

DEPARTMENT OF EDUCATION
Colorado State Board of Education

1 CCR 301-39

**RULES FOR THE ADMINISTRATION OF THE PUBLIC SCHOOL FINANCE ACT OF
1994**

This regulation is adopted pursuant to the authority in section: 22-2-107, C.R.S., 22-2-113, C.R.S., 22-54-104, C.R.S., 22-54-108, C.R.S., 22-54-109, C.R.S., 22-54-120, C.R.S., 22-54-129, C.R.S., 22-2-402, C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 et seq. (the "APA"), C.R.S.

STATEMENT OF BASIS AND PURPOSE

The State Board seeks to clarify the definition of "educational process" in calculating a student's scheduled hours relative to 22-32-109 C.R.S. The State Board, after considering public input and testimony, included passing time in the definition of "educational process". The purpose in doing so is to bring uniformity to the calculation of a student's scheduled hours.

2.00 General

2.01 The Public School Finance Act of 1994 and the Rules for the Administration of the Public School Finance Act of 1994 shall apply to all Colorado school districts. The Commissioner may grant variances to any or all of these Rules for the Administration of the Public School Finance Act of 1994.

2.01(1) If the Department determines that a school district has not complied with the provisions of the Public School Finance Act of 1994, the Department shall notify such district in writing of the specific violation and shall state that the district's accreditation may be revoked or withheld by the Board for such violation.

2.01(2) Such district shall have 30 days in which to respond in writing to the Department's notification.

2.01(2.5) The Department shall review such response.

2.01(2.5)(a) If after making such review, the Department determines that such district is in compliance with the provisions of the Public School Finance Act of 1994, no further action is necessary.

2.01(2.5)(b) If after making such review, the Department determines that such district still has not complied with the provisions of the Public School Finance Act of 1994, it shall forward the notification and the district response to the Board.

2.01(3) When necessary, the Board shall schedule a hearing with such district at the next available regularly scheduled Board meeting occurring after the end of the 30-day district response time and shall notify the district of such hearing.

2.01(4) At such hearing, the Department shall present its findings of non-compliance to the Board, and the district shall respond to such presentation.

- 2.01(5) At the regularly scheduled Board meeting next following such presentation, the Board shall decide if it intends to revoke or withhold such district's accreditation under section 22-2-106(1), CRS, and shall notify the district in writing of its decision.
- 2.01(6) If the Board places such district on Non-accredited status, the Commissioner shall initiate school organization planning pursuant to Article 30 of Title 22, CRS, and 1 CCR 301-1 State Board of Education Rule 2202-R-3.04(2).
- 2.02 The Department shall prepare necessary forms and appropriate directions related thereto, which a district shall use to provide data required by the Department to meet its responsibilities in the Public School Finance Act of 1994.
 - 2.02(1) A district shall submit its electronic data exchange student file, along with a signed form "certification of pupil enrollment", no later than November 10.
- 2.03 The Department shall make available to a district detailed procedures with standard forms and records, which a district shall use to compute its certification of pupil enrollment to the State Board pursuant to Section 22-54-112, C.R.S.
 - 2.03(1) A district may request and receive approval from the Research and Evaluation Unit of the Department for alternative procedures for documentation which do not follow the standard procedural manual.
 - 2.03(2) The Department requires districts to automate the pupil count process; nonetheless, any such computerization does not reduce or eliminate a district's obligation to provide source documents for auditing purposes.
- 2.04 Since reporting of state data to the federal government requires an average daily attendance (ADA) figure, the Colorado ADA shall be the average daily attendance entitlements compared to the October 1 memberships for the reporting period. The resulting figure shall be used to compute the ADA figures for federal reporting purposes for Colorado for each reporting period.
- 2.05 Computation and reporting of data shall be as outlined below.
 - 2.05(1) A district and the Department shall compute and report mill levy data to the nearest thousandth.
 - 2.05(2) A district and the Department shall compute and report any dollar data to the nearest cent dollar.
 - 2.05(3) A district and the Department shall compute and report any funded pupil count, pupil membership and pupil enrollment data to the nearest tenth.
- 2.06 Pursuant to Section 22-32-109, C.R.S., a local board of education shall determine, prior to the end of a school year, the length of time which the schools of the district shall be in session during the next following school year, but in no event shall said schools be scheduled to have less than one thousand eighty hours of planned teacher-pupil instruction and teacher-pupil contact during the school year for secondary school pupils in high school, middle school, or junior high school or less than nine hundred ninety hours of such instruction and contact for elementary school pupils, less than four hundred fifty hours of such instruction for a half-day kindergarten program or fewer than nine hundred hours of instruction for a full-day kindergarten program. For the Colorado Preschool Program, the number of hours scheduled shall be no less than three hundred sixty hours.

2.06(1) A local board of education may reduce the actual hours of teacher-pupil instruction and teacher-pupil contact to no less than one thousand fifty-six hours for secondary school pupils, no less than nine hundred sixty-eight hours for elementary school pupils, no less than four hundred thirty-five hours for half-day kindergarten pupils, no fewer than eight hundred seventy hours for full-day kindergarten pupils or no less than three hundred fifty-one hours for pupils enrolled in the Colorado Preschool Program for parent-teacher conferences, staff in-service programs, and closings deemed by the board to be necessary for the health, safety, or welfare of pupils; except that not more than twenty-four hours per school year may be used for parent-teacher conferences or staff in-service programs.

2.06(2) Teacher-pupil contact and teacher-pupil instruction means that time when a pupil is actively engaged in the educational process of a district.

2.02(2)(a) Each local board of education shall define "educational process," which definition may include any work-study time provided under the supervision of a certificated or licensed teacher but shall not include any time provided for lunch. Each local board of education shall define "supervision of a certificated or licensed teacher."

2.02(2)(b) Beginning with calendars adopted for the 10-11 school year, each local board of education shall define "educational process," which definition may include passing time and which may also include any work-study time provided under the supervision of a certified or licensed teacher but shall not include any time provided for lunch. Each local board of education shall define "supervision of a certified or licensed teacher." For purpose of this section "passing time" is defined as the time between two classes or between a class and lunch period.

2.06(3) Individual pupils may elect to enroll in fewer hours without affecting the satisfaction of this school calendar requirement as long as the opportunity to enroll for the minimum hours each school year is provided to the pupils. A local board of education may meet the required minimum hours for each school year by contracting for educational services from another entity.

2.06(4) Each local board of education shall establish the definition of "middle school" for purposes of the one-thousand-eighty-hour requirement.

2.07 Repealed.

2.08 Repealed.

2.09 In no case shall a school be in session for fewer than one hundred sixty days without the specific prior approval of the Commissioner of Education.