

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 19-0778.01 Julie Pelegrin x2700

SENATE BILL 19-129

SENATE SPONSORSHIP

Story, Danielson

HOUSE SPONSORSHIP

Froelich, Bird, Kipp

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF ONLINE SCHOOLS.**

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://leg.colorado.gov>.)

The bill directs the online division in the department of education (department) to collect information twice each school year concerning students who withdraw from enrollment in an online school after the annual count date, which must include whether the student enrolls in another school, completes a high school equivalency examination if the student was enrolled in grade 11 or 12, or otherwise continues or completes elementary or secondary school during the school year in which the student withdrew. The department must annually summarize

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 14, 2019

the information in a report and submit the report to the state board of education and the education committees of the general assembly.

The existing statute requires a school district, group of school districts, board of cooperative services, or the state charter school institute that seeks to authorize a multi-district online school to first obtain certification for the multi-district online school from the department. Under the bill, if an existing multi-district online school changes authorizers, the new authorizer must obtain a new certification of the multi-district online school.

Under existing law, an online school is subject to the same accountability requirements as apply to other public schools. The bill states that if an online school is on performance watch and changes authorizers, either in its original form or as a successor school, or if the online school is created as a successor school with the same authorizer, the online school remains on performance watch. If an online school is closed because of actions taken as a result of accountability, the online school must apply for a new certification before it can operate again either as the original online school or as a successor school, regardless of whether the online school changes authorizers.

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

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3 **SECTION 1.** In Colorado Revised Statutes, 22-30.7-103, **amend**
4 (3) introductory portion; and **add** (3)(n) as follows:

5 **22-30.7-103. Division of online learning - created - duties -**
6 **report. (3) Duties.** The online division ~~shall have~~ HAS the following
7 duties:

8 (n) TO PREPARE AN ANNUAL REPORT OF INFORMATION RECEIVED
9 FROM ONLINE SCHOOLS AND THE AUTHORIZERS OF ONLINE SCHOOLS
10 CONCERNING STUDENTS WHO WITHDRAW FROM ENROLLMENT AFTER THE
11 PUPIL ENROLLMENT COUNT DAY. THE REPORT MUST, AT A MINIMUM,
12 INCLUDE THE DATE ON WHICH THE STUDENT WITHDREW FROM
13 ENROLLMENT; THE GRADE LEVEL AT WHICH THE STUDENT WAS ENROLLED
14 AT THE BEGINNING OF THE SCHOOL YEAR AND THE GRADE LEVEL AT WHICH

1 THE STUDENT WAS ENROLLED WHEN THE STUDENT TRANSFERRED; AND, TO
2 THE EXTENT KNOWN, WHETHER THE STUDENT DURING THE SAME SCHOOL
3 YEAR ENROLLED IN ANOTHER PUBLIC SCHOOL, A PRIVATE SCHOOL, OR A
4 NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM AS DEFINED IN SECTION
5 22-33-104.5 OR GRADUATED FROM OR COMPLETED HIGH SCHOOL. THE
6 ONLINE DIVISION SHALL SUBMIT THE REPORT TO THE STATE BOARD AND
7 THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF
8 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING
9 THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO
10 SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (3)(n) CONTINUES
11 INDEFINITELY.

12 **SECTION 2.** In Colorado Revised Statutes, 22-30.7-105, **amend**
13 (1)(b), (2) introductory portion, and (2)(d) as follows:

14 **22-30.7-105. Program criteria - guidelines - quality standards**
15 **- records - rules.** (1) (b) A school district, a group of two or more school
16 districts, a board of cooperative services created pursuant to section
17 22-5-104, and the state charter school institute established pursuant to
18 section 22-30.5-503 are hereby authorized to create or oversee
19 multi-district online schools, subject to the requirement that the authorizer
20 apply to the online division for certification of the multi-district online
21 school as described in section 22-30.7-106. IF A SCHOOL DISTRICT, A
22 GROUP OF TWO OR MORE SCHOOL DISTRICTS, A BOARD OF COOPERATIVE
23 SERVICES, OR THE STATE CHARTER SCHOOL INSTITUTE AGREES TO BECOME
24 THE AUTHORIZER FOR AN OPERATING MULTI-DISTRICT ONLINE SCHOOL
25 THAT WAS PREVIOUSLY AUTHORIZED BY ANOTHER AUTHORIZER AND
26 CERTIFIED PURSUANT TO SECTION 22-30.7-106, THE NEW AUTHORIZER
27 MUST APPLY TO THE ONLINE DIVISION FOR A NEW CERTIFICATION OF THE

1 MULTI-DISTRICT ONLINE SCHOOL AS DESCRIBED IN SECTION 22-30.7-106.

2 (2) The following guidelines apply to each online program or
3 online school created or overseen pursuant to the provisions of this ~~article~~
4 ARTICLE 30.7:

5 (d) The provisions of the "Education Accountability Act of 2009",
6 article 11 of this ~~title, shall~~ TITLE 22, apply to an online program or online
7 school implemented pursuant to this ~~article~~ ARTICLE 30.7 in the same
8 manner as said provisions apply to the other public schools operating in
9 this state. IF AN ONLINE SCHOOL IS ON PERFORMANCE WATCH, AS DEFINED
10 IN SECTION 22-11-103, AND CHANGES AUTHORIZERS IN ITS ORIGINAL FORM
11 OR AS A SUCCESSOR SCHOOL, AS DETERMINED BY THE DEPARTMENT
12 PURSUANT TO SECTION 22-30.7-106 (9), OR REMAINS WITH THE SAME
13 AUTHORIZER BUT IS CREATED AS A SUCCESSOR SCHOOL, AS DETERMINED
14 BY THE DEPARTMENT PURSUANT TO SECTION 22-30.7-106 (9), TO THE
15 ONLINE SCHOOL THAT IS ON PERFORMANCE WATCH, THE ONLINE SCHOOL
16 OR THE SUCCESSOR SCHOOL REMAINS ON PERFORMANCE WATCH UNDER
17 THE NEW AUTHORIZER AS IF THE AUTHORIZER HAD NOT CHANGED. IF AN
18 ONLINE SCHOOL IS CLOSED AS A RESULT OF ACTIONS TAKEN PURSUANT TO
19 SECTION 22-11-210 (5), THE ONLINE SCHOOL MUST REAPPLY FOR
20 CERTIFICATION BEFORE IT MAY AGAIN OPERATE IN ITS ORIGINAL FORM OR
21 AS A SUCCESSOR SCHOOL, REGARDLESS OF WHETHER THE ONLINE SCHOOL
22 OR SUCCESSOR SCHOOL IS AUTHORIZED BY THE SAME OR A DIFFERENT
23 AUTHORIZER.

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25 **SECTION 3.** In Colorado Revised Statutes, 22-30.7-106, add (9)
26 as follows:

27 **22-30.7-106. Certification of multi-district online schools -**

1 **criteria - rules. (9)** THE DEPARTMENT SHALL DETERMINE WHETHER A
2 NEWLY AUTHORIZED MULTI-DISTRICT ONLINE SCHOOL IS ACTUALLY A NEW
3 MULTI-DISTRICT ONLINE SCHOOL OR A SUCCESSOR TO A PREVIOUSLY
4 AUTHORIZED MULTI-DISTRICT ONLINE SCHOOL BY APPLYING CRITERIA
5 ADOPTED BY THE DEPARTMENT. IF THE DEPARTMENT DETERMINES THAT
6 A NEWLY AUTHORIZED MULTI-DISTRICT ONLINE SCHOOL IS A SUCCESSOR
7 SCHOOL, THE AUTHORIZER FOR THE MULTI-DISTRICT ONLINE SCHOOL MAY,
8 WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF THE DECISION, APPEAL
9 THE DECISION TO THE STATE BOARD PURSUANT TO THE STATE BOARD'S
10 ADMINISTRATIVE POLICIES.

11 **SECTION 4.** In Colorado Revised Statutes, 22-11-210, **add** (4.5)
12 as follows:

13 **22-11-210. Public schools - annual review - plans - supports**
14 **and interventions - rules. (4.5)** IF A PUBLIC SCHOOL THAT IS AN ONLINE
15 SCHOOL, AS DEFINED IN SECTION 22-30.7-102, IS ON PERFORMANCE WATCH
16 AND CHANGES AUTHORIZERS IN ITS ORIGINAL FORM OR AS A SUCCESSOR
17 SCHOOL, AS DETERMINED BY THE DEPARTMENT PURSUANT TO SECTION
18 22-30.7-106 (9), OR REMAINS WITH THE SAME AUTHORIZER BUT IS
19 CREATED AS A SUCCESSOR SCHOOL, AS DETERMINED BY THE DEPARTMENT
20 PURSUANT TO SECTION 22-30.7-106 (9), TO THE ONLINE SCHOOL THAT IS
21 ON PERFORMANCE WATCH, THE ONLINE SCHOOL OR THE SUCCESSOR
22 SCHOOL REMAINS ON PERFORMANCE WATCH UNDER THE NEW AUTHORIZER
23 AS IF THE AUTHORIZER HAD NOT CHANGED.

24 **SECTION 5. Safety clause.** The general assembly hereby finds,
25 determines, and declares that this act is necessary for the immediate
26 preservation of the public peace, health, and safety.