

Welcome to the Office Hours Informational Session: Update to the Rules for the Administration of the Public School Finance Act (1 CCR 301-39)

Agenda Summary

- Rulemaking Timeline and Implementation
- Topic Areas: Instructional Time (Direct and Alternative), General Updates, Takeaways, At-Risk, ELLs

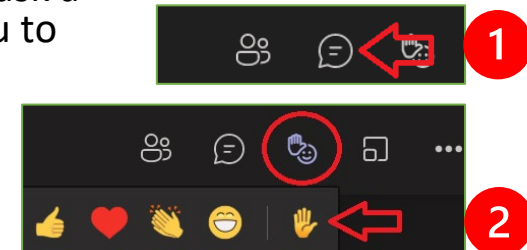
The webinar will begin 2 minutes after the hour

[PPT and other resources](#) are available for download

Using Teams

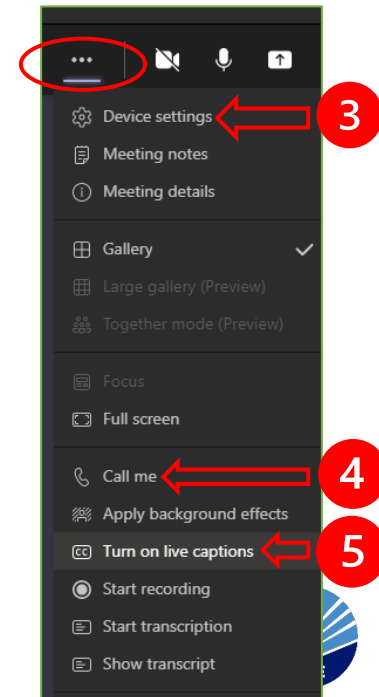
- Participants are muted; to ask a question, use the top menu to either:

1. Ask in the chat
2. Raise your hand to ask to be unmuted



- For audio issues, click on the “3 dots” menu and either:

3. Check your device settings
4. Click “Call me” and enter your phone # - Teams will ring your phone
5. Turn on automated live captioning





COLORADO
Department of Education

Informational Session:
Update to the Rules for the Administration of
the Public School Finance Act (1 CCR 301-39)

School Auditing Office

Date: **03/21/2024**

Changes to 1 CCR 301-39



- 2021-2023
 - Department works with stakeholders to learn about evolving, relevant, and engaging learning opportunities to be considered in the determination for student funding that fall outside the traditional “seat-time” funding model
- December 2023- State Board Meeting
 - Notice of Rulemaking
- February 2024
 - Rulemaking Hearing
- March 2024
 - State Board of Education adopts proposed changes to the Rules that include alternative instructional time in the determination for student funding



- Updated Rules will be implemented starting in the 2024/2025 school year.
- **DRAFT** version of the 2024 Student October Count Audit Resource **Guide** will be posted to the [Pupil Count](#) webpage on **May 3, 2024**.
 - Districts are encouraged to send questions or requests for clarification to the [School Auditing Office](mailto:audit@cde.state.co.us) (audit@cde.state.co.us) by June 1, 2024.
- School Auditing Office will host an open **Office Hours** on **Thurs., May 16, 2024 at 1:00pm** to answer questions.
- **FINAL** version of the 2024 Student October Count Audit Resource **Guide** will be posted to the Pupil Count webpage on **July 1, 2024**.

Recommended Approach to Reviewing Changes

- Because of the substantial “clean up” of these rules, it is recommended that districts compare the updated Rules to the guidance outlined in the [2023 Student October Count Audit Resource Guide](#) (the “Guide”).
- Many updates to the Rules were made to align with historic practices as described in the Guide.



This PowerPoint does not address all funding and audit documentation requirements. It is meant to highlight significant changes from the posted guidance found in the [2023 Student October Count Audit Resource Guide](#).

All requirements for the 2024/2025 school year will be included in the 2024 Student October Count Resource Guide.

Instructional Time



- Historically, most instructional time used in the determination for funding for brick-and-mortar students had to occur “on-site” in a physical classroom (“seat time”).
- In recent years, there have been a few exceptions to this approach. Some off-site courses were evaluated using an **equivalency** to in-person instructional time.
- Exceptions to this approach have included:
 - Online courses through a Colorado public online school or program
 - Work-based learning opportunity courses (such as work study)
 - Under certain circumstances (such as through the **BLI waiver**), districts have also had the ability to apply an equivalency for instructional time to blended learning and supplemental online courses.
 - Beginning with the **2024/2025** school year, there will no longer be a BLI waiver. All districts, schools, and BOCES must operate under the new rules (see courses utilizing alternative teacher-pupil instruction).

Instructional Time Under New Rules: The “Big Picture”



Elementary (K-5)

- **Direct Instruction**

Secondary (6-12)

- **Direct Instruction**
- **Alternative Instruction (New)**

Online Schools and Programs

- Not covered by these Instructional Time rules

- Consistent with historic “seat time”
- Applies to all pupils in grades K-12 enrolled in brick-and-mortar schools
- **New:** Does include instruction that takes place **synchronously** where the teacher and student are in the same physical location or virtual classroom
 - **Synchronous:** “Organized delivery of educational content which occurs during scheduled times and includes real-time interactions between teacher and pupils in person, by video or by phone.”



- Does include engagement with educational content in courses, such as study hall, advisory, credit recovery or independent study courses that are **on-site** at a **scheduled time** during regular school hours for a **set amount of time** and where **attendance is mandatory**.
 - **On-site:** “the physical location where the school or contractor regularly delivers in-person instruction.”
- Courses that utilize only direct teacher-pupil instruction can include passing periods between two classes (not to exceed 7 minutes for each passing period), and between a class and lunch.
- Time for breakfast and lunch are never included.

New: Alternative Teacher-Pupil Instruction for Secondary

- Applies to only secondary students in grades 6-12 (and homebound students in grades K-5) enrolled in **brick-and-mortar** schools (i.e., not students enrolled in Colorado public online schools and programs).
 - **Home-bound pupil:** “Pupil who cannot receive instruction in a school setting (i.e., on-site) due to a temporary or permanent illness, hospitalization, medical or mental health impairment or condition, or due to an expelled or incarcerated status.”
- Instruction is delivered **asynchronously** where the teacher and pupil engage with the educational content at different times.
- Must be designed by the district, school, or contractor rather than custom-built by a parent.

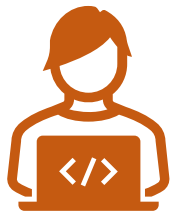
New: Alternative Instruction Course Requirements

- Must be credit-bearing
 - “Credit-bearing means that a passing grade and credits are given for satisfactory completion of course requirements within the parameters of the academic calendar.”
- Equivalent instructional hours will be applied when determining funding level (i.e., full- or part-time).

New: Catalog of Courses Using Alternative Teacher-Pupil Instruction

- In order to be used in the determination for funding, a course utilizing alternative teacher-pupil instruction **must** be included in this catalog.
- Catalog **must** include:
 - Listing of courses (provided to **secondary students**) using alternative teacher-pupil instruction
 - Description of each of the courses and identification of course provider if applicable
 - (Semester) **credits** associated with each course
- Catalog **must** be posted to the school/district/BOCES website by the applicable count date.

Four credit-bearing course types
allowed to utilize alternative
teacher-pupil instruction for
funding purposes



Alternative

Work-based Learning

Independent Study

Blended Learning

Supplemental Online

Work-based learning courses

- Learning opportunities that occur in part or in whole in the workplace and provide the learner with hands-on, real-world experience.
- Must be incorporated within the student's Individual Career and Academic Plan (ICAP)

Independent study courses

- Some or all of the course is being completed off-site, independently by the student.
- Course must have a written learning plan that includes:
 - The course outline or plan of study, and
 - The digital or print curriculum or materials to be used, and
 - Requirements for submitting assignments and recording academic progress, and
 - Role of the supervising teacher.
- Student can only have one **alternative** independent study course used in the determination for funding (unless the student has exhausted the curriculum options in their brick-and-mortar school).
- There are no limits on the number of independent study courses that meet the definition of **direct** instruction.

Blended learning courses

- Applies to students enrolled in a brick-and-mortar school
- Some of the direct instruction is regularly received in-person and on-site, and
 - Some of the digitally-delivered asynchronous (i.e., alternative teacher-pupil instruction) is received off-site (with some element of student control over the time and place of participation)

Supplemental online courses

- Applies to students enrolled in a brick-and-mortar school
- All of the instruction is digitally-delivered and received off-site **or** is taken on-site **but not** at a scheduled time where attendance is mandatory.

Equivalent Instructional Time

New: Equivalent Instructional Hours



- Amount of “fundable” time attributed to alternative teacher-pupil instructional courses.
- Based on an equivalency to the amount of time a student would have been “in a seat” had they taken the same or similar **credit-bearing course** delivered 100% in person and on-site.
 - Direct instruction (“seat time”) for a 100% in-person course is determined based on the corresponding calendar and bell schedule calculation.
 - The equivalency for alternative teacher-pupil instruction courses will be directly tied to the calendar and bell schedule calculations for the school at which the student is enrolled.
 - Brick-and-mortar passing time is **not** included in the equivalency.
 - Equivalent instructional time is **never** greater than the instructional time associated with a 100% in-person, on-site course of the same credit amount.



- To determine instructional time for courses that utilize only direct instruction (i.e., 100% in-person onsite courses), districts and schools will need to continue to conduct calendar and bell schedule calculations.
- **New:** Beginning with the 2024-2025 school year, calendar calculations will **no longer include** the additional 3 days that have historically been added to total student contact days for the year.
 - **Semester:** The total number of scheduled student contact days for the school year as documented by the district's adopted board calendar divided by two.

Example: Calendar Calculations Based on New Definition of “Semester”

Days in the Semester

	Historic	New
Scheduled Student Contact Days	170	170
Additional 3 Days	3	0
Adjusted Student Contact Days	173	170
Days in Semester	86.5	85

Average Minutes per Day for Funding

	Hours per Semester	Minutes per Hour	Minutes per Semester	Historic Minutes/Day	New Minutes/Day
Full-Time	360	60	21,600	249.71	254.12
Part-Time	90	60	5,400	62.43	63.53

Example: Bell Schedule Calculation



Determine average daily minutes each bell schedule period meets.

Period	Average Daily Minutes
1	50
2	50
3	50
4	50
Lunch	0
5	50
6	50
7	50



Instructional Time Equivalency for Alternative Teacher-Pupil Instruction Courses

Calendar calculation:
85 days/semester

In-person bell schedule:
50 average daily minutes

Semester hours per period:

- 85 days in the semester
- 50 minutes per day of instruction per semester course
- 4,250 minutes per semester for semester course (85 days x 50 minutes)

Alternate Instructional Time Equivalency

Based on 100% in-person on-site calendar and bell schedule calculation:

- **70.83 hours of equivalent instruction per semester course** (4,250 minutes divided by 60 minutes per hour)

Takeaway: Equivalency for Alternative Instruction Courses

The number of instructional minutes for Alternative Instruction courses must align with the number of instructional minutes received in a Direct Instruction course conferring the same amount of credit.

Average Daily Minutes of Direct Instruction from bell schedule calculation	Credits awarded for course	Equivalent Daily Alternative Instruction Minutes
30	0.25	30
50	0.50	50
90	0.75	90

New: Other Instructional Time Rules that Apply to Direct and Alternative Instruction

- **Never** includes instructional time used to qualify a pupil for funding if in an environment that requires participating in a tuition-based non-public school.
 - For example, if the district pays for a portion of a full-time program and the student is required to pay for the remainder of the full-time programming. Under the new rules, to qualify for part-time funding, the student must have the option to participate in **only** the portion of the program that is paid for by the district.
- **Never** includes parent-led or parent-directed instruction
 - **Parent:** “Includes guardian or other person living in the home with the pupil. Parent does not include an individual who is employed by or contracted with the school or districts and is subject to the HR data collection.”
 - **Never** includes providing funding directly to families or creating spending accounts for parents to use to design their educational experience.
 - **Never** includes minutes where the parent is instructing or supervising the delivery of educational content.
 - **Never** includes instruction associated with courses custom-built by parents.

General Updates





- Rules now incorporate criteria applied for duplicate count purposes.
- Districts may only enroll pupils in a school authorized to serve the grades in which the pupils will be enrolled (i.e., school code reflects the relevant grades).
- **New:** Pupils exclusively enrolled in online K-12 courses that take place off-site, but are not enrolled in an online school, must be enrolled in an online program.
 - A student is not exclusively enrolled in online K-12 courses if they have at least one course scheduled to take place on-site, in-person, at a regularly scheduled time during regular school hours and where attendance is mandatory.



- Out of State Transfer Students
 - District must have documentation showing the student (1) moves to Colorado **within 30 calendar days** preceding the district's applicable count date and (2) established attendance after the application count date, but before the end of the 11-day count period.
- For students enrolled **exclusively in alternative teacher-pupil instruction**, or any pupil that has a schedule that does not require the pupil's regular physical presence at the public school, **the district must verify and document student residency in the State of Colorado upon enrollment and annually thereafter.**



- Rules now reflect historic practice regarding attendance requirement for brick-and-mortar 100% in-person courses
 - Student is in attendance for all or any portion of the applicable count date, OR
 - If not in attendance for any reason on the count date, then
 - Established attendance during the current school year prior to the count date, **and**
 - Has not withdrawn (as of the count date), **and**
 - Resumes attendance within 30 calendar days following the count date
- **New:** For students enrolled **exclusively in alternative teacher-pupil instruction**, the district must provide attendance verification based upon direct teacher-pupil instruction or evidence of student engagement with course content.
 - **Districts may obtain pre-approval form Department to include other forms of attendance verification.**

New: Instructional Time (Additional Updates)

- For students reported for part-time funding, district shall obtain documentation which **describes the reasons the pupil is enrolled part-time** and confirms how the pupil is compliant with the compulsory school attendance requirements.
- This is **not** required for part-time students who are reported as follows in the Student October Count data collection:
 - Kindergarten students
 - Students receiving services under an IEP
 - Students in their 5th year of high school or beyond
 - Students participating in a HSED program
 - Students reported as home-based education (i.e., home school)



The following applies to post-secondary courses offered through ASCENT, Concurrent Enrollment (CE), ILOP, PTECH (years 1-4), TREP, and **new** for Early Colleges:

- For funding purposes, if a qualifying student is enrolled in a qualifying post-secondary course through a qualifying Institution of Higher Education (IHE), the minimum college credit hours for full- and part-time will be as follows:
 - **Full-time funding:** 12+ credit hours in the semester of the pupil enrollment count date (**this is a new change for Early Colleges**)
 - **Part-time funding:** at least 3 credits, but less than 12 credit hours in the semester of the pupil enrollment count date.



- In addition to historic documentation required for all contractual education students (i.e., contact, evidence of tuition, and calendar, bell schedule, student attendance, and student schedule from the provider), the district must also have documentation from the educational provider that evidences the Department's **annual statutory compliance assurances**.
- Districts must ensure contractual education is of comparable quality and meet the same requirements and standards that would apply if performed by the school district.



- **Clarification:** A district of residence may include a pupil in a short-term detention center on the count date if the following criteria are met:
 - Pupil was in attendance **in the month (30 calendar days) preceding the count date**, and
 - Has not withdrawn from the district of residence, and
 - The resident district received notification from the district in which the detention center is located verifying the pupil was in the detention center as of the count date.

Takeaways for immediate action

- Identify if your district/school/BOCES will be offering courses to brick-and-mortar students that utilize alternative teacher-pupil instruction during the 2024/2025 school year that may be used for funding purposes. If so,
 - Create and post a “catalog of courses using alternative teacher-pupil instruction” to the district/school/BOCES website no later than the applicable count date.
 - Determine how attendance for these courses will evidence direct instruction or evidence of student engagement with course content.
 - Be prepared to request pre-approval from the Department to include other forms of attendance verification, if applicable.
 - Create a process to identify which secondary students (and homebound students in grades K-5) are scheduled into courses utilizing alternative teacher-pupil instruction during the fall semester.

First Steps: Calendar and Bell Schedule Calculation

- Conduct calendar and bell schedule calculations for secondary schools and programs.
- Identify potential “problem schedules” (students needing to utilize one or more passing periods to meet the desired threshold for funding).
- Ensure that students scheduled into alternative teacher-pupil instruction courses are not impacted by the exclusion of passing periods when determining funding eligibility.

Second Steps:



- Review the newly adopted changes to Rule.
- Look for communications from the School Auditing Office and Data Services Unit regarding information and trainings associated with the 2024 Student October Count data collection.
- Access the Draft 2024 Student October Count Audit Resource Guide on or around May 3, 2024.
- Email questions to the [School Auditing Office](mailto:audit@cde.state.co.us) (audit@cde.state.co.us) through mid-June.
- Attend the follow-up Office Hours on May 16, 2024 at 1:00pm.

At-Risk Count

New: At-Risk Variance Waiver is No Longer Required

- State Board Rule now states, “**Absent the current year documentation evidencing any lunch eligibility status**, a district may submit the pupil’s prior year documentation, which shall be valid evidence through the count date of the current year.”

English Language Learner Funding Factor Count



- No changes.
- Rules now include reference to the English Language Learner count that statutorily was added to Total Program funding starting with the 2021-2022 school year.

Contact:

School Auditing Office

Email: audit@cde.state.co.us

Website: <http://www.cde.state.co.us/cdefinance/auditunit>

Rebecca McRee, Audit Supervisor

Email: mcree_r@cde.state.co.us