

SB26-023

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Sirota

1 Amend reengrossed bill, page 18, before line 18 insert:

2 "SECTION 13. In Colorado Revised Statutes, 22-30.7-105, **add**
3 (6) as follows:

4 **22-30.7-105. Program criteria - guidelines - quality standards**
5 **- records - rules - definition.**

6 (6) (a) AN AUTHORIZER MAY CHOOSE TO CONTRACT WITH AN
7 EDUCATION MANAGEMENT PROVIDER TO OPERATE AN ONLINE PROGRAM
8 OR ONLINE SCHOOL. AN AUTHORIZER CONTRACTING WITH AN EDUCATION
9 MANAGEMENT PROVIDER SHALL MAINTAIN APPROPRIATE INDEPENDENCE
10 FROM, AND OVERSIGHT OF, THE EDUCATION MANAGEMENT PROVIDER.

11 (b) AN EDUCATION MANAGEMENT PROVIDER SHALL PROVIDE THE
12 FOLLOWING INFORMATION TO THE AUTHORIZER:

13 (I) A SUMMARY OF THE PERFORMANCE DATA FOR ALL OF THE
14 ONLINE SCHOOLS THE EDUCATION MANAGEMENT PROVIDER IS MANAGING
15 AT THE TIME OF THE APPLICATION OR HAS MANAGED PREVIOUSLY,
16 INCLUDING DOCUMENTATION OF ACADEMIC ACHIEVEMENT AND ONLINE
17 SCHOOL MANAGEMENT SUCCESS;

18 (II) AN EXPLANATION OF, AND EVIDENCE DEMONSTRATING, THE
19 EDUCATION MANAGEMENT PROVIDER'S CAPACITY FOR SUCCESSFUL
20 EXPANSION WHILE MAINTAINING QUALITY IN THE SCHOOLS THAT THE
21 EDUCATION MANAGEMENT PROVIDER IS MANAGING;

22 (III) AN EXPLANATION OF ANY EXISTING OR POTENTIAL CONFLICTS
23 OF INTEREST BETWEEN THE AUTHORIZER AND THE EDUCATION
24 MANAGEMENT PROVIDER; AND

25 (IV) A COPY OF THE ACTUAL OR PROPOSED PERFORMANCE
26 CONTRACT BETWEEN THE AUTHORIZER AND THE EDUCATION
27 MANAGEMENT PROVIDER THAT SPECIFIES, AT A MINIMUM, THE FOLLOWING
28 MATERIAL TERMS:

29 (A) PERFORMANCE EVALUATION MEASURES;

30 (B) THE METHODS OF CONTRACT OVERSIGHT AND ENFORCEMENT
31 THAT THE AUTHORIZER WILL UTILIZE;

32 (C) THE COMPENSATION STRUCTURE AND ALL FEES THAT THE
33 AUTHORIZER WILL PAY TO THE EDUCATION MANAGEMENT PROVIDER; AND

34 (D) THE CONDITIONS FOR CONTRACT RENEWAL AND TERMINATION.

35 (c) AS USED IN THIS SUBSECTION (6), "EDUCATION MANAGEMENT
36 PROVIDER" MEANS A FOR-PROFIT, NONPROFIT, OR NOT-FOR-PROFIT ENTITY
37 THAT CONTRACTS WITH AN AUTHORIZER TO PROVIDER, MANAGE, OR
38 OVERSEE ALL OR A SUBSTANTIAL PORTION OF THE EDUCATIONAL SERVICES
39 PROVIDED BY AN ONLINE PROGRAM OR ONLINE SCHOOL.

40 **SECTION 14.** In Colorado Revised Statutes, 22-32-122, **add** (6)

1 as follows:

2 (6) (a) THIS SECTION DOES NOT AUTHORIZE THE CREATION OF A
3 CONTRACT SCHOOL THAT IS A FULL-TIME COMPLETE EDUCATIONAL
4 PROGRAM BEING OFFERED EXCLUSIVELY BY A PRIVATE ENTITY PURSUANT
5 TO A CONTRACT WITH THE PUBLIC ENTITY. IF A SCHOOL DISTRICT, BOARD
6 OF COOPERATIVE SERVICES, CHARTER SCHOOL, OR THE CHARTER SCHOOL
7 INSTITUTE SEEKS TO OPERATE OR ENROLL STUDENTS IN A FULL-TIME
8 COMPLETE EDUCATIONAL PROGRAM PURSUANT TO A CONTRACT WITH A
9 PRIVATE ENTITY, THE SCHOOL DISTRICT, BOARD OF COOPERATIVE
10 SERVICES, CHARTER SCHOOL, OR THE CHARTER SCHOOL INSTITUTE SHALL
11 UTILIZE ANOTHER PROVISION OF LAW, INCLUDING THE "CHARTER SCHOOLS
12 ACT", PART 1 OF ARTICLE 30.5 OF THIS TITLE 22; THE "INNOVATION
13 SCHOOLS ACT OF 2008", ARTICLE 32.5 OF THIS TITLE 22; OR SECTION
14 22-30.7-105. THE GENERAL ASSEMBLY INTENDS FOR THIS SUBSECTION (6)
15 TO PROVIDE CLARIFICATION OF THIS SECTION AND NOT TO MAKE A
16 SUBSTANTIVE CHANGE.

17 (b) THIS SUBSECTION (6) DOES NOT PROHIBIT CONTRACTS WITH AN
18 APPROVED FACILITY SCHOOL, AS DEFINED IN SECTION 22-2-402, AND DOES
19 NOT PROHIBIT CONTRACTS REQUIRED BY THE FEDERAL "INDIVIDUALS WITH
20 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
21 AMENDED, OR SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF
22 1973", 29 U.S.C. SEC. 794, AS AMENDED, IN ORDER TO PROVIDE THE FULL
23 CONTINUUM OF PLACEMENTS TO A STUDENT WITH A DISABILITY OR AS
24 NECESSARY TO PROVIDE A FREE APPROPRIATE PUBLIC EDUCATION TO A
25 STUDENT WITH A DISABILITY."

26 Renumber succeeding sections accordingly.

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