



COLORADO
Department of Education

Rules for Administration of the Facility Schools Act
Rulemaking Hearing

December 2023

Rulemaking process and timeline



October 2023	Notice of rulemaking hearing to consider proposed amendments
October and November 2023	Opportunity for members of the public to submit written comments on proposed rules
December 2023	Rulemaking hearing and board votes to approve rules
January 2024	Rules are in effect

Rules required by the Facility Schools Act



- Procedures by which a student who participates in an approved facility school may apply to receive a **high school diploma** awarded by the facility schools board and **graduation requirements** to receive such diploma
- Procedures by which a facility school may apply to CDE for placement on the **list of approved facility schools**, info to be included in the application, reporting requirements, and criteria to be placed on the list of approved facility schools
- **Periodic review** of each approved facility school to determine whether the facility school continues to be in compliance with requirements for approval
- Rules for creation, accreditation, and maintenance of **list of authorized specialized day schools and periodic review** of such list (NEW, per S.B. 23-219)



S.B. 23-219 requires the Facility Schools Board to adopt new rules:

(5)(a)The facility schools board shall promulgate rules for the creation and maintenance of a list of schools that are authorized to operate as specialized day schools and are approved as facility schools to receive reimbursement for providing educational services to student placed in the specialized day school. The facility schools board shall promulgate rules specifying the following procedures:

- (I) How to authorize the facility to operate, become accredited, and be maintained as a specialized day school;*
- (II) How to secure health and safety inspections of a specialized day school;*
- (III) How to secure zoning approval in cities and counties for a specialized day school;*
- (IV) How to procure employee background checks;*
- (V) How to track and report incidents at specialized day schools.*

...

(5)(c) The office shall, periodically, as provided by rule of the facility schools board, review each specialized day school to determine whether the specialized day school is in compliance with the requirements set forth in subsection (5)(a) of this section.



- Aligning rule language with new statutory language:
 - Definitions/terminology
 - Referencing board's authority to establish accountability and accreditation measures for facility schools
- Removing detail related to facility schools funding, since this is addressed in the State Board of Education's Rules for Administration of the School Finance Act
- Updating application requirements and review process to reflect current practice

Further recommended revisions based on comments received by board members and AG's office

- Rule 3.02(2)(d): Add citation to ECEA for information about LRE requirements, since discussion of LRE requirements goes beyond the scope of these rules
- Rule 3.04(4): Remove language because underlying statutory language is unclear and rule is not necessary at this time
- Rule 3.05(2): Remove reference to reporting October Pupil Count and December Count, since funding for approved facilities will be based on periodic reporting instead
- Rule 3.05(7)(h): Revise wording to better explain that an approved facility must keep the Office apprised of any increase in student enrollment count

Questions?