



COLORADO
Department of Education

Legislative Relations and Policy

MEMO

TO: Colorado State Board of Education

FROM: Jennifer Okes, Chief Operating Officer, CDE

Melissa Bloom, Senior Policy Associate, CDE Legislative Relations and Policy

Kady Lanoha, Senior Policy Consultant, CDE Legislative Relations and Policy

RE: Rulemaking Vote on Proposed Amendments to 1 CCR 301-39, Rules for the Administration of the Public School Finance Act of 1994

MEETING DATE: September 10, 2020

Below, please find information concerning a vote at the September 2020 board meeting to approve suggested amendments to 1 CCR 301-39, Rules for the Administration of the Public School Finance Act of 1994.

In Spring 2020, due to the suspension of in-person instruction, CDE waived the statutory requirements related to school calendar and instructional time for the remainder of the 2019-20 school year. Given the continued impact of COVID-19 for schools and districts, during the summer, CDE staff began exploring options related to instructional time requirements and student attendance for the 2020-21 school year. CDE staff asked stakeholders and the board for feedback their feedback in June 2020, and in July 2020, CDE published the CDE Policy on Instructional Time and Student Attendance for the 2020-21 Academic Year.

Currently, state board rule defines what counts for full- or part-time funding. To be eligible for full-time funding, state board rule requires a student to have a schedule which provides for at least 360 hours of teacher-pupil instruction and teacher-pupil contact per semester. Students must have a schedule of at least 90 hours of teacher-pupil instruction for part-time funding. As part of CDE's Policy on Instructional Time and Student Attendance for the 2020-21 Academic Year, for the 2020-21 school year only, districts may define "the educational process" as including instruction delivered electronically and independent, remote work time for students that is directed and monitored by educators, as defined by the local board. Accordingly, the 360 hours needed to count a student as full-time and the 90 hours needed to count a student as part-time may include remote learning.

The proposed rule amendments further clarify this policy and distinguish remote learning as required due to public health and safety precautions from other types of off-site learning, such as blended learning courses and independent study, for the purposes of per pupil funding. These changes will ensure guardrails for future years such that CDE's policy is applied narrowly to 2020-21 and the COVID-19 situation. In addition, the rules add the definition of "independent study" in order to codify current practice and provide further clarity on the distinction between formal independent study and remote learning related to COVID-19.



Finally, based on board member comments in July and August, CDE staff have also added clarifying language related to charter schools and BOCES. By defining local board as “the board of education of a district, the board of a BOCES, or a charter school board, as appropriate,” these entities are more appropriately captured in the proposed amendments and throughout rule. No public comments were received in relation to these proposed rules.

To view a copy of the rules, including the proposed rule amendments, please visit BoardDocs.

CDE staff is recommending that the board vote to adopt the proposed rule amendments to 1 CCR 301-39.

