

## CHAPTER 89

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**EDUCATION - PUBLIC SCHOOLS**

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## SENATE BILL 19-129

BY SENATOR(S) Story, Danielson, Donovan, Fields, Rodriguez, Todd;  
also REPRESENTATIVE(S) Froelich, Bird, Kipp, Benavidez, Buckner, Buentello, Caraveo, Hooton, Jaquez Lewis, Kraft-Tharp,  
Lontine, McCluskie, McLachlan, Michaelson Jenet, Singer, Sirota, Snyder, Sullivan, Titone, Valdez A., Becker.

**AN ACT****CONCERNING THE REGULATION OF ONLINE SCHOOLS.**

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

**SECTION 1.** In Colorado Revised Statutes, 22-30.7-103, **amend** (3) introductory portion; and **add** (3)(n) as follows:

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

(n) TO PREPARE AN ANNUAL REPORT OF INFORMATION RECEIVED FROM ONLINE SCHOOLS AND THE AUTHORIZERS OF ONLINE SCHOOLS CONCERNING STUDENTS WHO WITHDRAW FROM ENROLLMENT AFTER THE PUPIL ENROLLMENT COUNT DAY. THE REPORT MUST, AT A MINIMUM, INCLUDE THE DATE ON WHICH THE STUDENT WITHDREW FROM ENROLLMENT; THE GRADE LEVEL AT WHICH THE STUDENT WAS ENROLLED AT THE BEGINNING OF THE SCHOOL YEAR AND THE GRADE LEVEL AT WHICH THE STUDENT WAS ENROLLED WHEN THE STUDENT TRANSFERRED; AND, TO THE EXTENT KNOWN, WHETHER THE STUDENT DURING THE SAME SCHOOL YEAR ENROLLED IN ANOTHER PUBLIC SCHOOL, A PRIVATE SCHOOL, OR A NONPUBLIC HOME-BASED EDUCATIONAL PROGRAM AS DEFINED IN SECTION 22-33-104.5 OR GRADUATED FROM OR COMPLETED HIGH SCHOOL. THE ONLINE DIVISION SHALL SUBMIT THE REPORT TO THE STATE BOARD AND THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (3)(n) CONTINUES INDEFINITELY.

**SECTION 2.** In Colorado Revised Statutes, 22-30.7-105, **amend** (1)(b), (2)

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*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.*

introductory portion, and (2)(d) as follows:

**22-30.7-105. Program criteria - guidelines - quality standards - records - rules.** (1) (b) A school district, a group of two or more school districts, a board of cooperative services created pursuant to section 22-5-104, and the state charter school institute established pursuant to section 22-30.5-503 are hereby authorized to create or oversee multi-district online schools, subject to the requirement that the authorizer apply to the online division for certification of the multi-district online school as described in section 22-30.7-106. IF A SCHOOL DISTRICT, A GROUP OF TWO OR MORE SCHOOL DISTRICTS, A BOARD OF COOPERATIVE SERVICES, OR THE STATE CHARTER SCHOOL INSTITUTE AGREES TO BECOME THE AUTHORIZER FOR AN OPERATING MULTI-DISTRICT ONLINE SCHOOL THAT WAS PREVIOUSLY AUTHORIZED BY ANOTHER AUTHORIZER AND CERTIFIED PURSUANT TO SECTION 22-30.7-106, THE NEW AUTHORIZER MUST APPLY TO THE ONLINE DIVISION FOR A NEW CERTIFICATION OF THE MULTI-DISTRICT ONLINE SCHOOL AS DESCRIBED IN SECTION 22-30.7-106.

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

(d) The provisions of the "Education Accountability Act of 2009", article 11 of this ~~title, shall~~ TITLE 22, apply to an online program or online school implemented pursuant to this ~~article~~ ARTICLE 30.7 in the same manner as said provisions apply to the other public schools operating in this state. IF AN ONLINE SCHOOL IS ON PERFORMANCE WATCH, AS DEFINED IN SECTION 22-11-103, AND CHANGES AUTHORIZERS IN ITS ORIGINAL FORM OR AS A SUCCESSOR SCHOOL, AS DETERMINED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.7-106 (9), OR REMAINS WITH THE SAME AUTHORIZER BUT IS CREATED AS A SUCCESSOR SCHOOL, AS DETERMINED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.7-106 (9), TO THE ONLINE SCHOOL THAT IS ON PERFORMANCE WATCH, THE ONLINE SCHOOL OR THE SUCCESSOR SCHOOL REMAINS ON PERFORMANCE WATCH UNDER THE NEW AUTHORIZER AS IF THE AUTHORIZER HAD NOT CHANGED. IF AN ONLINE SCHOOL IS CLOSED AS A RESULT OF ACTIONS TAKEN PURSUANT TO SECTION 22-11-210 (5), THE ONLINE SCHOOL MUST REAPPLY FOR CERTIFICATION BEFORE IT MAY AGAIN OPERATE IN ITS ORIGINAL FORM OR AS A SUCCESSOR SCHOOL, REGARDLESS OF WHETHER THE ONLINE SCHOOL OR SUCCESSOR SCHOOL IS AUTHORIZED BY THE SAME OR A DIFFERENT AUTHORIZER.

**SECTION 3.** In Colorado Revised Statutes, 22-30.7-106, **add** (9) as follows:

**22-30.7-106. Certification of multi-district online schools - criteria - rules.** (9) THE DEPARTMENT SHALL DETERMINE WHETHER A NEWLY AUTHORIZED MULTI-DISTRICT ONLINE SCHOOL IS ACTUALLY A NEW MULTI-DISTRICT ONLINE SCHOOL OR A SUCCESSOR TO A PREVIOUSLY AUTHORIZED MULTI-DISTRICT ONLINE SCHOOL BY APPLYING CRITERIA ADOPTED BY THE DEPARTMENT. IF THE DEPARTMENT DETERMINES THAT A NEWLY AUTHORIZED MULTI-DISTRICT ONLINE SCHOOL IS A SUCCESSOR SCHOOL, THE AUTHORIZER FOR THE MULTI-DISTRICT ONLINE SCHOOL MAY, WITHIN THIRTY DAYS AFTER RECEIVING NOTICE OF THE DECISION, APPEAL THE DECISION TO THE STATE BOARD PURSUANT TO THE STATE BOARD'S ADMINISTRATIVE POLICIES.

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

**22-11-210. Public schools - annual review - plans - supports and interventions - rules.** (4.5) IF A PUBLIC SCHOOL THAT IS AN ONLINE SCHOOL, AS DEFINED IN SECTION 22-30.7-102, IS ON PERFORMANCE WATCH AND CHANGES AUTHORIZERS IN ITS ORIGINAL FORM OR AS A SUCCESSOR SCHOOL, AS DETERMINED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.7-106(9), OR REMAINS WITH THE SAME AUTHORIZER BUT IS CREATED AS A SUCCESSOR SCHOOL, AS DETERMINED BY THE DEPARTMENT PURSUANT TO SECTION 22-30.7-106(9), TO THE ONLINE SCHOOL THAT IS ON PERFORMANCE WATCH, THE ONLINE SCHOOL OR THE SUCCESSOR SCHOOL REMAINS ON PERFORMANCE WATCH UNDER THE NEW AUTHORIZER AS IF THE AUTHORIZER HAD NOT CHANGED.

**SECTION 5. 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: April 10, 2019