  
8 SCHOOLS, AND BOCES THAT CHOOSE TO USE SUPPLEMENTAL ONLINE AND  
9 BLENDED LEARNING FOR STUDENTS, INCLUDING AN INVENTORY OF  
10 SUCCESSFUL MODELS FOR INTEGRATING SUPPLEMENTAL ONLINE  
11 EDUCATION COURSES AND BLENDED LEARNING INTO  
12 SCHOOL-BUILDING-BASED EDUCATIONAL PROGRAMS.

13 (c) THE ADMINISTERING BOCES SHALL ACTIVELY MARKET TO  
14 SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES THE AVAILABILITY  
15 OF RESOURCES THROUGH THE STATEWIDE SUPPLEMENTAL ONLINE AND  
16 BLENDED LEARNING PROGRAM.

17 (d) THE ADMINISTERING BOCES MAY ENTER INTO AN AGREEMENT  
18 WITH THE STATEWIDE INTERNET PORTAL AUTHORITY CREATED IN ARTICLE  
19 37.7 OF TITLE 24, C.R.S., TO PROVIDE THE PLATFORM FOR ACCESSING  
20 SERVICES AND PROGRAMS AVAILABLE THROUGH THE STATEWIDE  
21 SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM.

22 ~~(3) (6) (a) On or before February 15, 2015, and on or before~~  
23 ~~February 15 of every third year thereafter, the BOCES designated~~  
24 ~~pursuant to subsection (4) of this section shall, subject to available~~  
25 ~~appropriations, create~~ THE ADMINISTERING BOCES SHALL ESTABLISH a  
26 fair and transparent request for a proposal process to ~~select one or more~~  
27 ~~nonprofit~~ USE WHEN SELECTING providers to provide resources for school

1 ~~districts, charter schools, and BOCES in the form of supplemental online~~  
2 ~~course offerings, professional development for educators, and consulting~~  
3 ~~assistance for school districts, charter schools, and BOCES wanting to~~  
4 ~~use online and blended learning for students. Proposals received in~~  
5 ~~response to the request for proposals must be reviewed by a committee~~  
6 ~~consisting of~~ AS DESCRIBED IN PARAGRAPH (b) OF SUBSECTION (5) OF THIS  
7 SECTION THROUGH THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED  
8 LEARNING PROGRAM. THE REQUEST FOR PROPOSAL PROCESS MUST  
9 INCLUDE INPUT FROM A REVIEW COMMITTEE AS DESCRIBED IN PARAGRAPH  
10 (b) OF THIS SUBSECTION (6) THAT THE ADMINISTERING BOCES CONVENES  
11 AS NEEDED.

12 (b) THE REVIEW COMMITTEE CONSISTS OF:

13 (I) A representative from the ~~designated~~ ADMINISTERING BOCES;

14 (II) A representative from the office in the department responsible  
15 for online and blended learning; ■

16 (III) THE FOLLOWING MEMBERS SELECTED JOINTLY BY THE  
17 ADMINISTERING BOCES AND THE DEPARTMENT:

18 (A) A national expert in online and blended learning; ~~to be~~  
19 ~~selected by the designated BOCES and the department;~~

20 (B) An administrator from A SCHOOL THAT IS DESIGNATED an  
21 alternative education campus ~~school to be selected by the designated~~  
22 ~~BOCES and the department~~ AS PROVIDED IN SECTION 22-7-604.5; and

23 (C) An administrator from a school that ~~purchases~~ OBTAINS online  
24 or blended services ~~to be selected by the designated BOCES and the~~  
25 ~~department. The committee must convene at least ninety days prior to the~~  
26 ~~release of the request for proposals~~ THROUGH THE PROGRAM; AND

27 (IV) TWO EDUCATORS AS FOLLOWS:

1 (A) ONE EDUCATOR APPOINTED BY THE GOVERNOR, OR HIS OR HER  
2 DESIGNEE, WHO HAS EXPERIENCE WITH SUPPLEMENTAL ONLINE  
3 EDUCATION OR BLENDED LEARNING; AND

4 (B) ONE EDUCATOR SELECTED BY THE DEPARTMENT WHO IS  
5 EMPLOYED IN A SMALL RURAL SCHOOL DISTRICT. THE DEPARTMENT IS  
6 ENCOURAGED TO SELECT AN EDUCATOR WHO HAS EXPERIENCE WITH  
7 SUPPLEMENTAL ONLINE EDUCATION OR BLENDED LEARNING.

8 (c) The REVIEW committee shall review all proposals using an  
9 established ~~rubric~~ RUBRICS and shall recommend one or more providers  
10 for approval to the ADMINISTERING BOCES. ~~designated pursuant to~~  
11 ~~subsection (4) of this section.~~ If the ~~designated~~ ADMINISTERING BOCES  
12 chooses not to follow the recommendations of the REVIEW committee  
13 concerning any A provider, it shall provide the REVIEW committee with a  
14 written explanation of ~~its rationale for so doing~~ THE RATIONALE FOR THE  
15 DECISION.

16 (d) A PROVIDER THAT THE ADMINISTERING BOCES CONTRACTS  
17 WITH PURSUANT TO THIS SUBSECTION (6) MAY SUBCONTRACT WITH ONE OR  
18 MORE FOR-PROFIT OR NONPROFIT ENTITIES, LOCAL PUBLIC EDUCATION  
19 AGENCIES, OR PRIVATE ORGANIZATIONS IN MEETING THE OBLIGATIONS OF  
20 ITS CONTRACT WITH THE ADMINISTERING BOCES.

21 ~~(3.3)~~(7) Supplemental online education courses must be provided  
22 to a ~~purchasing~~ school district, charter school, or BOCES at an affordable  
23 total program cost for high-quality, accredited courses with local support.

24 ~~(3.5)~~(8) Each high school student in Colorado may take at least  
25 one supplemental online course per year. ~~The~~ EACH supplemental online  
26 course CONTRACT provider shall report to the ADMINISTERING BOCES  
27 ~~designated pursuant to subsection (4) of this section which~~ INFORMATION

1 CONCERNING THE students ~~are participating~~ WHO PARTICIPATE in THE  
2 supplemental online courses ~~so~~ TO ENABLE the ADMINISTERING BOCES  
3 ~~designated pursuant to subsection (4) of this section can~~ TO track student  
4 THE STUDENTS' academic performance ~~for those students taking~~ IN THE  
5 supplemental online courses. The ADMINISTERING BOCES ~~designated~~  
6 ~~pursuant to subsection (4) of this section~~ shall annually collect data  
7 related to completion and passage rates from ~~any nonprofit~~ THE providers  
8 ~~selected~~ CONTRACTED to provide SUPPLEMENTAL online and blended  
9 learning and report that data to the department. The ~~data collected by the~~  
10 department ~~must be collected~~ SHALL COLLECT THE DATA through existing  
11 student data collection systems and in compliance with all state and  
12 federal laws and regulations concerning the privacy of information,  
13 including but not limited to the federal "Family Education Rights and  
14 Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended.

15 (4) (9) The general assembly shall annually appropriate to the  
16 department ~~of education~~ for allocation to a ~~BOCES designated, in~~  
17 ~~consultation with the statewide association of BOCES, moneys~~ THE  
18 ADMINISTERING BOCES AN AMOUNT sufficient to administer THE  
19 STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM  
20 and fund ~~any contract entered into with a provider~~ THE CONTRACTS  
21 ENTERED INTO WITH PROVIDERS pursuant to this section. The ~~designated~~  
22 ADMINISTERING BOCES may expend ~~not more than two~~ UP TO TEN  
23 percent of ~~the contract amount in administering any such contract~~ THE  
24 AMOUNT ANNUALLY APPROPRIATED TO OFFSET ITS COSTS INCURRED IN  
25 LEADING, MANAGING, AND ADMINISTERING THE PROGRAM.

26 (5) (10) (a) On or before March 15, ~~2008~~ 2017, and on or before  
27 March 15 each year thereafter, the ~~designated~~ ADMINISTERING BOCES

1 shall submit to the education committees of the house of representatives  
2 and the senate, or any successor committees, the joint budget committee  
3 of the general assembly, THE STATE BOARD OF EDUCATION, and the  
4 department a report summarizing the provision of supplemental online  
5 courses pursuant to this section CONCERNING IMPLEMENTATION AND USE  
6 OF THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING  
7 PROGRAM FOR THE PRECEDING SCHOOL YEAR. At a minimum, the report  
8 must include:

9 (a) ~~The number of registrants in supplemental online courses,~~  
10 ~~disaggregated by the school district, charter school, or BOCES that~~  
11 ~~registered the students;~~

12 (b) ~~The supplemental online course titles offered and the number~~  
13 ~~of registrants per course;~~

14 (c) ~~Completion statistics for each supplemental online course,~~  
15 ~~disaggregated by semester;~~

16 (d) ~~The number of supplemental online courses taken for both~~  
17 ~~high school and postsecondary credit, disaggregated by postsecondary~~  
18 ~~institution and school district;~~

19 (e) ~~A list of the supplemental online courses developed or revised~~  
20 ~~by the contract provider;~~

21 (f) ~~The strategies used successfully to facilitate student success in~~  
22 ~~supplemental online course work;~~

23 (g) ~~An analysis of the reasons school districts, charter schools, and~~  
24 ~~BOCES use supplemental online courses;~~

25 (h) ~~A description of any unique uses of supplemental online~~  
26 ~~courses by school districts, charter schools, and BOCES;~~

27 (i) ~~A description of any barriers encountered by school districts;~~

1 charter schools, or BOCES in using supplemental online courses;  
2 (j) ~~Results from an annual survey of parents, teachers, and~~  
3 ~~students regarding participation in and satisfaction with supplemental~~  
4 ~~online courses offered by a nonprofit provider with which the BOCES~~  
5 ~~designated pursuant to subsection (4) of this section contracted;~~  
6 (k) ~~Trend data related to the supplemental online learning~~  
7 ~~environment; and~~  
8 (l) ~~An accounting of the expenditure of the funds allocated~~  
9 ~~pursuant to subsection (4) of this section, which must include an~~  
10 ~~accounting by the designated BOCES and any contract providers.~~

11 (b) THIS SUBSECTION (10) IS EXEMPT FROM THE PROVISIONS OF  
12 SECTION 24-1-136 (11), C.R.S., AND THE ANNUAL REPORTING  
13 REQUIREMENTS OF THIS SUBSECTION (10) ARE EFFECTIVE UNTIL CHANGED  
14 BY THE GENERAL ASSEMBLY ACTING BY BILL.

15 (6) ~~Repealed.~~

16 **SECTION 2.** In Colorado Revised Statutes, amend  
17 22-30.7-109.5 as follows:

18 **22-30.7-109.5. Online programs and online schools - report to**  
19 **authorizer and department.** Each online program and online school  
20 shall annually submit to its authorizer and to the department information,  
21 pursuant to state board rules, concerning sound financial and accounting  
22 practices and resources. A multi-district online school shall notify its  
23 authorizer and the department of any intent to amend the program's or  
24 school's application for certification which shall include any intent to  
25 expand grade levels served by the program or school. any intent to change  
26 education service providers, or other intended changes, as defined by the  
27 state board. If the department concludes that the online program or online

1 school should not be permitted to amend its application for certification  
2 TO EXPAND GRADE LEVELS SERVED BY THE PROGRAM OR SCHOOL based on  
3 the quality standards established by the state board pursuant to section  
4 22-30.7-105, the department shall notify the authorizer and the online  
5 program or online school of its decision within thirty days of AFTER  
6 receiving the notification from the program or school. The authorizer  
7 shall then have thirty days to appeal the department's decision to the state  
8 board, pursuant to the state board's administrative policies.

9 **SECTION 3. Appropriation.** For the 2016-17 state fiscal year,  
10 \$480,000 is appropriated to the department of education. This  
11 appropriation is from the state public school fund created in section  
12 22-54-114 (1), C.R.S. To implement this act, the department may use this  
13 appropriation for the statewide supplemental online and blended learning  
14 program.

15 **SECTION 4. Safety clause.** The general assembly hereby finds,  
16 determines, and declares that this act is necessary for the immediate  
17 preservation of the public peace, health, and safety.