

Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 16-0395.01 Julie Pelegrin x2700

SENATE BILL 16-052

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SENATE SPONSORSHIP

Kerr,

HOUSE SPONSORSHIP

(None),

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Senate Committees  
Education

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE DELIVERY OF QUALITY ONLINE EDUCATION WITHIN  
102 THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM.

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, the division of online learning (division) within the department of education (department) must certify a multi-district online school before the school can operate. The bill continues the certification of multi-district online schools until January 1, 2017. On and after that date, the division will no longer certify the school but will certify a school district, a group of school districts, a board of cooperative

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.*

services, or the state charter school institute (authorizer) that chooses to authorize a multi-district online school.

The bill establishes the areas in which an authorizer must meet specified requirements to be certified. An authorizer must renew the certification every 5 years. If an authorizer is already operating or overseeing a multi-district online school as of January 1, 2017, the authorizer can continue operating or overseeing the school but must obtain a certification by January 1, 2022.

The state board of education (state board) must adopt rules concerning the procedures and timelines by which to apply for certification and any additional areas for which an authorizer must meet requirements. The procedures must include an appellate procedure if the division denies an authorizer's application for certification or revokes or does not renew an authorizer's certification. If an authorizer loses its certification, it may continue operating or overseeing the multi-district online school for the remainder of the school year in which it loses the certification and for the next school year. The division must facilitate the multi-district online school's transition to a new authorizer.

Under current law, the department must develop parameters and guidelines for pilot projects in online schools to address measures of student achievement, student count processes and competency-based funding models, tiered interventions, and requirements and responsibilities for student success. The bill adds projects to address the needs of specific student groups in online schools. The general assembly is directed to appropriate moneys for the pilot projects, in addition to any gifts, grants, or donations the department may receive.

Under current law, a multi-district online school that operates a learning center in a school district that is not the school's authorizing school district must enter into a memorandum of understanding with the school district to operate the learning center. The bill requires a multi-district online school to also enter into a memorandum of understanding with a school district that is not the school's authorizer if the school seeks to operate a drop-in center within the school district.

The bill requires the division to:

- ! Study the issue of student mobility into and out of online schools and report to the state board and the general assembly; and
- ! Collect data concerning the operations of authorizers and multi-district online schools, identify and disseminate information concerning best practices, and make the data available for research in the field of online education.

1           **SECTION 1.** In Colorado Revised Statutes, 22-30.7-102, **amend**  
2 (2), (5), and (7); and **add** (2.5), (3.5), and (15.5) as follows:

3           **22-30.7-102. Definitions.** As used in this article, unless the  
4 context otherwise requires:

5           (2) "Authorizer" means an entity that authorizes an online  
6 program or online school. "Authorizer" ~~shall include~~ INCLUDES a school  
7 district, ~~any~~ A group of two or more school districts, a board of  
8 cooperative services, ~~created pursuant to section 22-5-104,~~ or the state  
9 charter school institute. ~~established pursuant to section 22-30.5-503.~~

10           (2.5) "BOARD OF COOPERATIVE SERVICES" MEANS A BOARD OF  
11 COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE.

12           (3.5) "DROP-IN CENTER" MEANS A FACILITY IN WHICH A STUDENT  
13 WHO IS ENROLLED IN AN ONLINE SCHOOL MAY MEET PERIODICALLY AND  
14 INFORMALLY WITH A TEACHER OR MENTOR, OR MEET WITH OTHER  
15 STUDENTS UNDER THE SUPERVISION OF A TEACHER OR MENTOR, FOR  
16 EDUCATIONAL ASSISTANCE IN PARTICIPATING IN AN ONLINE SCHOOL. A  
17 PRIVATE HOME IS NOT A "DROP-IN CENTER".

18           (5) "Mentor" means an individual who is responsible for  
19 providing supervision at a learning center OR DROP-IN CENTER. A  
20 "mentor" shall not be required to be a licensed teacher but shall, at a  
21 minimum, satisfy the requirements specified for a paraprofessional as  
22 such requirements are described in the federal "No Child Left Behind Act  
23 of 2001", 20 U.S.C. sec. 6301 et seq.

24           (7) "Online division" OR "DIVISION" means the division of online  
25 learning created in the department of education pursuant to section  
26 22-30.7-103.

27           (15.5) "STATE CHARTER SCHOOL INSTITUTE" MEANS THE STATE

1 CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503.

2 **SECTION 2.** In Colorado Revised Statutes, 22-30.7-103, **amend**  
3 (2), (3) introductory portion, (3) (b), and (3) (d); and **add** (3) (b.5), (3)  
4 (k.5), (3) (n), and (3) (o) as follows:

5 **22-30.7-103. Division of online learning - created - duties -**  
6 **repeal.** (2) **Purposes.** The purposes of the online division are:

7 (a) To support online programs and online schools, students,  
8 parents, authorizers, and other entities related to online learning by  
9 providing information and access to available data; ~~and~~

10 (b) (I) To facilitate the certification of multi-district online schools  
11 in accordance with rules promulgated by the state board pursuant to  
12 section 22-30.7-106.

13 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1,  
14 2017.

15 (c) ON AND AFTER JANUARY 1, 2017, TO FACILITATE THE  
16 CERTIFICATION OF AUTHORIZERS OF MULTI-DISTRICT ONLINE SCHOOLS IN  
17 ACCORDANCE WITH SECTION 22-30.7-106.5.

18 (3) **Duties.** The online division ~~shall have~~ HAS the following  
19 duties:

20 (b) (I) To evaluate applications for certification of multi-district  
21 online schools using criteria adopted by rules promulgated by the state  
22 board pursuant to section 22-30.7-106 and to recommend that the state  
23 board grant or deny certification based upon the criteria.

24 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1,  
25 2017.

26 (b.5) TO EVALUATE APPLICATIONS FOR CERTIFICATION OF THE  
27 AUTHORIZERS OF MULTI-DISTRICT ONLINE SCHOOLS BASED ON THE

1 STANDARDS SPECIFIED IN SECTION 22-30.7-106.5 AND GRANT OR DENY  
2 CERTIFICATION BASED ON THE STANDARDS;

3 (d) To recommend to the state board on or before September 1,  
4 2007, a process, timeline, and standard MOU form for use by  
5 multi-district online schools and school districts in crafting memoranda  
6 of understanding pursuant to section 22-30.7-111 regarding the placement  
7 of learning centers within the boundaries of a school district, AND, ON  
8 AND AFTER SEPTEMBER 1, 2016, REGARDING THE PLACEMENT OF DROP-IN  
9 CENTERS WITHIN THE BOUNDARIES OF A SCHOOL DISTRICT. At a minimum,  
10 the standard MOU form shall include the information specified in section  
11 22-30.7-111 (1) (b).

12 (k.5) TO USE THE FINAL REPORT OF THE ONLINE TASK FORCE  
13 CREATED IN SECTION 22-30.7-112, AS IT EXISTED BEFORE JULY 1, 2015,  
14 WHICH WAS SUBMITTED TO THE STATE BOARD AND THE EDUCATION  
15 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE ON  
16 DECEMBER 29, 2014, AS A BASIS FOR RECOMMENDATIONS FOR  
17 IMPLEMENTING CERTIFICATION OF MULTI-DISTRICT ONLINE SCHOOL  
18 AUTHORIZERS AS REQUIRED IN SECTION 22-30.7-106.5;

19 (n) TO STUDY THE ISSUE OF STUDENT MOBILITY INTO AND OUT OF  
20 ONLINE PROGRAMS AND ONLINE SCHOOLS AND REPORT ITS FINDINGS BY  
21 DECEMBER 2017 TO THE STATE BOARD AND THE EDUCATION COMMITTEES  
22 OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR  
23 COMMITTEES; AND

24 (o) TO COLLECT DATA CONCERNING THE AUTHORIZATION AND  
25 OVERSIGHT PRACTICES OF AUTHORIZERS OF MULTI-DISTRICT ONLINE  
26 SCHOOLS AND THE OPERATIONS OF MULTI-DISTRICT ONLINE SCHOOLS IN  
27 ORDER TO IDENTIFY AND DISSEMINATE TO SCHOOL DISTRICTS, BOARDS OF

1 COOPERATIVE SERVICES, AND THE STATE CHARTER SCHOOL INSTITUTE  
2 BEST PRACTICES IN AUTHORIZING AND OPERATING MULTI-DISTRICT ONLINE  
3 SCHOOLS. THE DIVISION SHALL ALSO MAKE THE COLLECTED DATA  
4 AVAILABLE FOR RESEARCH IN THE FIELD OF ONLINE LEARNING.

5 **SECTION 3.** In Colorado Revised Statutes, 22-30.7-105, **amend**  
6 (1) (a) and (1) (b); and **add** (1) (b.5) as follows:

7 **22-30.7-105. Program criteria - guidelines - quality standards**  
8 **- records - rules - repeal.** (1) (a) A school district and the state charter  
9 school institute ~~established pursuant to section 22-30.5-503~~ are hereby  
10 authorized to create or oversee single-district online programs or  
11 single-district online schools.

12 (b) (I) A school district, a group of two or more school districts,  
13 a board of cooperative services, ~~created pursuant to section 22-5-104~~, and  
14 the state charter school institute ~~established pursuant to section~~  
15 ~~22-30.5-503~~ are hereby authorized to create or oversee multi-district  
16 online schools, subject to the requirement that the authorizer apply to the  
17 online division for certification of the multi-district online school as  
18 described in section 22-30.7-106.

19 (II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JANUARY 1,  
20 2017.

21 (b.5) (I) BEGINNING JANUARY 1, 2017, A SCHOOL DISTRICT, A  
22 GROUP OF TWO OR MORE SCHOOL DISTRICTS, A BOARD OF COOPERATIVE  
23 SERVICES, AND THE STATE CHARTER SCHOOL INSTITUTE MAY CREATE OR  
24 OVERSEE ONE OR MORE MULTI-DISTRICT ONLINE SCHOOLS IF THE DIVISION  
25 CERTIFIES THE SCHOOL DISTRICT, GROUP OF SCHOOL DISTRICTS, BOARD OF  
26 COOPERATIVE SERVICES, OR STATE CHARTER SCHOOL INSTITUTE TO  
27 AUTHORIZE MULTI-DISTRICT ONLINE SCHOOLS AS PROVIDED IN SECTION

1 22-30.7-106.5.

2 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF  
3 THIS PARAGRAPH (b.5), A SCHOOL DISTRICT, A GROUP OF SCHOOL  
4 DISTRICTS, A BOARD OF COOPERATIVES SERVICES, OR THE STATE CHARTER  
5 SCHOOL INSTITUTE THAT IS OPERATING OR OVERSEEING A MULTI-DISTRICT  
6 ONLINE SCHOOL AS OF JANUARY 1, 2017, MAY CONTINUE OPERATING OR  
7 OVERSEEING THE MULTI-DISTRICT ONLINE SCHOOL SO LONG AS THE  
8 DIVISION CERTIFIES THE SCHOOL DISTRICT, GROUP OF SCHOOL DISTRICTS,  
9 BOARD OF COOPERATIVE SERVICES, OR STATE CHARTER SCHOOL INSTITUTE  
10 AS PROVIDED IN SECTION 22-30.7-106.5 NO LATER THAN JANUARY 1, 2022.

11 **SECTION 4.** In Colorado Revised Statutes, 22-30.7-106, **amend**  
12 (1); and **add** (9) as follows:

13 **22-30.7-106. Certification of multi-district online schools -**  
14 **criteria - rules - repeal.** (1) BEFORE JANUARY 1, 2017, if a school  
15 district, a group of two or more school districts, a board of cooperative  
16 services, ~~created pursuant to section 22-5-104,~~ or the state charter school  
17 institute ~~established pursuant to section 22-30.5-503~~ chooses to authorize  
18 a multi-district online school, the school district, group of two or more  
19 school districts, board of cooperative services, or state charter school  
20 institute shall, prior to authorizing the multi-district online school, apply  
21 to the online division for certification of the multi-district online school.

22 (9) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2017.

23 **SECTION 5.** In Colorado Revised Statutes, **add** 22-30.7-106.5  
24 as follows:

25 **22-30.7-106.5. Certification of authorizers of multi-district**  
26 **online schools - standards - rules.** (1) (a) ON AND AFTER JANUARY 1,  
27 2017, AN AUTHORIZER THAT CHOOSES TO AUTHORIZE A MULTI-DISTRICT

1 ONLINE SCHOOL MUST BE CERTIFIED BY THE DIVISION PURSUANT TO THIS  
2 SECTION BEFORE AUTHORIZING THE MULTI-DISTRICT ONLINE SCHOOL.

3 (b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS  
4 SUBSECTION (1) TO THE CONTRARY:

5 (I) AN AUTHORIZER THAT IS OPERATING OR OVERSEEING A  
6 MULTI-DISTRICT ONLINE SCHOOL AS OF JANUARY 1, 2017, MAY CONTINUE  
7 OPERATING OR OVERSEEING THE MULTI-DISTRICT ONLINE SCHOOL SO LONG  
8 AS THE DIVISION CERTIFIES THE AUTHORIZER, AS PROVIDED IN THIS  
9 SECTION, NO LATER THAN JANUARY 1, 2022;

10 (II) THE STATE BOARD MAY WAIVE THE CERTIFICATION  
11 REQUIREMENT FOR A SCHOOL DISTRICT OR BOARD OF COOPERATIVE  
12 SERVICES THAT CHOOSES TO AUTHORIZE A MULTI-DISTRICT ONLINE  
13 SCHOOL IF THE MULTI-DISTRICT ONLINE SCHOOL ENROLLS TEN OR FEWER  
14 STUDENTS WHO RESIDE OUTSIDE OF THE BOUNDARIES OF THE SCHOOL  
15 DISTRICT OR BOARD OF COOPERATIVE SERVICES;

16 (III) AN AUTHORIZER OF A SINGLE-DISTRICT ONLINE PROGRAM OR  
17 ONLINE SCHOOL THAT BECOMES A MULTI-DISTRICT ONLINE SCHOOL IS NOT  
18 REQUIRED TO BE CERTIFIED PURSUANT TO THIS SECTION IF TEN OR FEWER  
19 STUDENTS FROM OUTSIDE THE SCHOOL DISTRICT IN WHICH THE  
20 SINGLE-DISTRICT ONLINE PROGRAM OR ONLINE SCHOOL IS OPERATING  
21 ENROLL IN THE MULTI-DISTRICT ONLINE SCHOOL.

22 (2) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO  
23 THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,  
24 C.R.S., AS NECESSARY TO IMPLEMENT THIS SECTION.

25 (3) THE STATE BOARD, BY RULE, SHALL ESTABLISH THE PROCESS  
26 AND TIMELINES BY WHICH AN AUTHORIZER THAT CHOOSES TO AUTHORIZE  
27 A MULTI-DISTRICT ONLINE SCHOOL MUST APPLY FOR CERTIFICATION. AT



1 A MINIMUM, THE RULES MUST ENSURE THAT:

2 (a) APPLICATION FORMS ARE AVAILABLE NO LATER THAN JANUARY  
3 2017;

4 (b) AN APPLICANT MUST SUBMIT AN APPLICATION TO THE DIVISION  
5 NO LATER THAN AUGUST OF THE YEAR PRECEDING THE SCHOOL YEAR IN  
6 WHICH THE MULTI-DISTRICT ONLINE SCHOOL BEGINS OPERATING; EXCEPT  
7 THAT THE RULES MUST SPECIFY THE TIMELINE BY WHICH AN AUTHORIZER  
8 THAT IS OPERATING OR OVERSEEING A MULTI-DISTRICT ONLINE SCHOOL AS  
9 OF JANUARY 1, 2017, MUST SUBMIT AN APPLICATION;

10 (c) THE APPLICATION PROCESS INCLUDES THE OPPORTUNITY TO  
11 IMMEDIATELY REAPPLY IF THE DIVISION DENIES THE FIRST APPLICATION;  
12 AND

13 (d) THE APPLICATION PROCESS INCLUDES A PROCESS BY WHICH AN  
14 APPLICANT MAY APPEAL TO THE STATE BOARD IF THE DIVISION DENIES A  
15 REAPPLICATION.

16 (4) THE STATE BOARD, BY RULE, SHALL ESTABLISH THE AREAS FOR  
17 WHICH AN AUTHORIZER MUST PROVIDE ASSURANCES OR DEMONSTRATIONS  
18 THAT IT MEETS SPECIFIED REQUIREMENTS IN ORDER TO BE CERTIFIED  
19 PURSUANT TO THIS SECTION. THE DIVISION SHALL CONSIDER THE  
20 REQUIREMENTS FOR EACH OF THE AREAS IN REVIEWING APPLICATIONS FOR  
21 CERTIFICATION AND GRANTING OR DENYING CERTIFICATION. THE STATE  
22 BOARD SHALL CONSIDER THE REQUIREMENTS FOR EACH OF THE AREAS IN  
23 CONSIDERING AN APPEAL OF THE DENIAL OF AN APPLICATION. AT A  
24 MINIMUM, THE AREAS AND REQUIREMENTS MUST INCLUDE THE  
25 FOLLOWING:

26 (a) AUTHORIZER COMMITMENT AND CAPACITY, FOR WHICH AN  
27 APPLICANT MUST PROVIDE:

1 (I) ASSURANCES THAT THE AUTHORIZER'S MISSION STATEMENT  
2 INCLUDES OPERATION OR OVERSIGHT OF A MULTI-DISTRICT ONLINE  
3 SCHOOL AND THAT:

4 (A) THE AUTHORIZER WILL HOLD THE MULTI-DISTRICT ONLINE  
5 SCHOOL ACCOUNTABLE FOR ITS PERFORMANCE AND THAT THE  
6 AUTHORIZER HAS EXPERTISE IN IMPLEMENTING AND SUPPORTING ONLINE  
7 LEARNING; AND

8 (B) THE AUTHORIZER IS ACCOUNTABLE TO THE PUBLIC, INCLUDING  
9 ASSURANCES THAT THE AUTHORIZER WILL EXERCISE THE PROPER  
10 STEWARDSHIP OF EDUCATIONAL RESOURCES AND IS COMMITTED TO  
11 OFFERING QUALITY, SUSTAINABLE EDUCATION OPTIONS FOR STUDENTS;

12 (II) DEMONSTRATIONS THAT THE AUTHORIZER HAS, OR HAS  
13 CONTRACTED FOR, SUFFICIENT STAFFING AND EXPERTISE TO PROVIDE  
14 PROPER OVERSIGHT OF THE MULTI-DISTRICT ONLINE SCHOOL, INCLUDING:

15 (A) A DESCRIPTION OF AND RATIONALE FOR THE RESPONSIBILITIES  
16 ASSIGNED TO THE AUTHORIZER'S STAFF WHO WILL OPERATE OR OVERSEE  
17 THE MULTI-DISTRICT ONLINE SCHOOL AND THE STAFF'S QUALIFICATIONS;  
18 AND

19 (B) A PROFESSIONAL DEVELOPMENT PLAN FOR THE AUTHORIZER'S  
20 STAFF WHO WILL OPERATE OR OVERSEE THE MULTI-DISTRICT ONLINE  
21 SCHOOL;

22 (III) ASSURANCES OF THE AUTHORIZER'S FINANCIAL COMMITMENT  
23 TO PROVIDING SUPPORT TO AND OVERSIGHT OF THE MULTI-DISTRICT  
24 ONLINE SCHOOL, INCLUDING ANNUALLY REPORTING THE AUTHORIZER'S  
25 EXPENDITURES ON OVERSIGHT AND SUPPORT OF THE MULTI-DISTRICT  
26 ONLINE SCHOOL. A NEW AUTHORIZER MUST PROVIDE ASSURANCES OF ITS  
27 FINANCIAL COMMITMENT. THE AUTHORIZER OF AN EXISTING

1 MULTI-DISTRICT ONLINE SCHOOL MUST PROVIDE DOCUMENTATION OF ITS  
2 EXPENDITURES.

3 (IV) ASSURANCES THAT THE AUTHORIZER IS COMMITTED TO  
4 CONTINUING IMPROVEMENT IN ITS OPERATION OR OVERSIGHT OF THE  
5 MULTI-DISTRICT ONLINE SCHOOL, INCLUDING A PLAN FOR EVALUATING THE  
6 AUTHORIZER'S PRACTICES, WHICH PRACTICES ARE ALIGNED WITH  
7 ENSURING THE MULTI-DISTRICT ONLINE SCHOOL MEETS THE QUALITY  
8 STANDARDS SPECIFIED IN SECTION 22-30.7-105 AND IN RULE OF THE STATE  
9 BOARD, AND FOR CREATING A PLAN FOR IMPROVING PRACTICES, IF  
10 NECESSARY. A NEW AUTHORIZER MUST SUBMIT THE PLAN TO THE  
11 DIVISION. AN AUTHORIZER OF AN EXISTING MULTI-DISTRICT ONLINE  
12 SCHOOL MAY PROVIDE ASSURANCES THAT IT IS IMPLEMENTING THE PLAN.

13 (b) THE AUTHORIZER'S PROCESS FOR REVIEWING AND APPROVING  
14 APPLICATIONS FROM AN ENTITY TO OPERATE A MULTI-DISTRICT ONLINE  
15 SCHOOL OR THE AUTHORIZER'S PLAN FOR DIRECTLY OPERATING A  
16 MULTI-DISTRICT ONLINE SCHOOL, WHICH MUST INCLUDE:

17 (I) FOR PURPOSES OF AN APPLICATION PROCESS, DEFINITION OF THE  
18 ROLES AND RESPONSIBILITIES OF THE AUTHORIZER AND THE ENTITY THAT  
19 WILL OPERATE THE MULTI-DISTRICT ONLINE SCHOOL AND EVIDENCE OF  
20 SUFFICIENT TRAINING AND SUPPORT FOR THE SCHOOL STAFF;

21 (II) ESTABLISHMENT OF RIGOROUS PERFORMANCE STANDARDS FOR  
22 THE MULTI-DISTRICT ONLINE SCHOOL, WHICH MUST INCLUDE:

23 (A) IDENTIFIED SOURCES FOR EVALUATING STUDENT ACADEMIC  
24 OUTCOMES THAT ARE ALIGNED WITH THE STATE ACCREDITATION SYSTEM  
25 DESCRIBED IN ARTICLE 11 OF THIS TITLE AND THAT THE AUTHORIZER WILL  
26 USE AS THE EVIDENCE BASE FOR MAKING DECISIONS CONCERNING THE  
27 MULTI-DISTRICT ONLINE SCHOOL. THE SOURCES MAY INCLUDE THE

1 RESULTS OF STATEWIDE ASSESSMENTS, STUDENT ACADEMIC GROWTH  
2 MEASURES, INTERNAL ASSESSMENTS, QUALITATIVE REVIEWS, AND  
3 PERFORMANCE COMPARISONS WITH OTHER PUBLIC SCHOOLS IN THE STATE.

4 (B) IDENTIFIED SOURCES OF FINANCIAL DATA THAT THE  
5 AUTHORIZER WILL USE IN MAKING DECISIONS CONCERNING THE  
6 MULTI-DISTRICT ONLINE SCHOOL, WHICH DATA ARE BASED ON  
7 PROFESSIONAL STANDARDS FOR FINANCIAL OPERATIONS AND ADDRESS  
8 SUSTAINABILITY;

9 (C) IDENTIFIED SOURCES OF ORGANIZATIONAL DATA THAT THE  
10 AUTHORIZER WILL USE IN MAKING DECISIONS CONCERNING THE  
11 MULTI-DISTRICT ONLINE SCHOOL, WHICH DATA ADDRESS FULFILLING  
12 LEGAL OBLIGATIONS, FIDUCIARY DUTIES, AND SOUND PUBLIC  
13 STEWARDSHIP;

14 (D) DESCRIPTIONS OF CLEAR, MEASURABLE, AND ATTAINABLE  
15 ACADEMIC, FINANCIAL, AND ORGANIZATIONAL PERFORMANCE STANDARDS  
16 AND TARGETS THAT THE AUTHORIZER WILL APPLY IN DETERMINING THE  
17 CONTINUED OPERATIONS OF THE MULTI-DISTRICT ONLINE SCHOOL,  
18 INCLUDING BUT NOT LIMITED TO STATE AND FEDERAL MEASURES OF  
19 PERFORMANCE;

20 (E) DESCRIPTIONS OF THE PERFORMANCE MEASURES, AND  
21 MECHANISMS AND CONSEQUENCES THAT ARE ALIGNED WITH THE  
22 PERFORMANCE MEASURES, THAT THE AUTHORIZER WILL USE TO HOLD THE  
23 MULTI-DISTRICT ONLINE SCHOOL ACCOUNTABLE FOR PERFORMANCE;

24 (III) APPLICATION OF RIGOROUS DECISION-MAKING CRITERIA AND  
25 PRACTICES, WHICH MUST INCLUDE:

26 (A) EVIDENCE THAT THE AUTHORIZER HAS DEVELOPED RIGOROUS  
27 APPLICATION OR PLAN EVALUATION CRITERIA AND IMPLEMENTS

1 TRANSPARENT AND CONSISTENT PROCEDURES FOR MAKING DECISIONS  
2 CONCERNING THE MULTI-DISTRICT ONLINE SCHOOL; AND

3 (B) EVIDENCE THAT THE AUTHORIZER USES PERFORMANCE  
4 OUTCOMES AS THE PRIMARY BASIS FOR MAKING DECISIONS CONCERNING  
5 THE MULTI-DISTRICT ONLINE SCHOOL; AND

6 (IV) USE OF A TIMELINE FOR SUBMITTING, REVIEWING, AND  
7 MAKING DECISIONS CONCERNING APPLICATIONS TO OPERATE  
8 MULTI-DISTRICT ONLINE SCHOOLS AND A TIMELINE FOR THE CONTINUING  
9 OVERSIGHT PROCESSES. FOR A MULTI-DISTRICT ONLINE SCHOOL THAT IS A  
10 CHARTER SCHOOL, THE TIMELINES DESCRIBED IN THIS SUBPARAGRAPH (IV)  
11 MUST COMPLY WITH THE REQUIREMENTS OF PARTS 1 AND 5 OF ARTICLE  
12 30.5 OF THIS TITLE.

13 (c) CONTINUING OVERSIGHT, EVALUATION, AND ACCOUNTABILITY,  
14 WHICH MUST INCLUDE:

15 (I) A DESCRIPTION OF THE ANNUAL OUTCOMES-BASED REVIEW  
16 PROCESS THAT THE AUTHORIZER WILL USE TO EVALUATE THE  
17 MULTI-DISTRICT ONLINE SCHOOL. THE DESCRIPTION MUST INCLUDE:

18 (A) A DESCRIPTION OF THE ACTIVITIES INCLUDED IN THE REVIEW  
19 PROCESS AND HOW THE AUTHORIZER WILL USE THE ACTIVITIES IN MAKING  
20 DECISIONS CONCERNING THE MULTI-DISTRICT ONLINE SCHOOL. THE  
21 ACTIVITIES MUST INCLUDE PHYSICAL OR VIRTUAL SITE VISITS, A REVIEW OF  
22 ENROLLMENT TRENDS, A REVIEW OF SPECIFIED ITEMS OF STUDENT  
23 OUTCOMES DATA, FINANCIAL AUDITS, AND CREATION OF AN ANNUAL  
24 REPORT.

25 (B) A DESCRIPTION OF THE AUTHORIZER'S COMPREHENSIVE  
26 REVIEW OF PERFORMANCE OUTCOME DATA, WHICH INCLUDES REVIEW OF  
27 THE AUTHORIZER'S PERFORMANCE PLAN AND THE MULTI-DISTRICT ONLINE

1 SCHOOL'S PERFORMANCE PLAN, ADOPTED PURSUANT TO SECTIONS  
2 22-11-208 AND 22-11-210;

3 (C) A DEMONSTRATION OF THE AUTHORIZER'S EVIDENCE-BASED  
4 DECISION-MAKING THAT HOLDS THE MULTI-DISTRICT ONLINE SCHOOL  
5 ACCOUNTABLE FOR THE PERFORMANCE EXPECTATIONS THAT THE  
6 AUTHORIZER DEFINES IN POLICY;

7 (II) TRANSPARENT COMPLIANCE-MONITORING PROCEDURES AND  
8 SYSTEMS;

9 (III) THE TIMELINE BY WHICH THE AUTHORIZER WILL REVIEW THE  
10 MULTI-DISTRICT ONLINE SCHOOL AT LEAST ANNUALLY AND PROVIDE  
11 FEEDBACK;

12 (IV) ASSURANCES THAT THE PRACTICES THAT THE AUTHORIZER  
13 ADOPTS ARE ALIGNED WITH NATIONAL BEST PRACTICE RECOMMENDATIONS  
14 FOR CONTRACTING WITH AN EDUCATIONAL MANAGEMENT PROVIDER,  
15 INCLUDING REQUIRING THE EDUCATIONAL MANAGEMENT PROVIDER TO  
16 SUBMIT:

17 (A) DOCUMENTATION OF EDUCATIONAL, ORGANIZATIONAL, AND  
18 FINANCIAL PERFORMANCE RECORDS BASED ON THE PROVIDER'S WORK  
19 WITH EXISTING ONLINE SCHOOLS, IF POSSIBLE;

20 (B) A GROWTH PLAN, A BUSINESS PLAN, AND THE PROVIDER'S MOST  
21 RECENT FINANCIAL AUDITS; AND

22 (C) CLEAR EVIDENCE THAT THE PROVIDER HAS THE CAPACITY TO  
23 OPERATE A NEW SCHOOL SUCCESSFULLY WHILE MAINTAINING QUALITY IN  
24 OPERATING EXISTING ONLINE SCHOOLS, IF APPLICABLE.

25 (5) A CERTIFICATION GRANTED PURSUANT TO THIS SECTION IS  
26 VALID FOR FIVE SCHOOL YEARS AND MAY BE RENEWED FOR SUCCESSIVE  
27 FIVE-YEAR PERIODS. THE STATE BOARD MAY, BY RULE, ESTABLISH AN

1 EXPEDITED PROCESS FOR RENEWING A CERTIFICATION SO LONG AS AN  
2 AUTHORIZER IS REQUIRED TO DEMONSTRATE THAT IT MEETS THE  
3 REQUIREMENTS SPECIFIED IN SUBSECTION (4) OF THIS SECTION TO OBTAIN  
4 A RENEWED CERTIFICATION.

5 (6) (a) THE DIVISION MAY DENY, REVOKE, OR NOT RENEW AN  
6 AUTHORIZER'S CERTIFICATION TO OPERATE OR OVERSEE A MULTI-DISTRICT  
7 ONLINE SCHOOL IF THE DIVISION DETERMINES THAT THE AUTHORIZER DOES  
8 NOT MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (4) OF THIS  
9 SECTION. AN AUTHORIZER WHOSE CERTIFICATION IS DENIED, REVOKED, OR  
10 NOT RENEWED MAY APPEAL TO THE STATE BOARD FOR REVIEW IN  
11 ACCORDANCE WITH STATE BOARD RULES. THE STATE BOARD SHALL GRANT  
12 OR REINSTATE THE AUTHORIZER'S CERTIFICATION IF IT FINDS THAT THE  
13 AUTHORIZER SUBSTANTIALLY MEETS THE REQUIREMENTS SPECIFIED IN  
14 SUBSECTION (4) OF THIS SECTION.

15 (b) IF AN AUTHORIZER THAT IS OPERATING OR OVERSEEING A  
16 MULTI-DISTRICT ONLINE SCHOOL LOSES ITS CERTIFICATION, THE  
17 AUTHORIZER MAY CONTINUE TO OPERATE OR OVERSEE THE  
18 MULTI-DISTRICT ONLINE SCHOOL FOR THE REMAINDER OF THE SCHOOL  
19 YEAR IN WHICH THE AUTHORIZER LOSES ITS CERTIFICATION AND FOR THE  
20 NEXT SCHOOL YEAR. THE DIVISION SHALL FACILITATE A MULTI-DISTRICT  
21 ONLINE SCHOOL'S TRANSITION TO A NEW AUTHORIZER BEFORE THE  
22 COMPLETION OF THE SCHOOL YEAR FOLLOWING THE SCHOOL YEAR IN  
23 WHICH THE MULTI-DISTRICT ONLINE SCHOOL'S ORIGINAL AUTHORIZER  
24 LOSES ITS CERTIFICATION.

25 **SECTION 6.** In Colorado Revised Statutes, **amend**  
26 22-30.7-109.5 as follows:

27 **22-30.7-109.5. Online programs and online schools - report to**

1 **authorizer and department - repeal.** (1) Each online program and  
2 online school shall annually submit to its authorizer and to the department  
3 information, pursuant to state board rules, concerning sound financial and  
4 accounting practices and resources.

5 (2) (a) A multi-district online school shall notify its authorizer and  
6 the department of any intent to amend the program's or school's  
7 application for certification, ~~which shall include~~ INCLUDING any intent to  
8 expand grade levels served by the program or school, any intent to change  
9 education service providers, or other intended changes as defined by the  
10 state board. If the department concludes that the online program or online  
11 school should not be permitted to amend its application for certification,  
12 based on the quality standards established by the state board pursuant to  
13 section 22-30.7-105, the department shall notify the authorizer and the  
14 online program or online school of its decision within thirty days ~~of~~  
15 AFTER receiving the notification from the program or school. The  
16 authorizer shall then have thirty days to appeal the department's decision  
17 to the state board, pursuant to the state board's administrative policies.

18 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JANUARY 1,  
19 2017.

20 **SECTION 7.** In Colorado Revised Statutes, **amend** 22-30.7-111  
21 as follows:

22 **22-30.7-111. Learning centers - drop-in centers - memoranda**  
23 **of understanding - rules - appeal process.** (1) (a) A multi-district  
24 online school that intends to provide instruction to students within one or  
25 more learning centers OR DROP-IN CENTERS shall, before providing such  
26 instruction, seek to enter into a memorandum of understanding with each  
27 school district in which the multi-district online school intends to provide



1 instruction within a learning center OR A DROP-IN CENTER.

2 (b) A multi-district online school that intends to provide  
3 instruction to students within a learning center OR DROP-IN CENTER shall  
4 notify the school district in which the proposed learning center OR  
5 DROP-IN CENTER is located of the multi-district online school's intention  
6 in writing at least ninety days before the multi-district online school  
7 intends to commence providing such instruction. The notice ~~shall~~ MUST  
8 include the standard MOU form that addresses, at a minimum, the  
9 following information as it applies to each learning center OR DROP-IN  
10 CENTER to be located within the school district:

11 (I) A description of any curricula that will be offered by the  
12 multi-district online school at the learning center OR DROP-IN CENTER;

13 (II) The proposed location of the learning center OR DROP-IN  
14 CENTER;

15 (III) The grade levels to be served at the learning center OR  
16 DROP-IN CENTER;

17 (IV) The number of students projected to attend the multi-district  
18 online school at the learning center OR DROP-IN CENTER;

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

21 (VI) A list of all staff positions at the learning center OR DROP-IN  
22 CENTER, including a description of duties for each position;

23 (VII) Measures to ensure compliance with state and federal laws  
24 concerning educator licensing and fingerprint-based criminal history  
25 record checks;

26 (VIII) The name of and contact information for the multi-district  
27 online school and the names of and contact information for all learning

1 center OR DROP-IN CENTER administrators; and

2 (IX) The plans for one or more public meetings to be held prior  
3 to the opening of a learning center OR DROP-IN CENTER.

4 (c) Within forty-five days after receiving the notice and standard  
5 MOU form from a multi-district online school pursuant to paragraph (b)  
6 of this subsection (1), the school district and the multi-district online  
7 school shall meet to discuss the terms of the memorandum of  
8 understanding, based on the standard MOU form provided with the  
9 notice. The school district and the multi-district online school may  
10 mutually agree to change the information in the standard MOU form  
11 provided with the notice or to include information in the memorandum of  
12 understanding in addition to that included in the standard MOU form.

13 (d) Within forty-five days after receiving the notice and the  
14 standard MOU form pursuant to paragraph (b) of this subsection (1), the  
15 school district and the multi-district online school shall hold at least one  
16 public meeting at which they shall receive public input concerning  
17 location of one or more learning centers OR DROP-IN CENTERS within the  
18 school district.

19 (e) No later than forty-five days after the school district receives  
20 the notice and standard MOU form pursuant to paragraph (b) of this  
21 subsection (1), the school district shall notify the multi-district online  
22 school, the online division, and the state board in writing of the school  
23 district's decision whether to enter into a memorandum of understanding  
24 with the multi-district online school for operation of a learning center OR  
25 DROP-IN CENTER within the school district. If the school district does not  
26 provide notice of its decision within forty-five days, the standard MOU  
27 form provided by the multi-district online school with the notice shall

1 ~~become effective~~ TAKES EFFECT on the forty-sixth day following the  
2 school district's receipt of the notice and standard MOU form, and the  
3 multi-district online school may proceed under the terms of the standard  
4 MOU form as provided to the school district.

5 (f) A school district may refuse to enter into a memorandum of  
6 understanding with a multi-district online school for the operation of a  
7 learning center OR DROP-IN CENTER within the school district only if:

8 (I) The standard MOU form provided by the multi-district online  
9 school fails to satisfy the requirements described in paragraph (b) of this  
10 subsection (1); or

11 (II) The school district reasonably determines that the  
12 multi-district online school is contrary to the best interests of the pupils,  
13 parents, community, or school district.

14 (g) If a school district refuses to enter into a memorandum of  
15 understanding with a multi-district online school for operation of a  
16 learning center OR DROP-IN CENTER, the multi-district online school may  
17 appeal the school district's decision to the state board pursuant to the  
18 provisions of subsection (6) of this section.

19 (h) Notwithstanding any provision of this section to the contrary,  
20 a multi-district online school that seeks to operate a learning center OR  
21 DROP-IN CENTER within a school district ~~shall not be~~ IS NOT required to  
22 enter into a memorandum of understanding with the school district if the  
23 school district is the authorizer of the multi-district online school.

24 (i) Notwithstanding any provision of this section to the contrary,  
25 a school district and a multi-district online school may mutually agree in  
26 writing to decline to enter into a memorandum of understanding.

27 (j) To ensure that all students have a reasonable opportunity to

1 benefit from online education, a school district and a multi-district online  
2 school shall make good faith efforts to craft and enter into a memorandum  
3 of understanding pursuant to the provisions of this section.

4 (2) A memorandum of understanding entered into by a school  
5 district and a multi-district online school pursuant to the provisions of this  
6 section ~~shall be~~ IS effective for three years. A school district and a  
7 multi-district online school may enter into an unlimited number of  
8 successive memoranda of understanding.

9 (3) If a school district and a multi-district online school enter into  
10 a memorandum of understanding pursuant to the provisions of this  
11 section, the memorandum of understanding ~~shall~~ MUST include  
12 consideration of all learning centers OR DROP-IN CENTERS that the  
13 multi-district online school proposes, at the time the memorandum of  
14 understanding is crafted, to operate within the school district, and the  
15 memorandum of understanding ~~shall supersede~~ SUPERSEDES any  
16 memorandum of understanding previously entered into by the school  
17 district and the multi-district online school.

18 (4) (a) If a multi-district online school is operating a learning  
19 center OR DROP-IN CENTER within a school district under the terms of a  
20 memorandum of understanding, and the multi-district online school seeks  
21 to operate an additional learning center OR DROP-IN CENTER within the  
22 school district, which additional learning center OR DROP-IN CENTER is not  
23 contemplated in an existing memorandum of understanding, the  
24 multi-district online school shall provide notice to the school district of  
25 the multi-district online school's intention to operate an additional  
26 learning center OR DROP-IN CENTER. The notice ~~shall~~ MUST include the  
27 standard MOU form.

1 (b) Upon receiving notice from a multi-district online school as  
2 described in paragraph (a) of this subsection (4), the school district shall  
3 decide whether to seek to craft a new memorandum of understanding with  
4 the multi-district online school, and the school district shall notify the  
5 multi-district online school of the school district's decision within thirty  
6 days after receiving the notice described in paragraph (a) of this  
7 subsection (4).

8 (c) (I) If the multi-district online school receives notice within  
9 thirty days that the school district has decided to seek to craft a new  
10 memorandum of understanding, the multi-district online school and the  
11 school district shall seek to craft a new memorandum of understanding  
12 pursuant to the provisions of this section.

13 (II) If the multi-district online school does not receive notice  
14 within thirty days after the school district's decision, or the multi-district  
15 online school receives notice that the school district has decided not to  
16 seek to craft a new memorandum of understanding, the multi-district  
17 online school may begin to operate the additional learning center OR  
18 DROP-IN CENTER.

19 (5) (a) On or before October 1, 2007, the state board shall approve  
20 the standard MOU form, which ~~shall~~ MUST, at a minimum, include the  
21 information specified in paragraph (b) of subsection (1) of this section.  
22 The standard MOU form approved by the state board ~~shall~~ MUST be based  
23 on the standard MOU form recommended by the online division pursuant  
24 to section 22-30.7-103 (3) (d).

25 (b) ON OR BEFORE OCTOBER 1, 2016, THE STATE BOARD SHALL  
26 APPROVE A REVISION TO THE STANDARD MOU FORM, WHICH MUST  
27 INCLUDE ANY PROVISIONS NECESSARY TO ADDRESS DROP-IN CENTERS. THE

1 REVISED STANDARD MOU FORM MUST MEET THE MINIMUM  
2 REQUIREMENTS SPECIFIED IN PARAGRAPH (a) OF THIS SUBSECTION (5).

3 (6) (a) On or before January 1, 2008, the state board shall  
4 promulgate rules establishing procedures and timelines by which a  
5 multi-district online school may appeal to the state board a decision by a  
6 school district to refuse to enter into a memorandum of understanding  
7 with the multi-district online school for the operation of a learning center  
8 OR DROP-IN CENTER within the school district.

9 (b) If the state board determines that a school district's decision to  
10 refuse to enter into a memorandum of understanding was contrary to the  
11 best interests of the pupils, parents, community, or school district, the  
12 state board ~~shall~~ MUST issue an order directing the school district to enter  
13 into a final memorandum of understanding with the multi-district online  
14 school regarding the placement of one or more learning centers OR  
15 DROP-IN CENTERS within the school district and to use the standard MOU  
16 form provided with the notice pursuant to paragraph (b) of subsection (1)  
17 of this section as the basis for the final memorandum of understanding.

18 (c) Upon receiving notice from a multi-district online school that  
19 the multi-district online school is appealing a decision by a school district  
20 to refuse to enter into a memorandum of understanding with the  
21 multi-district online school, the state board shall resolve the dispute  
22 within forty-five days by either affirming the school district's decision or  
23 issuing an order directing the school district to enter into a memorandum  
24 of understanding with the multi-district online school, as described in  
25 paragraph (b) of this subsection (6).

26 (7) (a) Notwithstanding any provision of this section to the  
27 contrary, a multi-district online school that operates one or more learning

1 centers within a school district as of January 1, 2007, may continue to  
2 operate learning centers within the school district until August 1, 2008,  
3 without entering into a memorandum of understanding with the school  
4 district. A multi-district online school that operates one or more learning  
5 centers within a school district as of January 1, 2007, shall provide  
6 notification to the school district on or before September 1, 2007, of any  
7 learning centers being operated by the multi-district online school within  
8 the school district. The notice ~~shall~~ MUST include the information  
9 described in subparagraphs (I) through (VIII) of paragraph (b) of  
10 subsection (1) of this section.

11 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
12 CONTRARY, A MULTI-DISTRICT ONLINE SCHOOL THAT OPERATES ONE OR  
13 MORE DROP-IN CENTERS WITHIN A SCHOOL DISTRICT AS OF SEPTEMBER 1,  
14 2016, MAY CONTINUE TO OPERATE THE DROP-IN CENTERS WITHIN THE  
15 SCHOOL DISTRICT UNTIL JULY 1, 2017, WITHOUT ENTERING INTO A  
16 MEMORANDUM OF UNDERSTANDING WITH THE SCHOOL DISTRICT. A  
17 MULTI-DISTRICT ONLINE SCHOOL THAT OPERATES ONE OR MORE DROP-IN  
18 CENTERS WITHIN A SCHOOL DISTRICT AS OF SEPTEMBER 1, 2016, SHALL  
19 PROVIDE NOTICE TO THE SCHOOL DISTRICT ON OR BEFORE SEPTEMBER 1,  
20 2016, OF THE DROP-IN CENTERS THAT THE MULTI-DISTRICT ONLINE SCHOOL  
21 OPERATES WITHIN THE SCHOOL DISTRICT. THE NOTICE MUST INCLUDE THE  
22 INFORMATION DESCRIBED IN SUBPARAGRAPHS (I) TO (VIII) OF PARAGRAPH  
23 (b) OF SUBSECTION (1) OF THIS SECTION.

24 **SECTION 8.** In Colorado Revised Statutes, 22-30.7-113, **amend**  
25 (2) (a), (2) (b), and (4) as follows:

26 **22-30.7-113. Online pilot programs - interim reports -**  
27 **legislative declaration.** (2) (a) The department shall ~~work with the task~~

1 ~~force created in section 22-30.7-112~~ to establish the parameters for,  
2 duration of, and methods for evaluating pilot programs as described in  
3 this section and ~~to issue to authorizers requests for proposals for the pilot~~  
4 programs. The department shall issue the requests for proposals no later  
5 than ~~October 15, 2014~~ OCTOBER 15, 2016. The pilot programs must begin  
6 operation no later than the ~~2015-16 school year~~ 2017-18 SCHOOL YEAR.

7 (b) The pilot programs may include, but need not be limited to:

8 (I) A pilot program to use objective, verifiable, and multiple  
9 measures of student achievement as indicators of school quality, which  
10 measures align with the Colorado academic standards adopted pursuant  
11 to section 22-7-1005;

12 (II) A PILOT PROGRAM TO DEVELOP AND ASSESS SERVICES THAT  
13 ARE APPROPRIATE FOR ALL STUDENTS, INCLUDING CHILDREN WITH  
14 DISABILITIES, CHILDREN WHO ARE IDENTIFIED AS GIFTED AND TALENTED,  
15 ENGLISH LANGUAGE LEARNERS, AND STUDENTS WHO ARE IDENTIFIED AS  
16 BEING AT RISK OF ACADEMIC FAILURE;

17 ~~(H)~~ (III) A pilot program to use a student-count process that is  
18 based on course completion and student competency rather than  
19 enrollment;

20 ~~(H)~~ (IV) A pilot program to examine methods of using tiered  
21 interventions in online education to support individual students through  
22 a well-integrated system that is matched to students' academic,  
23 social-emotional, and behavioral needs; and

24 ~~(V)~~ (V) A pilot program to identify and explain the requirements  
25 students must meet and the responsibilities that students must accept to  
26 succeed in online education.

27 (4) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEYS TO THE



1 DEPARTMENT TO OFFSET THE COSTS INCURRED BY THE DEPARTMENT AND  
2 BY PARTICIPATING AUTHORIZERS IN IMPLEMENTING PILOT PROGRAMS AS  
3 PROVIDED IN THIS SECTION. IN ADDITION, the department may accept and  
4 expend public and private gifts, grants, and donations to offset the costs  
5 incurred by the department and by participating authorizers in  
6 implementing pilot programs pursuant to this section. Notwithstanding  
7 any provision of this section to the contrary, the department must  
8 implement the provisions of this section only if the department receives  
9 appropriations or public or private gifts, grants, or donations in an amount  
10 it deems sufficient to offset the costs incurred in implementing pilot  
11 programs pursuant to this section.

12           **SECTION 9. Act subject to petition - effective date.** This act  
13 takes effect at 12:01 a.m. on the day following the expiration of the  
14 ninety-day period after final adjournment of the general assembly (August  
15 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a  
16 referendum petition is filed pursuant to section 1 (3) of article V of the  
17 state constitution against this act or an item, section, or part of this act  
18 within such period, then the act, item, section, or part will not take effect  
19 unless approved by the people at the general election to be held in  
20 November 2016 and, in such case, will take effect on the date of the  
21 official declaration of the vote thereon by the governor.