

CHAPTER 211

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 12-1124

BY REPRESENTATIVE(S) Massey, Fields, Hamner, Holbert, Levy, Peniston, Fischer, Kerr A., Kerr J., Labuda, Lee, Murray, Nikkel, Pace, Schafer S., Summers, Todd, Vigil, Wilson, Young, Ryden, Tyler;
also SENATOR(S) Johnston, Aguilar, Newell.

AN ACT**CONCERNING A STUDY OF DIGITAL LEARNING IN COLORADO.**

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

SECTION 1. In Colorado Revised Statutes, **add** 22-2-140 as follows:

22-2-140. Digital learning study - legislative declaration - definitions - notice of funding through gifts, grants, and donations - repeal. (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) THE SIGNIFICANT ADVANCES IN DIGITAL LEARNING TECHNOLOGIES THAT HAVE OCCURRED IN THE PAST FIVE YEARS SUGGEST MANY PROMISING STRATEGIES FOR IMPROVING PUBLIC EDUCATION IF THESE TECHNOLOGIES ARE EFFECTIVELY INTEGRATED INTO THE PUBLIC EDUCATION SYSTEM;

(b) A HIGH-QUALITY EDUCATION SYSTEM IS NECESSARY TO ENABLE THE STATE TO MAINTAIN A WELL-EDUCATED CITIZENRY AND ATTRACT AND SUPPORT BUSINESS AND INDUSTRIAL DEVELOPMENT WITHIN THE STATE TO STABILIZE AND GROW THE STATE'S ECONOMY;

(c) INCREASING THE USE OF DIGITAL LEARNING TECHNOLOGIES IN PUBLIC SCHOOLS HAS THE POTENTIAL TO INCREASE HIGH-QUALITY EDUCATION AND DECREASE THE COSTS OF PUBLIC EDUCATION, HELPING SCHOOL DISTRICTS, PARTICULARLY SMALL, RURAL SCHOOL DISTRICTS, MEET THE NEEDS OF ALL THEIR STUDENTS;

(d) TO CLOSE ACHIEVEMENT GAPS, INCREASE GRADUATION RATES, AND PREPARE STUDENTS TO SUCCEED IN THE TWENTY-FIRST CENTURY WORKFORCE, PUBLIC SCHOOLS MUST PROVIDE A TWENTY-FIRST CENTURY EDUCATIONAL EXPERIENCE

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

THAT ENCOURAGES INNOVATION AND ALTERNATIVE METHODS OF EDUCATION AND PROVIDES HIGH-QUALITY OPTIONS FOR ALL STUDENTS IN COLORADO;

(e) IT IS IN THE BEST INTERESTS OF THE STATE TO STUDY HOW TO EFFECTIVELY INTEGRATE DIGITAL LEARNING TECHNOLOGIES INTO PUBLIC EDUCATION, THE ADVANTAGES AND DISADVANTAGES OF THIS INTEGRATION, THE COSTS AND BENEFITS OF ACCOMPLISHING THIS INTEGRATION, AND STRATEGIES FOR USING DIGITAL TECHNOLOGY TO HELP THE PUBLIC SCHOOLS OF THE STATE BETTER SERVE ALL STUDENTS.

(2) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "BLENDED LEARNING" MEANS COMBINING ON-LINE LEARNING WITH OTHER MODES OF INSTRUCTIONAL DELIVERY INCLUDING ON-SITE INSTRUCTION AT A PUBLIC SCHOOL OR AT A LEARNING CENTER AS DEFINED IN SECTION 22-30.7-102 (4). "BLENDED LEARNING" INVOLVES COMBINING THE TRADITIONAL, IN-PERSON DELIVERY OF EDUCATION SERVICES WITH THE DELIVERY OF EDUCATION SERVICES USING AN ON-LINE OR COMPUTER-BASED ENVIRONMENT THAT PROVIDES SOME DEGREE OF STUDENT CONTROL OVER TIME, PLACE, AND PACE.

(b) "DIGITAL LEARNING" MEANS ANY TYPE OF LEARNING THAT IS FACILITATED BY TECHNOLOGY.

(c) "ON-LINE LEARNING" MEANS INSTRUCTION VIA A WEB-BASED EDUCATION DELIVERY SYSTEM THAT INCLUDES SOFTWARE TO PROVIDE A STRUCTURED LEARNING ENVIRONMENT. "ON-LINE LEARNING" MAY BE TEACHER-LED EDUCATION THAT TAKES PLACE OVER THE INTERNET WHILE THE TEACHER AND STUDENT ARE SEPARATED GEOGRAPHICALLY. "ON-LINE LEARNING" INCLUDES, BUT IS NOT LIMITED TO, AN ON-LINE PROGRAM, AS DEFINED IN SECTION 22-30.7-102 (9) AND A MULTI-DISTRICT PROGRAM, AS DEFINED IN SECTION 22-30.7-102 (6).

(d) "STUDY" MEANS THE STUDY OF DIGITAL LEARNING IN COLORADO THAT THE DEPARTMENT COMMISSIONS PURSUANT TO SUBSECTION (3) OF THIS SECTION.

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

(I) DELIVERED VIA AN INTERNET FORMAT TO ONE OR MORE STUDENTS AT A LOCATION THAT IS REMOTE FROM THE DELIVERY POINT; AND

(II) PURCHASED BY A SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR PUBLIC SCHOOL FROM A PROVIDER TO AUGMENT THE EDUCATION PROGRAM PROVIDED BY THE SCHOOL DISTRICT, BOARD OF COOPERATIVE SERVICES, OR PUBLIC SCHOOL.

(3) (a) NO LATER THAN NINETY DAYS AFTER RECEIVING SUFFICIENT MONEYS TO IMPLEMENT THIS SECTION, THE DEPARTMENT OF EDUCATION SHALL COMMISSION A STUDY OF DIGITAL LEARNING IN COLORADO, INCLUDING HOW TO EFFECTIVELY INTEGRATE DIGITAL LEARNING INTO PUBLIC SCHOOLS THROUGHOUT THE STATE, HOW TO MAKE HIGH-QUALITY DIGITAL CONTENT AND LEARNING AVAILABLE TO ALL STUDENTS, AND THE COSTS OF INTEGRATING DIGITAL LEARNING INTO THE STATEWIDE SYSTEM OF PUBLIC EDUCATION. AT A MINIMUM, THE STUDY SHALL ADDRESS THE

FOLLOWING ISSUES, INCLUDING THE DEGREE TO WHICH THEY ARE ALREADY ADDRESSED IN COLORADO, AND ANY RECOMMENDED ACTIONS, AT BOTH THE LOCAL AND STATE LEVELS, TO ADDRESS THE ISSUES AND EFFECTIVELY INTEGRATE DIGITAL LEARNING INTO THE STATEWIDE SYSTEM OF PUBLIC EDUCATION:

(I) UNIVERSAL STUDENT ELIGIBILITY FOR AND ACCESS TO DIGITAL LEARNING;

(II) THE ABILITY OF STUDENTS IN THE PUBLIC EDUCATION SYSTEM TO CUSTOMIZE THEIR EDUCATION USING DIGITAL CONTENT THROUGH A DIGITAL LEARNING PROVIDER;

(III) THE ABILITY OF STUDENTS TO DEMONSTRATE COMPETENCY BASED ON A STANDARDIZED ASSESSMENT;

(IV) THE QUALITY OF THE DIGITAL CONTENT, INSTRUCTIONAL MATERIALS, AND ON-LINE LEARNING AND BLENDED LEARNING COURSES THAT ARE AVAILABLE TO STUDENTS AND STRATEGIES FOR MEASURING, MONITORING, AND IMPROVING QUALITY;

(V) THE QUALITY OF THE DIGITAL LEARNING INSTRUCTION AVAILABLE TO STUDENTS AND THE DEGREE TO WHICH TEACHERS ARE ADEQUATELY PREPARED TO ASSIST STUDENTS WITH DIGITAL LEARNING;

(VI) STUDENT ACCESS TO MULTIPLE, HIGH-QUALITY DIGITAL LEARNING PROVIDERS FROM WHICH TO SELECT ON-LINE LEARNING OR BLENDED LEARNING COURSES OR CONTENT;

(VII) METHODS FOR ENSURING THAT THE CONTENT AND INSTRUCTION PROVIDED THROUGH DIGITAL LEARNING IS HIGH QUALITY, AS MEASURED BY STUDENT ACADEMIC GROWTH AND PERFORMANCE;

(VIII) THE FINANCIAL BENEFITS AND IMPACTS TO SCHOOL DISTRICTS, INCLUDING FUNDING FOR DIGITAL LEARNING USING A MODEL THAT CREATES INCENTIVES FOR PERFORMANCE, OPTIONS, AND INNOVATION;

(IX) THE INFRASTRUCTURE REQUIRED TO SUPPORT DIGITAL LEARNING AND ENSURE CONSISTENT AVAILABILITY THROUGHOUT THE STATE;

(X) THE MECHANISMS OTHER STATES USE TO PROVIDE FUNDING AT THE STATE LEVEL AND THE LOCAL LEVEL FOR DIGITAL LEARNING;

(XI) THE MANNER IN WHICH OTHER STATES HAVE ADDRESSED THE INTEGRATION OF DIGITAL LEARNING INTO THEIR PUBLIC SCHOOL SYSTEMS;

(XII) THE EXTENT TO WHICH THE ACCOUNTABILITY MEASURES THAT THE STATE APPLIES TO ALL PUBLIC SCHOOLS, INCLUDING ACHIEVEMENT ON STATEWIDE ASSESSMENTS, ACADEMIC GROWTH, CLOSING THE ACHIEVEMENT GAP, AND POSTSECONDARY AND WORKFORCE READINESS, ARE APPROPRIATE AND SUFFICIENT TO MEASURE THE PERFORMANCE OF ON-LINE SCHOOLS; AND

(XIII) PROTOCOLS FOR TRANSFERRING THE CREDITS THAT A STUDENT EARNS BY

COMPLETING A SUPPLEMENTAL ON-LINE COURSE OR WHILE ENROLLED IN A FULL-TIME ON-LINE SCHOOL TO A SCHOOL DISTRICT OR PUBLIC SCHOOL IN WHICH THE STUDENT SUBSEQUENTLY ENROLLS.

(b) IN CONDUCTING THE STUDY AND MAKING RECOMMENDATIONS, THE SELECTED ENTITY SHALL ALSO REVIEW THE STATE STATUTES AND RULES CONCERNING DIGITAL LEARNING AND RECOMMEND APPROPRIATE CHANGES.

(4) THE DEPARTMENT SHALL SELECT A COLORADO-BASED ENTITY WITH EXPERIENCE IN STUDYING PUBLIC EDUCATION ISSUES IN THE STATE TO COMPLETE THE STUDY. THE DEPARTMENT SHALL NOT SELECT AN ENTITY THAT IS A PROVIDER OF DIGITAL LEARNING TECHNOLOGIES OR SERVICES OR THAT WOULD OTHERWISE BE IN A POSITION TO PROFIT MONETARILY FROM ANY RECOMMENDATIONS THAT MAY BE INCLUDED IN THE STUDY REPORT. THE DEPARTMENT IS NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, C.R.S., IN SELECTING THE ENTITY TO COMPLETE THE STUDY. NO LATER THAN JULY 1, 2012, THE DEPARTMENT SHALL REPORT IN WRITING TO THE STATE BOARD OF EDUCATION, THE GOVERNOR, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THE NAME OF THE ENTITY COMMISSIONED TO CONDUCT THE STUDY.

(5) (a) THE DEPARTMENT IS NOT REQUIRED TO SOLICIT MONEYS FOR THE IMPLEMENTATION OF THIS SECTION, BUT THE DEPARTMENT MAY ACCEPT AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL NOT IMPLEMENT THIS SECTION UNTIL IT RECEIVES SUFFICIENT MONEYS IN GIFTS, GRANTS, OR DONATIONS TO COMPLETE THE STUDY.

(b) (I) IN ACCEPTING A GIFT, GRANT, OR DONATION, THE DEPARTMENT SHALL NOTIFY THE LEGISLATIVE COUNCIL STAFF WHEN IT HAS RECEIVED ADEQUATE MONEYS THROUGH GIFTS, GRANTS, OR DONATIONS TO COMPLETE THE STUDY AND SHALL INCLUDE IN THE NOTIFICATION THE INFORMATION SPECIFIED IN SECTION 24-75-1303 (3), C.R.S.

(II) THIS PARAGRAPH (b) IS REPEALED, EFFECTIVE JULY 1, 2015.

(c) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, THE DEPARTMENT IS NOT REQUIRED TO IMPLEMENT THIS SECTION UNTIL IT RECEIVES SUFFICIENT MONEYS TO IMPLEMENT THIS SECTION.

(6) THE DEPARTMENT SHALL SUBMIT THE COMPLETED STUDY TO THE STATE BOARD OF EDUCATION, THE GOVERNOR, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, NO LATER THAN JANUARY 31, 2013.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2013.

SECTION 2. 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 24, 2012