

CHAPTER 405

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 26-1428

BY REPRESENTATIVE(S) Sirota and Taggart, Brown, Bacon, Boesenecker, Clifford, Goldstein, Hamrick, Lieder, Lindsay, Nguyen, Phillips, Woodrow, McCluskie, English, Jackson, Smith;
also SENATOR(S) Bridges and Kirkmeyer, Amabile, Benavidez, Cutter, Exum, Frizell, Jodeh, Kipp, Lindstedt, Marchman, Snyder, Wallace, Coleman.

AN ACT

CONCERNING MEASURES TO IMPROVE THE ADMINISTRATION OF PUBLICLY FUNDED PROGRAMS AVAILABLE TO STUDENTS WHO ARE NOT FULL-TIME IN-PERSON STUDENTS, AND, IN CONNECTION THEREWITH, REQUIRING THE DEPARTMENT OF EDUCATION TO REPORT ON ONLINE AND PART-TIME ENRICHMENT EDUCATIONAL PROGRAMS AND AUTHORIZING AN EXTENSION OF THE DESIGNATION OF A BOARD OF COOPERATIVE SERVICES TO ADMINISTER THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM.

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

SECTION 1. In Colorado Revised Statutes, **add 22-1-152** as follows:

22-1-152. Online education - part-time enrichment program - report - definitions - repeal.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "IN-PERSON SCHOOL" MEANS A SCHOOL WHERE STUDENTS ATTEND IN PERSON ON THE SCHOOL CAMPUS FOR INSTRUCTION, WHICH SCHOOL MAY ALSO OFFER ONLINE PROGRAMS OR COURSES.

(b) "LOCAL EDUCATION PROVIDER" HAS THE MEANING SET FORTH IN SECTION 22-7-1003.

(c) "MULTI-DISTRICT ONLINE SCHOOL" HAS THE MEANING SET FORTH IN SECTION 22-30.7-102.

(d) "ONLINE PROGRAM" HAS THE MEANING SET FORTH IN SECTION 22-30.7-102.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(e) "ONLINE SCHOOL" HAS THE MEANING SET FORTH IN SECTION 22-30.7-102.

(f) "SINGLE-DISTRICT ONLINE SCHOOL" HAS THE MEANING SET FORTH IN SECTION 22-30.7-102.

(g) "SUPPLEMENTAL PROGRAM" HAS THE MEANING SET FORTH IN SECTION 22-30.7-102.

(2) ON OR BEFORE NOVEMBER 1, 2026, THE DEPARTMENT OF EDUCATION SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE REGARDING SINGLE-DISTRICT AND MULTI-DISTRICT ONLINE SCHOOLS AND PART-TIME ENRICHMENT PROGRAMS.

(3) THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION PERTAINING TO ONLINE SCHOOLS, ONLINE PROGRAMS, AND SUPPLEMENTAL ONLINE COURSES OFFERED BY IN-PERSON SCHOOLS:

(a) DESCRIPTIONS OF THE VARIOUS INSTRUCTIONAL AND FINANCIAL MODELS THROUGH WHICH ONLINE SCHOOLS, ONLINE PROGRAMS, AND SUPPLEMENTAL PROGRAMS ARE USED TO PROVIDE COURSE CREDIT IN K-12 PUBLIC EDUCATION, INCLUDING FULL-TIME ENROLLMENT, PART-TIME ENROLLMENT, SUPPLEMENTAL COURSEWORK, AND CONCURRENT ENROLLMENT;

(b) DATA ON THE NUMBER OF STUDENTS AND PERCENTAGE OF STUDENTS RECEIVING ONLINE INSTRUCTION THROUGH ONLINE SCHOOLS, ONLINE PROGRAMS, AND SUPPLEMENTAL PROGRAMS OFFERED BY IN-PERSON SCHOOLS;

(c) COMMON COURSE DELIVERY METHODS, INCLUDING SYNCHRONOUS AND ASYNCHRONOUS INSTRUCTION;

(d) COMMON CONTRACTUAL AND OTHER FINANCIAL ARRANGEMENTS THROUGH WHICH COURSES ARE DELIVERED;

(e) THE ACADEMIC QUALITY OF ONLINE PROGRAMS AND THE ACADEMIC PERFORMANCE OF STUDENTS ENROLLED IN ONLINE SCHOOLS, ONLINE PROGRAMS, AND SUPPLEMENTAL PROGRAMS, IN COMPARISON TO OTHER PUBLIC SCHOOL STUDENTS, TO THE EXTENT DATA IS AVAILABLE. THIS MAY INCLUDE ANALYSIS OF DATA RELATED TO:

(I) STUDENT PARTICIPATION IN STATE ASSESSMENTS, INCLUDING THE NUMBER AND PERCENTAGE OF STUDENTS ENROLLED IN ONLINE SCHOOLS OR ONLINE PROGRAMS WHO OPT OUT OF STATE ASSESSMENTS, AS PERMITTED UNDER STATE LAW;

(II) STATE ACCOUNTABILITY METRICS;

(III) STUDENT PERSISTENCE;

(IV) STUDENT POSTSECONDARY OUTCOMES, SUCH AS MATRICULATION TO FOUR-YEAR INSTITUTIONS OR OTHER POSTSECONDARY PATHWAYS; AND

(V) SUPPLEMENTAL DATA, SUCH AS STUDENT-TO-TEACHER RATIOS IN ONLINE SCHOOLS, ONLINE PROGRAMS, AND SUPPLEMENTAL PROGRAMS;

(f) OPTIONS AND RECOMMENDATIONS FOR COLLECTING ADDITIONAL DATA ON A TEMPORARY OR ONGOING BASIS TO ENHANCE LOCAL EDUCATION PROVIDER, COMMUNITY, AND STATE BOARD OF EDUCATION VISIBILITY AND OVERSIGHT OF ONLINE SCHOOL AND ONLINE PROGRAM QUALITY;

(g) A FISCAL ANALYSIS COMPARING STATE PAYMENT FOR ONLINE SCHOOLS, ONLINE PROGRAMS, AND SUPPLEMENTAL PROGRAMS AGAINST ACTUAL COSTS INCURRED. THE REPORT MAY INDICATE WHETHER EXPENDITURES VARY SIGNIFICANTLY FOR DIFFERENT TYPES OF PROGRAMS.

(h) OPTIONS AND RECOMMENDATIONS FOR:

(I) OVERSIGHT STRUCTURES FOR ONLINE PROGRAMS THAT TAKE INTO ACCOUNT THE OPERATIONAL REALITIES OF ONLINE EDUCATION WHILE SUPPORTING HIGH-QUALITY OUTCOMES FOR STUDENTS; AND

(II) FUNDING CHANGES NECESSARY TO ADDRESS SIGNIFICANT DISPARITIES BETWEEN PROGRAM EXPENDITURES AND PER PUPIL STATE PAYMENTS FOR ONLINE SCHOOLS, ONLINE PROGRAMS, AND SUPPLEMENTAL PROGRAMS TO ENSURE APPROPRIATE USE OF PUBLIC RESOURCES.

(4) (a) TO PROVIDE ADDITIONAL INFORMATION ON THE QUALITY OF ONLINE PROGRAMS AND ONLINE SCHOOLS, LOCAL EDUCATION PROVIDERS MAY SUBMIT SUPPLEMENTAL MATERIALS ABOUT ONLINE PROGRAMS AND ONLINE SCHOOLS THAT INCLUDE, BUT ARE NOT LIMITED TO:

(I) INDIVIDUAL STUDENT ACADEMIC GROWTH MEASURED YEAR-OVER-YEAR;

(II) INDIVIDUAL STUDENT PROGRESS TOWARD GRADUATION EACH ACADEMIC YEAR;

(III) SCHOOL LEVEL PROGRAMS FOCUSED ON ONBOARDING, STUDENT SUPPORT, AND LEARNER ENGAGEMENT;

(IV) HIGH SCHOOL PROGRAMMING DESIGNED TO EQUIP STUDENTS FOR EMPLOYMENT, MILITARY ENLISTMENT, OR HIGHER EDUCATION; AND

(V) ALIGNMENT OF PROGRAM OFFERINGS TO NATIONAL STANDARDS IN ONLINE LEARNING, SUCH AS NATIONAL STANDARDS FOR QUALITY ONLINE PROGRAMS.

(b) TO PROVIDE ADDITIONAL INFORMATION ON THE COST OF ONLINE PROGRAMS AND ONLINE SCHOOLS, LOCAL EDUCATION PROVIDERS MAY SUBMIT ANALYSIS OF EXPENDITURES UNIQUE TO ONLINE SCHOOLS AND ONLINE PROGRAMS AND AN ANALYSIS OF THE AMOUNT OF OVERALL FUNDING RECEIVED ON A PER PUPIL BASIS FOR THE STUDENTS ENROLLED IN ONLINE SCHOOLS AND ONLINE PROGRAMS COMPARED TO THE AMOUNT OF OVERALL FUNDING, INCLUDING, WITHOUT EXCEPTION, LOCAL, STATE, AND FEDERAL FUNDING; CATEGORICAL FUNDING; AND WEIGHTED FUNDING RECEIVED ON A PER-PUPIL BASIS FOR STUDENTS ENROLLED IN TRADITIONAL PUBLIC SCHOOLS.

(c) TO PROVIDE ADDITIONAL INFORMATION ON THE ENROLLMENT OF ONLINE PROGRAMS AND ONLINE SCHOOLS, LOCAL EDUCATION PROVIDERS MAY SUBMIT INFORMATION PURSUANT TO THIS SECTION DISAGGREGATED BY OVERALL ENROLLMENT, ECONOMICALLY DISADVANTAGED STATUS, ACADEMIC STANDING AT ENROLLMENT, UNDER-CREDITED STATUS AT ENROLLMENT, MOBILITY, AND REASON FOR ENROLLMENT.

(5) CONCERNING PART-TIME ENRICHMENT PROGRAMS, THE REPORT MUST:

(a) DESCRIBE AND CATEGORIZE VARIOUS TYPES OF PART-TIME ENRICHMENT PROGRAMS AND MODES OF DELIVERY AND INDICATE WHICH TYPES OF PROGRAMS ARE MOST PREVALENT;

(b) ADDRESS TO WHAT EXTENT THESE PROGRAMS ARE FOR ACTIVITIES THAT ARE PROVIDED FOR FULL-TIME STUDENTS VERSUS ACTIVITIES THAT ARE PROVIDED SEPARATELY FOR PART-TIME ENRICHMENT STUDENTS;

(c) ADDRESS TO WHAT EXTENT THESE ACTIVITIES ARE ALIGNED TO SUBJECTS IN WHICH STATE STANDARDS EXIST;

(d) COMPARE FUNDED SEAT-TIME TO ACTUAL SEAT-TIME. IF THE DEADLINE TO SUBMIT THE REPORT DOES NOT ALLOW FOR ADEQUATE TIME TO ADDRESS THE SEAT-TIME COMPARISON IN THE REPORT, THE REPORT MUST INCORPORATE REASONABLE ESTIMATES AND IDENTIFY OPTIONS FOR IMPROVING DATA QUALITY.

(e) INCLUDE OPTIONS AND RECOMMENDATIONS FOR CURTAILING PROGRAM COSTS AND IMPROVING PROGRAM OVERSIGHT TO ENSURE APPROPRIATE USE OF PUBLIC RESOURCES; AND

(f) ADDRESS WHETHER THE SAME PROGRAMS ARE ALSO AVAILABLE FREE OF COST TO THE SCHOOL'S FULL-TIME STUDENTS WHO ARE SERVED ON CAMPUS.

(6) TO ASSIST IN EVALUATING THE IMPACT OF THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM CREATED IN SECTION 22-5-119, THE DEPARTMENT OF EDUCATION SHALL USE DATA COLLECTED PURSUANT TO SECTION 22-5-119 (4)(c).

(7) (a) THE DEPARTMENT OF EDUCATION MAY ACCESS DATA IT ALREADY COLLECTS AND COLLECT ADDITIONAL DATA IT DEEMS NECESSARY TO SATISFY THE REPORTING REQUIREMENTS OF THIS SECTION.

(b) LOCAL EDUCATION PROVIDERS SHALL PROVIDE ACCURATE SURVEY RESPONSES, CONTRACTS, AND OTHER FINANCIAL DOCUMENTATION RELATED TO ONLINE EDUCATION AND PART-TIME ENRICHMENT PROGRAMS REQUESTED BY THE DEPARTMENT OF EDUCATION PURSUANT TO THIS SECTION.

(8) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2027.

SECTION 2. In Colorado Revised Statutes, 22-5-119, **add** (4)(c) and (12) as follows:

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

(4) (c) (I) NOTWITHSTANDING SUBSECTION (4)(a) OF THIS SECTION, THE DEPARTMENT MAY EXTEND THE AUTHORIZATION FOR THE ADMINISTERING BOCES THAT IS ADMINISTERING THE PROGRAM ON THE EFFECTIVE DATE OF THIS SECTION FOR UP TO TWO ADDITIONAL YEARS PRIOR TO INITIATING A NEW FIVE-YEAR DESIGNATION.

(II) THIS SUBSECTION (4)(c) IS REPEALED, EFFECTIVE JULY 1, 2028.

(12) TO ASSIST THE STATE IN EVALUATING THE IMPACT AND OUTCOMES OF THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM, AT THE DEPARTMENT'S REQUEST, LOCAL EDUCATION PROVIDERS SHALL PROVIDE STUDENT IDENTIFICATION NUMBERS AND OTHER STUDENT-LEVEL DATA FOR STUDENTS PARTICIPATING IN THE STATEWIDE SUPPLEMENTAL ONLINE AND BLENDED LEARNING PROGRAM TO THE DEPARTMENT AND THE ADMINISTERING BOCES.

SECTION 3. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 4, 2026