

## DEPARTMENT OF EDUCATION

### Colorado State Board of Education

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

##### 1 CCR 301-39

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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. *[Eff. 11/30/2008]*

##### **2254-R-1.00 Statement of Basis and Purpose [Eff. 11/30/2008]**

The basis for these Rules amended on March 6, 2003 is found in Article 54 of Title 22, C.R.S., and in Article 2 of Title 22, C.R.S. The State Board has the responsibility to establish Rules and regulations to implement these provisions of these Articles. The purpose of these Rules is to:

Establish regulations and procedures for administration of the Public School Finance Act of 1994, including the procedures for revocation or withholding of school district accreditation for Act violations, determination of district pupil membership and enrollment and district at-risk funding, and assignment of cost of living factors in the event of district reorganizations.

Assure the pupil count associated with the Public School Finance Act of 1994 fairly distributes funding to school districts to provide continuing instructional services.

Establish regulations and procedures regarding out-of-district-placed pupils and coordinate the collection of per pupil operating revenues with approval of facilities as on-grounds schools.

Coordinate these rules with regulations governing the administration of the Exceptional Children Educational Act (article 20 of Title 54, C.R.S.).

The basis for these rules is to establish procedures related to counting of pupils and payments of funding related to publicly placed pupils in eligible facilities. These changes to the rules are necessary due to legislation enacted through HB08-1204, HB08-1388 and HB09-1189. Effective upon the signing of HB09-1189, signed into law on April 3, 2009, the State Board was required to amend existing rules due to changes in legislation. The rules establish regulations and procedures regarding out-of district-placed pupils and the payment of state average per-pupil revenue to approved facility schools and state programs. The changes set forth below conform the rules to new legislation, and also make necessary modifications based on the recommendations of the Office of Legislative Legal Council's review of the rules approved by the State Board in November 2008. Additionally, the facility schools unit will be adopting rules related to the oversight of approved facility schools allowing the school finance rules to cover only areas related to payment towards educational programs. Sections 14.00 through 20.00 of the Rules of the Administration of the Public School Finance Act of 1994 have been modified.

##### **2254-R-14.00 Pupils Publicly Placed Outside the District of Residence Definitions [Eff. 11/30/2008]**

14.01 "Approved Facility School", as defined in section 22-2-402(1), means an educational program that is operated by a facility to provide educational services to students placed in the facility and that,

pursuant to section 22-2-407(2), has been placed on the list of facility schools that are approved to receive reimbursement for providing educational services to students placed in a facility.

- 14.02 "State Program" means, the Colorado School for the Deaf and the Blind, Colorado Mental Health Institute at Fort Logan, and the Colorado Mental Health Institute at Pueblo.
- 14.03 "Pupil in Public Placement or Pupil Publicly Placed" means a pupil placed in a facility by a court order or other action by a public entity in Colorado or the pupil has been determined to be homeless as defined in 22-1-102.5, C.R.S.
- 14.04 "Pupil Enrollment" means the number of students receiving educational services at the approved facility school or state program on October 1 of the applicable budget year or on the school day nearest said date.

**2254-R-15.00 Pupils Publicly Placed Outside the District of Residence-General [Eff. 11/30/2008]**

- 15.01 The Department shall provide instructions including appropriate definitions of terms for use by approved facility school or state program personnel in preparing certifications required under these rules and related statutes.

**2254-R-16.00 Pupils Publicly Placed Outside the District of Residence-Determining Pupil Enrollment at an Approved Facility School or State Program [Eff. 11/30/2008]**

- 16.01 To determine its pupil enrollment, an approved facility school or state program shall count as of the official count date specified in Rule 2254-R-3.00 each of its Colorado resident, publicly-placed pupils being served who is under age 21 as of the official count date and who has not met graduation requirements as of the official count date.
- 16.02 No later than October 5, an approved facility school or a state program shall report to the Department the full name (first, middle, last), gender, date of birth, parent/guardian resident address, district of residence, state assigned student identification number (SASID), and whether the student was publicly placed for each pupil included in its pupil enrollment in order to receive education program funding.

**2254-R-17.00 Pupils Publicly Placed Outside the District of Residence-Monthly Reporting to CDE for Reimbursement [Eff. 11/30/2008]**

- 17.01 On or before the fifteenth day of each month, an approved facility school or a state program shall report to the Department using the format required by the department its number of pupils served during the prior calendar month and the corresponding full-time equivalent membership of such pupils determined by the number of instructional days served.

17.01(1) An approved facility school's or a state program's attendance report received after the fifteenth day of the month shall be deemed late.

17.01(2) The Department may accept amended monthly reports from an approved facility school or a state program prior to making that month's reimbursement payment pursuant to Rule 2254-R-19.00.

- 17.02 An approved facility school or a state program shall report a maximum of one and one third full-time equivalent for each pupil in a school year.

**2254-R-18.00 Pupils Publicly Placed Outside the District of Residence-Determining Full-time Equivalent Membership [Eff. 11/30/2008]**

- 18.01 The first day of attendance following a pupil's enrollment in the educational program of an approved facility school or a state program establishes the first day of the pupil's full-time equivalent membership in an educational program.
- 18.02 Membership in an educational program continues until the pupil withdraws and the pupil's name no longer appears on the roster of the approved facility school or state program, or until terminated automatically after five continuous calendar days beginning on the pupil's first day of non-authorized absence from the educational program.
- 18.02(1) Non-authorized absences are time away from the educational program for any reason other than, but not limited to, pre-approved vacations, sickness, hospitalization, pre-approved therapeutic leave, and sentencing to a detention center.
- 18.03 Full-time equivalent membership is determined as follows: Total instructional days in membership divided by total instructional calendar days in reporting period (usually a month) equals full-time equivalent membership
- 18.04 Pupil means a child or youth who has attained three years of age on or before August 1 and who is under twenty-one years of age.
- 18.05 If the pupil returns on or before the fifth educational calendar day after the first day of non-authorized absence from the educational program, an approved facility school or a state program may include the days the pupil was absent in its calculation of total educational calendar days in membership.
- 18.06 If the pupil returns after the fifth calendar day after the first day of non-authorized absences from the educational program, an approved facility school or a state program may include only those days preceding and including the last day of actual attendance in the educational program in its calculation of total calendar days in membership.
- 18.07 For authorized pupil absences, an approved facility school or a state program may include the actual number of instructional days the pupil was absent, up to a maximum of ten, in its calculation of total educational calendar days in membership.
- 18.08 When a pupil reaches age 21, an approved facility school or a state program may include such pupil in its monthly report of pupils served and in its calculation of full-time equivalent membership only through the end of the semester in which the pupil reaches age 21.
- 18.09 An approved facility school or a state program shall retain documentation of pupil names, birthdates, addresses, SASID, dates of admission, schedules, records of attendance, dates of discharge, and placement information until audited by the Department or until five years from the date it submits its monthly reports to the Department pursuant to Rule 2254-R-17.00.

**2254-R-19.00 Pupils Publicly Placed Outside the District of Residence-Monthly CDE Reimbursement Payments [Eff. 11/30/2008]**

- 19.01 On or before the fifteenth day of the month following the month in which an approved facility school or a state program is required to report its numbers of pupils served and its full-time equivalent membership pursuant to Rule 2254-R-17.00, the Department shall pay the facility a proportional amount of the state average per pupil revenues based on the approved facility school's or state program's reported full-time equivalent membership determined by the number of instructional days served.
- 19.01(1) An approved facility school or a state program which operates an educational program shall receive a daily rate of one and one-third times the state average per pupil

revenue for each full-time equivalent membership reported. The number of instructional days may range from 176 days to 235 days per year, depending on whether the approved facility school or state program provides a nine, ten, eleven or twelve month educational program.

- 19.01(2) The Department may prorate its reimbursement payments if deemed necessary to accommodate a projected revenue shortfall.
- 19.02 The Department shall pay an approved facility school or a state program a maximum of one and one-third times the state average per pupil revenues for each full-time equivalent membership for a school year.
- 19.03 The Department is authorized to hold late reports pursuant to Rule 2254-R-17.01(1) and to hold any approved facility school's or state program's adjustment to its full-time membership information previously reported until the end of the fiscal year, at which time adjusted reimbursement payments may be made.
- 19.04 An approved facility school or a state program annually shall submit its school year calendar to the Department on or before May 1st.

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#### **Editor's Notes**

#### **History**

Section 2254-R-5.00 eff. 5/10/2007.

Entire Rule eff. 9/30/2007.

Emer. Rules Sections 2254-R-1.00, 2254-R-14.00 through 2254-R-20.00 eff. 09/11/2008.

Sections 2254-R-1.00; 2254-R-14.00 through 2254-R-20.00 Eff. 11/30/2008.

#### **Annotations**

Rule 2254-R-5.19(3) (adopted 08/08/2007) was not extended by Senate Bill 08-075 and therefore expired 05/15/2008.