



COLORADO
Department of Education
Commissioner of Education

201 East Colfax Avenue
Denver, CO 80203-1799

March 6, 2023

Dear Superintendents, BOCES Directors and Special Education Directors,

I hope you are all doing well. As you may have seen in our [March Update for Superintendents](#), we recently added some elements on Universal Preschool for students with disabilities into the proposed changes to the rules for the Exceptional Children's Education Act that were noticed for a rulemaking hearing in January. We anticipated the board would spend time in March and April to consider stakeholder feedback on the proposed rules before voting. We believed this would give adequate time to consider the original proposed changes as those required under our memorandum of understanding with the Colorado Department of Early Childhood for preschool students with disabilities. Considering the timelines and waiting periods required for rulemaking, coupled with the feedback we received throughout the development of the MOU to expedite completion of this process, we believed that this approach would accomplish each of these goals ensuring that these regulations would be solidified prior to the start of Universal Preschool in July.

However, after receiving feedback, speaking with some of you and hearing your concerns, we have decided to slow this process down and remove the language related to universal preschool from the proposed rules at this time. We will gather additional feedback from stakeholders before and we will establish a new timeline that allows for plenty of feedback.

[For the rulemaking hearing at 11 a.m. on Wednesday, March 8, the board will consider only the originally proposed changes to the rules.](#) The primary purpose of these changes are to:

- Eliminate unnecessary language from Rule 1.00 regarding the statement and basis for the rules.
- Align ECEA's definition of a child with a visual impairment with the federal definition as defined in the Individuals with Disabilities Education Act (IDEA).
- Clarify timelines and requirements associated with the application process for forming a new or reorganized administrative unit (AU).
- Establish rules pertaining to charter school networks or charter school collaboratives seeking to become an alternative administrative unit in alignment with [House Bill 22-1294](#).
- Establish rules for the duties and responsibilities of an alternative administrative unit in alignment with House Bill 22-1294.
- Establish rules pertaining to student enrollment in alternative administrative units (AAUs) in alignment with House Bill 22-1294.

To allow for more time feedback we have asked the State Board of Education to take additional time to consider these rules (thus, they will not vote this month)- especially on the Universal Preschool elements that were added more recently. We will take the time that stakeholders need to give us feedback and make changes as necessary. I apologize for any confusion on this. Please look for information about the



upcoming rulemaking related to universal preschool in future editions of the CDE Update for Superintendents and other regular communications vehicles with you and special education directors. If you have any questions about the rules being considered this week or about the upcoming rules, please feel free to contact me or [Dr. Paul Foster](#), executive director of Exceptional Students Services.

Thanks so much,

A handwritten signature in black ink that reads "Katy Anthes". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Katy Anthes, Ph.D.
Commissioner

