

First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 13-0366.01 Jane Ritter x4342

**SENATE BILL 13-139**

**SENATE SPONSORSHIP**

**Roberts,**

**HOUSE SPONSORSHIP**

**Coram,**

**Senate Committees**

Education

State, Veterans, & Military Affairs

**House Committees**

**A BILL FOR AN ACT**

101 **CONCERNING SUPPLEMENTAL ON-LINE EDUCATION SERVICES.**

**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://www.leg.state.co.us/billsummaries>.)*

The bill removes the responsibility for the administration of contracts for on-line and blended education services from mountain boards of cooperative services to the office within the department of education dedicated to on-line and blended learning. The time frame for requests for proposals is changed from August to February. The requirement that on-line classes must be sold for no more than \$200 is removed. Requirements are added to ensure every high school student has

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

the opportunity to take at least one supplemental on-line course per year and that school districts, charter schools, and BOCES must report to the department of education which students are participating in supplemental on-lines course so the department can track student academic performance.

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

2           **SECTION 1.** In Colorado Revised Statutes, 22-5-119, **amend** (1)  
3 (a) (I) (A), (1) (a) (II), (1) (a) (III), (3), (4), (5) introductory portion, (5)  
4 (j), and (5) (l); and **add** (1) (a.5), (3.3), and (3.5) as follows:

5           **22-5-119. Supplemental on-line education and blended**  
6 **learning education services - legislative declaration - contract -**  
7 **definitions.** (1) (a) (I) The general assembly finds that:

8           (A) On-line education courses that are supplemental to the  
9 education program provided by a school district, charter school, or  
10 BOCES are a valuable resource for schools because they allow a school  
11 district, charter school, or BOCES to provide a much richer, more varied  
12 curriculum of courses for students at all levels of achievement. MANY  
13 SMALL SCHOOL DISTRICTS AND RURAL COMMUNITIES, HOWEVER, LACK THE  
14 CAPACITY AND RESOURCES TO DEVELOP THEIR OWN SUPPLEMENTAL  
15 ON-LINE COURSES AND BLENDED LEARNING STRATEGIES.

16           (II) It is therefore in the best interests of the state to ~~ensure the~~  
17 ~~availability of affordable supplemental on-line education courses for~~  
18 ~~school districts, charter schools, and BOCES by subsidizing the provision~~  
19 ~~of supplemental on-line education courses~~ INVEST IN THE EXPANSION OF  
20 AFFORDABLE, HIGH-QUALITY SUPPLEMENTAL ON-LINE EDUCATION  
21 COURSES AND BLENDED LEARNING SUPPORT FOR SCHOOL DISTRICTS,  
22 CHARTER SCHOOLS, AND BOCES, ESPECIALLY THOSE THAT LACK THE  
23 CAPACITY TO DEVELOP THEIR OWN SUPPLEMENTAL OFFERINGS, BY

1 SUBSIDIZING THE PROVISION OF ON-LINE EDUCATION COURSES,  
2 PROFESSIONAL DEVELOPMENT, AND TECHNICAL ASSISTANCE TO  
3 IMPLEMENT ON-LINE AND BLENDED LEARNING STATEWIDE.

4 (III) Due to its experience in assisting school districts ~~in obtaining~~  
5 ~~supplemental on-line courses~~ WITH ON-LINE AND BLENDED LEARNING IN  
6 COLORADO, \_\_\_ it is further in the best interests of the state to designate  
7 the mountain A BOCES \_\_\_ to contract, ~~with a provider of supplemental~~  
8 ~~on-line education courses as a mechanism for reimbursement of the cost~~  
9 ~~of providing the courses to school districts, charter schools, and BOCES~~  
10 ~~and to reduce the cost of the courses~~ THROUGH A REQUEST FOR A  
11 PROPOSAL PROCESS DEVELOPED IN CONSULTATION WITH THE  
12 DEPARTMENT, WITH ONE OR MORE NONPROFIT PROVIDERS TO PROVIDE  
13 RESOURCES FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND BOCES IN  
14 THE FORM OF SUPPLEMENTAL ON-LINE COURSE OFFERINGS, PROFESSIONAL  
15 DEVELOPMENT FOR EDUCATORS, AND CONSULTING ASSISTANCE FOR  
16 SCHOOLS AND SCHOOL DISTRICTS WANTING TO USE ON-LINE AND BLENDED  
17 LEARNING FOR THEIR STUDENTS. CONTRACTING WITH \_\_\_ PROVIDERS  
18 SHOULD RESULT IN AN EXPANSION OF THE SUPPLY OF QUALITY  
19 SUPPLEMENTAL ON-LINE COURSES AND RESOURCES AVAILABLE TO  
20 IMPLEMENT SUPPLEMENTAL ON-LINE AND BLENDED LEARNING IN SCHOOL  
21 DISTRICTS, CHARTER SCHOOLS, AND BOCES STATEWIDE.

22 (a.5) THE GENERAL ASSEMBLY ALSO FINDS THAT THE GOALS OF  
23 ON-LINE COURSES AND BLENDED LEARNING STRATEGIES ARE TO:

24 (I) EXPAND THE AVAILABILITY OF ON-LINE COURSES AND BLENDED  
25 LEARNING STRATEGIES;

26 (II) INCREASE THE NUMBER OF STUDENTS TAKING HIGH-QUALITY,  
27 EFFECTIVE, AND AFFORDABLE ON-LINE COURSES;

1           (III) ESTABLISH A PROGRAM TO WORK WITH SCHOOL DISTRICTS,  
2 CHARTER SCHOOLS, AND BOCES TO CREATE, OFFER, AND SUSTAIN THEIR  
3 OWN HIGH-QUALITY, EFFECTIVE, AND AFFORDABLE BLENDED LEARNING  
4 COURSES, AS WELL AS TARGETED PROFESSIONAL DEVELOPMENT AND  
5 MENTORING SUPPORT;

6           (IV) INCREASE THE CAPACITY OF EDUCATORS IN SCHOOL  
7 DISTRICTS, CHARTER SCHOOLS, AND BOCES TO UTILIZE STANDARDS,  
8 DATA, AND INTERVENTIONS IN REGULAR, ON-LINE, AND BLENDED  
9 LEARNING CLASSES; AND

10           (V) DOCUMENT AND SHARE BEST PRACTICES IN ON-LINE AND  
11 BLENDED LEARNING.

12                   
13           ~~(3) On or before August 1, 2007, and on or before August 1 of~~  
14 ~~each year thereafter through August 1, 2011, and on or before August 1,~~  
15 ~~2012, and on or before August 1 of every third year thereafter, the~~  
16 ~~mountain BOCES ON OR BEFORE FEBRUARY 15, 2015, AND ON OR BEFORE~~  
17 ~~FEBRUARY 15 OF EVERY THIRD YEAR THEREAFTER, THE BOCES~~  
18 ~~DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION        SHALL,~~  
19 ~~subject to available appropriations, shall contract with a provider CREATE~~  
20 ~~A FAIR AND TRANSPARENT REQUEST FOR A PROPOSAL PROCESS TO SELECT~~  
21 ~~ONE OR MORE NONPROFIT PROVIDERS to provide ~~supplemental on-line~~~~  
22 ~~education courses to RESOURCES FOR school districts, charter schools, and~~  
23 ~~BOCES that choose to purchase the courses. At a minimum, the contract~~  
24 ~~shall provide that: IN THE FORM OF SUPPLEMENTAL ON-LINE COURSE~~  
25 ~~OFFERINGS, PROFESSIONAL DEVELOPMENT FOR EDUCATORS, AND~~  
26 ~~CONSULTING ASSISTANCE FOR SCHOOL DISTRICTS, CHARTER SCHOOLS, AND~~  
27 ~~BOCES WANTING TO USE ON-LINE AND BLENDED LEARNING FOR~~

1 STUDENTS. PROPOSALS RECEIVED IN RESPONSE TO THE REQUEST FOR  
2 PROPOSALS MUST BE REVIEWED BY A COMMITTEE CONSISTING OF A  
3 REPRESENTATIVE FROM THE DESIGNATED BOCES; A REPRESENTATIVE  
4 FROM THE OFFICE IN THE DEPARTMENT RESPONSIBLE FOR ON-LINE AND  
5 BLENDED LEARNING; A NATIONAL EXPERT IN ON-LINE AND BLENDED  
6 LEARNING, TO BE SELECTED BY THE DESIGNATED BOCES AND THE  
7 DEPARTMENT; AN ADMINISTRATOR FROM AN ALTERNATIVE EDUCATION  
8 CAMPUS SCHOOL, TO BE SELECTED BY THE DESIGNATED BOCES AND THE  
9 DEPARTMENT; AND AN ADMINISTRATOR FROM A SCHOOL THAT PURCHASES  
10 ON-LINE OR BLENDED SERVICES, TO BE SELECTED BY THE DESIGNATED  
11 BOCES AND THE DEPARTMENT. THE COMMITTEE MUST CONVENE AT  
12 LEAST NINETY DAYS PRIOR TO THE RELEASE OF THE REQUEST FOR  
13 PROPOSALS. THE COMMITTEE SHALL REVIEW ALL PROPOSALS USING AN  
14 ESTABLISHED RUBRIC AND SHALL RECOMMEND ONE OR MORE PROVIDERS  
15 FOR APPROVAL TO THE BOCES DESIGNATED PURSUANT TO SUBSECTION  
16 (4) OF THIS SECTION. IF THE DESIGNATED BOCES CHOOSES NOT TO  
17 FOLLOW THE RECOMMENDATIONS OF THE COMMITTEE CONCERNING ANY  
18 PROVIDER, IT SHALL PROVIDE THE COMMITTEE WITH A WRITTEN  
19 EXPLANATION OF ITS RATIONALE FOR SO DOING.

20 ~~(a) Supplemental on-line education courses shall be provided to~~  
21 ~~a purchasing school district, charter school, or BOCES at a cost of no~~  
22 ~~more than two hundred dollars per student per semester course; and~~

23 ~~(b) The cost per student per semester course charged to the school~~  
24 ~~district, charter school, or BOCES shall not increase regardless of the~~  
25 ~~number of students enrolled or the number of courses provided.~~

26 (3.3) SUPPLEMENTAL ON-LINE EDUCATION COURSES MUST BE  
27 PROVIDED TO A PURCHASING SCHOOL DISTRICT, CHARTER SCHOOL, OR

1 BOCES AT AN AFFORDABLE COST FOR HIGH-QUALITY, ACCREDITED  
2 COURSES WITH LOCAL SUPPORT.

3 (3.5) EACH HIGH SCHOOL STUDENT IN COLORADO MAY TAKE AT  
4 LEAST ONE SUPPLEMENTAL ON-LINE COURSE PER YEAR. THE  
5 SUPPLEMENTAL ON-LINE COURSE PROVIDER SHALL REPORT TO THE BOCES  
6 DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION WHICH  
7 STUDENTS ARE PARTICIPATING IN SUPPLEMENTAL ON-LINE COURSES SO  
8 THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF THIS SECTION  
9 CAN TRACK STUDENT ACADEMIC PERFORMANCE FOR THOSE STUDENTS  
10 TAKING SUPPLEMENTAL ON-LINE COURSES. THE BOCES DESIGNATED  
11 PURSUANT TO SUBSECTION (4) OF THIS SECTION SHALL ANNUALLY  
12 COLLECT DATA RELATED TO COMPLETION AND PASSAGE RATES FROM ANY  
13 NONPROFIT PROVIDERS SELECTED TO PROVIDE ON-LINE AND BLENDED  
14 LEARNING AND REPORT THAT DATA TO THE DEPARTMENT.

15 (4) The general assembly shall annually appropriate to the  
16 department of education for allocation to the mountain A BOCES  
17 DESIGNATED, IN CONSULTATION WITH THE STATEWIDE ASSOCIATION OF  
18 BOCES, moneys sufficient to administer and fund ~~the~~ ANY contract with  
19 ~~the provider entered into~~ WITH A PROVIDER pursuant to this section. The  
20 mountain DESIGNATED BOCES may expend not more than two percent of  
21 the contract amount in administering ~~the~~ ANY SUCH contract.

22 (5) On or before March 15, 2008, and on or before March 15 each  
23 year thereafter, the mountain DESIGNATED BOCES shall submit to the  
24 education committees of the house of representatives and the senate, or  
25 any successor committees, the joint budget committee of the general  
26 assembly, and the department a report summarizing the provision of  
27 supplemental on-line courses pursuant to this section. At a minimum, the

1 report shall MUST include:

2 (j) ~~A representative sampling of student and administrator~~  
3 ~~comments regarding participation in supplemental on-line courses~~  
4 RESULTS FROM AN ANNUAL SURVEY OF PARENTS, TEACHERS, AND  
5 STUDENTS REGARDING PARTICIPATION IN AND SATISFACTION WITH  
6 SUPPLEMENTAL ON-LINE COURSES OFFERED BY A NONPROFIT PROVIDER  
7 WITH WHICH THE BOCES DESIGNATED PURSUANT TO SUBSECTION (4) OF  
8 THIS SECTION CONTRACTED; \_\_\_

9 (l) An accounting of the expenditure of the funds allocated to the  
10 mountain BOCES pursuant to SUBSECTION (4) OF this section, which shall  
11 MUST include an accounting by the mountain DESIGNATED BOCES and  
12 ~~by the ANY contract provider PROVIDERS.~~

13

14 **SECTION 2. Act subject to petition - effective date.** This act  
15 takes effect at 12:01 a.m. on the day following the expiration of the  
16 ninety-day period after final adjournment of the general assembly (August  
17 7, 2013, if adjournment sine die is on May 8, 2013); except that, if a  
18 referendum petition is filed pursuant to section 1 (3) of article V of the  
19 state constitution against this act or an item, section, or part of this act  
20 within such period, then the act, item, section, or part will not take effect  
21 unless approved by the people at the general election to be held in  
22 November 2014 and, in such case, will take effect on the date of the  
23 official declaration of the vote thereon by the governor.

