

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

INTRODUCED

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.

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:*

2 **SECTION 1.** In Colorado Revised Statutes, 22-30.7-102, **amend**
3 the introductory portion; and **add** (15.5) as follows:

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

6 (15.5) "SUCCESSOR SCHOOL" MEANS AN ONLINE SCHOOL THAT THE
7 DEPARTMENT DETERMINES IS SUBSTANTIALLY SIMILAR AND IS ACTUALLY
8 A SUCCESSOR TO ANOTHER ONLINE SCHOOL THAT IS CURRENTLY
9 OPERATING OR WAS RECENTLY CLOSED OR MODIFIED, TAKING INTO
10 ACCOUNT WHETHER THE ONLINE SCHOOL IN QUESTION ENROLLS
11 SUBSTANTIALLY THE SAME PUPILS, EMPLOYS SUBSTANTIALLY THE SAME
12 STAFF, OR USES SUBSTANTIALLY THE SAME CURRICULUM AS THE OTHER
13 ONLINE SCHOOL OR OTHER CRITERIA THAT INDICATE THE ONLINE SCHOOL
14 IN QUESTION IS A REPLACEMENT INTENDED TO SERVE STUDENTS IN ALL OR

1 A PORTION OF THE GRADE LEVELS SERVED BY THE OTHER ONLINE SCHOOL.

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

4 **22-30.7-103. Division of online learning - created - duties -**
5 **report.** (3) **Duties.** The online division ~~shall have~~ HAS the following
6 duties:

7 (n) (I) TO COLLECT TWICE EACH SCHOOL YEAR FROM THE
8 AUTHORIZER OF EACH ONLINE SCHOOL THAT IS NOT A CHARTER SCHOOL
9 AND FROM EACH ONLINE SCHOOL THAT IS A CHARTER SCHOOL THE
10 INFORMATION DESCRIBED IN SECTION 22-30.7-105 (4)(c) CONCERNING
11 EACH STUDENT WHO IS ENROLLED IN THE ONLINE SCHOOL AS OF THE PUPIL
12 ENROLLMENT COUNT DAY AND WHO SUBSEQUENTLY WITHDRAWS FROM
13 ENROLLMENT IN THE ONLINE SCHOOL BEFORE THE END OF THE SCHOOL
14 YEAR.

15 (II) THE ONLINE DIVISION SHALL ANNUALLY PREPARE A SUMMARY
16 REPORT OF THE INFORMATION COLLECTED PURSUANT TO THIS SUBSECTION
17 (3)(n) AND SUBMIT THE REPORT TO THE STATE BOARD AND THE
18 EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF
19 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING
20 THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO
21 SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (3)(n) CONTINUES
22 INDEFINITELY.

23 **SECTION 3.** In Colorado Revised Statutes, 22-30.7-105, **amend**
24 (1)(b), (2) introductory portion, and (2)(d); and **add** (4)(c) as follows:

25 **22-30.7-105. Program criteria - guidelines - quality standards**
26 **- records - rules.** (1) (b) A school district, a group of two or more school
27 districts, a board of cooperative services created pursuant to section

1 22-5-104, and the state charter school institute established pursuant to
2 section 22-30.5-503 are hereby authorized to create or oversee
3 multi-district online schools, subject to the requirement that the authorizer
4 apply to the online division for certification of the multi-district online
5 school as described in section 22-30.7-106. IF A SCHOOL DISTRICT, A
6 GROUP OF TWO OR MORE SCHOOL DISTRICTS, A BOARD OF COOPERATIVE
7 SERVICES, OR THE STATE CHARTER SCHOOL INSTITUTE AGREES TO BECOME
8 THE AUTHORIZER FOR AN OPERATING MULTI-DISTRICT ONLINE SCHOOL
9 THAT WAS PREVIOUSLY AUTHORIZED BY ANOTHER AUTHORIZER AND
10 CERTIFIED PURSUANT TO SECTION 22-30.7-106, THE NEW AUTHORIZER
11 MUST APPLY TO THE ONLINE DIVISION FOR A NEW CERTIFICATION OF THE
12 MULTI-DISTRICT ONLINE SCHOOL AS DESCRIBED IN SECTION 22-30.7-106.

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

16 (d) The provisions of the "Education Accountability Act of 2009",
17 article 11 of this ~~title, shall~~ TITLE 22, apply to an online program or online
18 school implemented pursuant to this ~~article~~ ARTICLE 30.7 in the same
19 manner as said provisions apply to the other public schools operating in
20 this state. IF AN ONLINE SCHOOL IS ON PERFORMANCE WATCH, AS DEFINED
21 IN SECTION 22-11-103, AND CHANGES AUTHORIZERS IN ITS ORIGINAL FORM
22 OR AS A SUCCESSOR SCHOOL, OR REMAINS WITH THE SAME AUTHORIZER
23 BUT IS CREATED AS A SUCCESSOR SCHOOL TO THE ONLINE SCHOOL THAT IS
24 ON PERFORMANCE WATCH, THE ONLINE SCHOOL OR THE SUCCESSOR
25 SCHOOL REMAINS ON PERFORMANCE WATCH UNDER THE NEW AUTHORIZER
26 AS IF THE AUTHORIZER HAD NOT CHANGED. IF AN ONLINE SCHOOL IS
27 CLOSED AS A RESULT OF ACTIONS TAKEN PURSUANT TO SECTION 22-11-210

1 (5), THE ONLINE SCHOOL MUST REAPPLY FOR CERTIFICATION BEFORE IT
2 MAY AGAIN OPERATE IN ITS ORIGINAL FORM OR AS A SUCCESSOR SCHOOL,
3 REGARDLESS OF WHETHER THE ONLINE SCHOOL OR SUCCESSOR SCHOOL IS
4 AUTHORIZED BY THE SAME OR A DIFFERENT AUTHORIZER.

5 (4) (c) IF A STUDENT WHO IS ENROLLED IN AN ONLINE SCHOOL
6 WITHDRAWS FROM ENROLLMENT IN THE ONLINE SCHOOL AFTER THE PUPIL
7 ENROLLMENT COUNT DAY BUT BEFORE THE END OF THE SCHOOL YEAR, THE
8 ONLINE SCHOOL, IF IT IS A CHARTER SCHOOL, OR THE AUTHORIZER OF THE
9 ONLINE SCHOOL, IF IT IS NOT A CHARTER SCHOOL, SHALL SUBMIT TO THE
10 ONLINE DIVISION THE FOLLOWING INFORMATION:

11 (I) THE STUDENT'S UNIQUE IDENTIFIER, AS DEFINED IN SECTION
12 22-2-134, AND GRADE LEVEL;

13 (II) THE DATE ON WHICH THE STUDENT WITHDREW FROM
14 ENROLLMENT IN THE ONLINE SCHOOL;

15 (III) THE PUBLIC OR NONPUBLIC SCHOOL TO WHICH THE STUDENT
16 TRANSFERRED, IF ANY AND IF KNOWN;

17 (IV) WHETHER THE STUDENT IS ATTENDING A NONPUBLIC
18 HOME-BASED EDUCATIONAL PROGRAM FOR THE REMAINDER OF THE
19 SCHOOL YEAR, IF KNOWN;

20 (V) IF THE STUDENT WAS ENROLLED IN THE EQUIVALENT OF GRADE
21 ELEVEN OR TWELVE, WHETHER THE STUDENT SUCCESSFULLY COMPLETES
22 A HIGH SCHOOL EQUIVALENCY EXAMINATION OR OTHERWISE COMPLETES
23 HIGH SCHOOL GRADUATION REQUIREMENTS DURING THE SCHOOL YEAR, IF
24 KNOWN; AND

25 (VI) ANY OTHER INFORMATION REQUIRED BY THE ONLINE DIVISION
26 THAT INDICATES WHETHER THE STUDENT CONTINUES OR COMPLETES
27 ELEMENTARY OR SECONDARY EDUCATION DURING THE SCHOOL YEAR

1 AFTER WITHDRAWING FROM ENROLLMENT IN THE ONLINE SCHOOL.

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

4 **22-11-210. Public schools - annual review - plans - supports**
5 **and interventions - rules.** (4.5) IF A PUBLIC SCHOOL THAT IS AN ONLINE
6 SCHOOL, AS DEFINED IN SECTION 22-30.7-102, IS ON PERFORMANCE WATCH
7 AND CHANGES AUTHORIZERS IN ITS ORIGINAL FORM OR AS A SUCCESSOR
8 SCHOOL, AS DEFINED IN SECTION 22-30.7-102, OR REMAINS WITH THE
9 SAME AUTHORIZER BUT IS CREATED AS A SUCCESSOR SCHOOL TO THE
10 ONLINE SCHOOL THAT IS ON PERFORMANCE WATCH, THE ONLINE SCHOOL
11 OR THE SUCCESSOR SCHOOL REMAINS ON PERFORMANCE WATCH UNDER
12 THE NEW AUTHORIZER AS IF THE AUTHORIZER HAD NOT CHANGED.

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