

CHAPTER 204

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 06-1008

BY REPRESENTATIVE(S) Massey, Benefield, Berens, Butcher, Coleman, Gallegos, Jahn, Merrifield, Pommer, Stafford, Todd, Carroll T., Kerr A., McFadyen, and Rose;
also SENATOR(S) Isgar, Bacon, Entz, Fitz-Gerald, Shaffer, Taylor, Tochtrop, Tupa, Williams, and Windels.

AN ACT

CONCERNING REIMBURSEMENT FOR SUPPLEMENTAL ON-LINE EDUCATION COURSES, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 57

Supplemental On-line Education Courses - Financing

22-57-101. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY FINDS THAT:

(I) ON-LINE EDUCATION COURSES THAT ARE SUPPLEMENTAL TO THE EDUCATION PROGRAM PROVIDED BY A SCHOOL DISTRICT OR A CHARTER SCHOOL ARE A VALUABLE RESOURCE FOR ALL SCHOOL DISTRICTS AND CHARTER SCHOOLS, ESPECIALLY SMALLER SCHOOL DISTRICTS AND SCHOOL DISTRICTS IN RURAL AREAS, BECAUSE THEY ALLOW A SCHOOL DISTRICT OR CHARTER SCHOOL TO PROVIDE A MUCH RICHER, MORE VARIED CURRICULUM OF COURSES FOR STUDENTS AT ALL LEVELS OF ACHIEVEMENT;

(II) SUPPLEMENTAL ON-LINE EDUCATION COURSES PROVIDE TOOLS FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS TO USE IN DECREASING THE COLLEGE REMEDIATION RATES AND IN HELPING THEIR STUDENTS COMPLY WITH THE HIGHER EDUCATION ADMISSION GUIDELINES.

(b) IT IS THEREFORE IN THE BEST INTERESTS OF THE STATE TO ENSURE THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AVAILABILITY OF AFFORDABLE SUPPLEMENTAL ON-LINE EDUCATION COURSES FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS BY SUBSIDIZING THE PROVISION OF SUPPLEMENTAL ON-LINE EDUCATION COURSES.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE AMOUNT NECESSARY TO REIMBURSE ELIGIBLE SCHOOL DISTRICTS AND ELIGIBLE CHARTER SCHOOLS PURSUANT TO THIS ARTICLE FOR THE COST OF PURCHASING SUPPLEMENTAL ON-LINE EDUCATION COURSES BE APPROPRIATED ANNUALLY FROM FEDERAL MINERAL LEASING REVENUES TRANSFERRED TO THE STATE PUBLIC SCHOOL FUND PURSUANT TO SECTIONS 22-41-106 AND 22-54-114 (1).

22-57-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(2) (a) "ELIGIBLE CHARTER SCHOOL" MEANS A CHARTER SCHOOL, AUTHORIZED BY AN ELIGIBLE SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE, OR AN INSTITUTE CHARTER SCHOOL, AS DEFINED IN SECTION 22-30.5-502 (6), THAT:

(I) ENROLLS STUDENTS IN ANY OF GRADES SIX THROUGH TWELVE; AND

(II) DOES NOT OPERATE AN ON-LINE PROGRAM.

(b) NOTWITHSTANDING ANY PROVISION OF PARAGRAPH (a) OF THIS SUBSECTION (2) TO THE CONTRARY, "ELIGIBLE CHARTER SCHOOL" DOES NOT INCLUDE AN INSTITUTE CHARTER SCHOOL IN ANY BUDGET YEAR IN WHICH THE INSTITUTE CHARTER SCHOOL ENROLLS THREE THOUSAND OR MORE STUDENTS, AS DETERMINED BY THE INSTITUTE CHARTER SCHOOL'S PUPIL ENROLLMENT CERTIFIED BY THE STATE CHARTER SCHOOL INSTITUTE ON BEHALF OF THE INSTITUTE CHARTER SCHOOL TO THE STATE BOARD PURSUANT TO SECTION 22-30.5-513 (3) (a).

(3) "ELIGIBLE SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT THAT:

(a) DOES NOT EXPORT AN ON-LINE EDUCATION PROGRAM TO STUDENTS RECEIVING THE PROGRAM AT A LOCATION OUTSIDE OF THE SCHOOL DISTRICT'S GEOGRAPHIC BOUNDARIES; AND

(b) ENROLLS FEWER THAN THREE THOUSAND STUDENTS IN A BUDGET YEAR, AS DETERMINED BY THE SCHOOL DISTRICT'S PUPIL ENROLLMENT CERTIFIED TO THE STATE BOARD PURSUANT TO SECTION 22-54-112 FOR THE BUDGET YEAR IN WHICH THE ELIGIBLE SCHOOL DISTRICT CLAIMS REIMBURSEMENT PURSUANT TO THIS ARTICLE.

(4) "PROVIDER" MEANS AN ENTITY THAT SELLS SUPPLEMENTAL ON-LINE EDUCATION COURSES THAT ARE TAUGHT BY EMPLOYEES OF THE PROVIDER WHO ARE TEACHERS, LICENSED IN COLORADO PURSUANT TO ARTICLE 60.5 OF THIS TITLE. A "PROVIDER" MAY INCLUDE, BUT NEED NOT BE LIMITED TO, A NONPROFIT OR FOR-PROFIT ENTITY, A CHARTER SCHOOL, A SCHOOL DISTRICT, OR A CONSORTIUM OF

SCHOOL DISTRICTS.

(5) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

(6) "SUCCESSFULLY COMPLETED" MEANS THAT A STUDENT PASSED A SUPPLEMENTAL ON-LINE EDUCATION COURSE WITH A LETTER GRADE OF "D" OR HIGHER IN ACCORDANCE WITH THE STANDARDS OF THE ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL THAT PURCHASED THE SUPPLEMENTAL ON-LINE EDUCATION COURSE.

(7) "SUPPLEMENTAL ON-LINE EDUCATION COURSE" MEANS AN EDUCATION COURSE THAT IS:

(a) TAUGHT BY A TEACHER, WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE, AND DELIVERED VIA AN INTERNET FORMAT TO ONE OR MORE STUDENTS AT A LOCATION THAT IS REMOTE FROM THE DELIVERY POINT; AND

(b) PURCHASED BY AN ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL FROM A PROVIDER TO AUGMENT THE EDUCATION COURSES TAUGHT BY EMPLOYEES OF THE ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL WHO ARE LOCATED ON THE SCHOOL SITE.

22-57-103. Supplemental on-line education programs - cost reimbursement.

(1) EACH ELIGIBLE SCHOOL DISTRICT AND EACH ELIGIBLE CHARTER SCHOOL MAY RECEIVE REIMBURSEMENT FOR ALL OR A PORTION OF THE COSTS INCURRED IN PURCHASING SUPPLEMENTAL ON-LINE EDUCATION COURSES FOR STUDENTS ENROLLED IN GRADES SIX THROUGH TWELVE IN THE ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL.

(2) THE TOTAL AMOUNT OF REIMBURSEMENT FOR SUPPLEMENTAL ON-LINE EDUCATION COURSES THAT AN ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL MAY RECEIVE PURSUANT TO THIS ARTICLE IN A SINGLE BUDGET YEAR SHALL NOT EXCEED AN AMOUNT EQUAL TO THE NUMBER OF STUDENTS ENROLLED IN GRADES SIX THROUGH TWELVE IN THE ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL MULTIPLIED BY TEN DOLLARS. THE NUMBER OF STUDENTS ENROLLED IN GRADES SIX THROUGH TWELVE IN AN ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL SHALL BE BASED ON THE ELIGIBLE SCHOOL DISTRICT'S OR ELIGIBLE CHARTER SCHOOL'S PUPIL ENROLLMENT CERTIFIED PURSUANT TO SECTION 22-54-112 TO THE STATE BOARD FOR THE BUDGET YEAR DURING WHICH THE ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL CLAIMS THE REIMBURSEMENT.

(3) (a) TO RECEIVE REIMBURSEMENT FOR A SUPPLEMENTAL ON-LINE EDUCATION COURSE, AN ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION FOR REIMBURSEMENT THAT, AT A MINIMUM, SPECIFIES THE SUPPLEMENTAL ON-LINE EDUCATION COURSE PURCHASED BY THE ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL, THE PER-STUDENT PRICE OF THE SUPPLEMENTAL ON-LINE EDUCATION COURSE, THE NUMBER OF STUDENTS WHO SUCCESSFULLY COMPLETED THE SUPPLEMENTAL ON-LINE EDUCATION COURSE, AND THE NAME OF THE PROVIDER FROM WHICH THE SUPPLEMENTAL ON-LINE EDUCATION COURSE WAS PURCHASED. THE DEPARTMENT

SHALL PAY THE AMOUNT OF THE REIMBURSEMENT SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (3) TO THE APPLYING ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL.

(b) THE AMOUNT OF REIMBURSEMENT PAID TO AN ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL FOR A SUPPLEMENTAL ON-LINE EDUCATION COURSE SHALL BE EQUAL TO THE LESSER OF:

(I) THE PER-STUDENT PURCHASE PRICE OF THE SUPPLEMENTAL ON-LINE EDUCATION COURSE MULTIPLIED BY THE NUMBER OF STUDENTS WHO SUCCESSFULLY COMPLETED THE COURSE; OR

(II) THE PORTION OF THE ELIGIBLE SCHOOL DISTRICT'S OR ELIGIBLE CHARTER SCHOOL'S TOTAL AMOUNT AVAILABLE FOR REIMBURSEMENT, AS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THAT THE DEPARTMENT HAS NOT YET PAID TO THE ELIGIBLE SCHOOL DISTRICT OR ELIGIBLE CHARTER SCHOOL FOR THE BUDGET YEAR.

(4) (a) AN ELIGIBLE SCHOOL DISTRICT MAY NOT RECEIVE REIMBURSEMENT PURSUANT TO THIS ARTICLE FOR SUPPLEMENTAL ON-LINE EDUCATION COURSES THAT ARE PURCHASED FROM A PUBLIC SCHOOL OF THE ELIGIBLE SCHOOL DISTRICT. AN ELIGIBLE CHARTER SCHOOL MAY NOT RECEIVE REIMBURSEMENT PURSUANT TO THIS ARTICLE FOR SUPPLEMENTAL ON-LINE EDUCATION COURSES THAT ARE PURCHASED FROM THE ELIGIBLE CHARTER SCHOOL'S AUTHORIZING ENTITY.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, AN ELIGIBLE SCHOOL DISTRICT OR AN ELIGIBLE CHARTER SCHOOL MAY NOT RECEIVE REIMBURSEMENT PURSUANT TO THIS ARTICLE FOR A PORTION OF THE PER-STUDENT COST OF A SUPPLEMENTAL ON-LINE EDUCATION COURSE THAT PURCHASES POSTSECONDARY CREDIT FOR THE STUDENT.

(5) BEGINNING WITH THE BUDGET PREPARATIONS FOR THE 2007-08 BUDGET YEAR, THE DEPARTMENT, AS PART OF THE ANNUAL BUDGET PREPARATION PROCESS, SHALL PROVIDE TO THE JOINT BUDGET COMMITTEE ESTIMATES OF THE NUMBER OF STUDENTS EXPECTED TO BE ENROLLED IN THE COMING BUDGET YEAR IN GRADES SIX THROUGH TWELVE IN ELIGIBLE SCHOOL DISTRICTS AND ELIGIBLE CHARTER SCHOOLS.

(6) THE DEPARTMENT MAY RETAIN UP TO THREE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FOR REIMBURSEMENTS PURSUANT TO THIS ARTICLE TO OFFSET THE ACTUAL ADMINISTRATIVE COSTS INCURRED IN ADMINISTERING THIS ARTICLE.

22-57-104. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2007.

SECTION 2. Appropriation - adjustments to the 2006 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the state public school fund created in section 22-54-114, Colorado Revised Statutes, not otherwise appropriated, to the department of education, assistance to public schools, grant programs and other distributions, for the fiscal year beginning July 1, 2006, the sum of five hundred thirty-one thousand five hundred eighty dollars (\$531,580), or so much thereof as may be necessary, for the implementation

of this act. Said amount shall be from federal mineral leasing revenues transferred to the state public school fund pursuant to sections 22-41-106 and 22-54-114 (1), Colorado Revised Statutes.

(2) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2006, shall be adjusted as follows:

(a) The letter notation associated with the cash funds exempt appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is adjusted to decrease by five hundred thirty-one thousand five hundred eighty dollars (\$531,580) the portion of the appropriation from the state public school fund that is estimated to be from federal mineral leasing revenues.

(b) The letter notation associated with the cash funds exempt appropriation to the department of education, assistance to public schools, public school finance, for the state share of districts' total program funding, is adjusted to increase by five hundred thirty-one thousand five hundred eighty dollars (\$531,580) the portion of the appropriation from the state public school fund that is estimated to be from reserves.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 17, 2006