

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR THE ADMINISTRATION OF THE EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT 1 CCR 301-8

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9.01 DEFINITIONS

9.01(1) **"Applicable revenues"** means:

9.01(1)(a) The Per Pupil Revenue (PPR), as follows:

9.01(1)(a)(i) The PPR of the chartering school district when a child with a disability enrolls in and attends a charter school pursuant to Article 30.5 of Title 22, C.R.S., not including enrollment in multidistrict online schools;

9.01(1)(a)(ii) The PPR of the accounting district, as defined under Section 22-30.5- 513 (1)(a), C.R.S., when a child with a disability enrolls in and attends an institute charter school pursuant to Part 5 of Article 30.5 of Title 22, C.R.S.

9.01(1)(a)(iii) The PPR of the district of attendance when a child with a disability enrolls in and attends a school in an administrative unit other than the child's administrative unit of residence pursuant to Section 22-36-101, C.R.S., not including enrollment in multidistrict online schools;

9.01(1)(a)(iv) The PPR of the district of residence when an administrative unit of residence purchases services from another administrative unit for a specific special education program not available in the administrative unit of residence; or

9.01(1)(a)(v) The per pupil funding for online enrollment set by Section 22-54- 104(4.5), C.R.S., for a child with a disability enrolled in a multidistrict online school, including a multidistrict online school provided by a charter school.

9.01(1)(c) Monies available from federal sources.

9.01(1)(d) Monies received under ECEA.

9.01(1)(e) Monies received from other state agencies, including the per child rate for preschool services as determined by the Colorado Department of Early Childhood pursuant to section 26.5-4-208, C.R.S. (“per child preschool rate”).

9.01(1)(f) Monies received from other administrative units, not including tuition.

9.01(1)(g) Monies received through grants and donations.

9.01(1)(h) For a child with a disability placed in an approved facility school, an amount equal to one and seventy-three hundredths (i.e., 173%) of the statewide base per pupil funding for the applicable budget year, pursuant to Section 22-54-129(c) (II), C.R.S.

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9.01(8) “ **Tuition Costs** ” shall mean the amount of expenditures for special education services over and above applicable revenues, as defined in Section 9.01(1) of these Rules, for a child with a disability who receives his or her special education services in an approved facility school, charter school, public school of choice pursuant to Section 22-36-101, C.R.S., or a public on-line program pursuant to Section 22-33-104.6, C.R.S.

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9.06 DOCUMENTATION OF TUITION COSTS

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9.06(2) Charter Schools, Excluding Charter Schools That Are On-line Programs

The provisions of this section apply only if the charter school intends to seek tuition costs. Likewise, if the charter school does not intend to seek tuition costs, the charter school is not required to comply with this section.

9.06(2)(a) Annually, charter schools, excluding charter schools that are also on-line programs, must submit to the Department an itemized documentation of the proposed amount of tuition costs to be charged to a district of residence for special education services provided to a child with disabilities who is enrolled in the charter school. If appropriate, multiple rates may be set for different programs within the charter school. The special education director of the administrative unit of attendance shall certify that the information contained in the documentation is accurate and that the criteria set forth in 9.03(1) are met.

9.06(2)(b) The documentation must be submitted on forms developed by the Department and in accordance with timelines established by the Department. The documentation must include the following:

9.06(2)(b)(i) Special education expenditures defined in Section 2.00 of these Rules;

9.06(2)(b)(ii) The number of days in the school year during which the charter school offers the program;

9.06(2)(b)(iii) Expenditures for the regular education program, administration, personnel costs, business services, and occupancy; and

9.06(2)(b)(iv) The average number of children enrolled in the charter school, and the number of those children with disabilities.

9.06(2)(c) For the purpose of establishing a tuition rate, student/staff ratios in a particular program shall be approved by the chartering authority and shall be reasonably consistent with the ratios of the chartering authority, for serving students with comparable disabilities.

9.06(2)(d) The type of supplies and equipment that may be included in the documented special education costs shall be unique for children with disabilities. The Department shall limit the amount for supplies and equipment to be included in the rate to no more than 1.1 times the average cost per child with disabilities for supplies and equipment for administrative units in the most recent year for which data are available.

9.06(2)(e) Tuition costs shall be determined after deducting applicable revenues, as defined in Section 9.01(1) of these Rules.

9.06(2)(f) If the charter school accepts a child for which it has not received PPR or per child preschool rate_funding, the PPR or per child preschool rate amounts must still be included as an applicable revenue for purposes of establishing tuition costs.

9.06(2)(g) If the charter school provides an extended school year program for children with disabilities, a separate tuition rate form must be submitted for the program.

9.06(2)(h) In no case shall the total revenues received by the charter school for Department approved costs for special education services exceed 100 percent of the total expenditures for the provision of those special education services.

9.06(2)(i) In no case shall regular education and other education costs exceed the per pupil revenue received by the charter school.

9.06(2)(j) A percentage of the per pupil revenue or per child preschool rate, as documented on the rate setting form for each charter school, shall be applied as revenue toward the special education costs submitted on the rate setting form by the charter school.