

Continuation of Rulemaking Hearing School Finance Rules 1 CCR 301-39

March 2024

Agenda

1. High Level Overview of What Counts for Funding
2. New Public Comments
3. Additional Proposed Language Since February 2024
4. Questions and Open Discussion

High-Level Overview of What Counts for Funding

Current System at the Highest Level: How Minutes Count Toward Funding

- Schools are funded for the time students spend in school as either full-time or part time students.
- Brick-and-mortar schools have accounted for instructional time as follows:
 - The school creates a schedule for each student with an assigned teacher or teachers.
 - Teachers take attendance for “seat-time” – the time is a student scheduled to be in an “in-person” classroom.
 - Attendance is mandatory and taken each period or session.
 - The school’s “bell schedule” shows the number of minutes per day each period (or class) meets.
 - The student schedule, school bell schedule, and district/school calendar is used to ensure that each student is schedule to receive the minimum instruction hours necessary for full- or part-time funding.
- In the last few years, CDE has issued waivers that allowed schools to count time that was not traditional seat time.

Proposed Rules at the Highest Level: What Counts for Funding

We continue funding the traditional “seat time” – now through what is called **direct teacher-pupil instruction**.

We expand options for funding at the secondary level to include **alternative teacher-pupil instruction** when learning takes place off-site and asynchronously. Since these opportunities don’t include “seat time,” they are funded by an equivalency to “seat time” – what the seat time would have been if the course had taken place 100 percent in person.

We also expand **direct teacher-pupil instruction** or “seat time” for all grade levels to include time when a student and teacher are in the same virtual classroom, receiving synchronous instruction.



New Public Comments



Since the February State Board Rulemaking Hearing, we have received additional public comments:

- Approximately 45 letters from February 15th to March 4th
- A public tracking sheet with the applicable letters can be found [here](#)
 - Spreadsheet with three tabs includes all tracked correspondence since the rulemaking notice.
 - All letters are included in three pdfs - based on the tabs in the spreadsheet.
- [FAQ document](#) created that responds to letters received. Applicable responses are tracked in the spreadsheet.

Additional Proposed Language Since February 2024

Proposed Rule Language:

- Incorporates updated definition of work-based learning courses and new definitions of blended learning courses, independent study courses, supplemental online courses, credit-bearing course, asynchronous, on-site, and equivalency. (See Rules under 1.01)

Rationale for the Proposed Language:

- Public comment and discussion with the State Board of Education identified the need for additional clarification.

What We Are Solving For:

- The definitions help to avoid confusion and provide guardrails for instruction that is allowable for funding.





Proposed Rule Language:

- Requires alternative teacher-pupil instruction courses to be credit-bearing courses. (See Rules under 1.01)

Rationale for the Proposed Language:

- This is instruction that can be off-site and asynchronous. This provides a guardrail for alternative instruction courses to qualify for funding.

What We Are Solving For:

- Alternative instruction courses are often highly independent courses. Public funding should be provided for district courses for which credit is awarded.

Proposed Rule Language:

- Outlines alternative instruction independent study courses (off-site) include the provision of content aligned to grade-level standards and are substantially equivalent to a traditional course.
- Requires that independent study courses which are completed off-site have a written learning plan that includes the course outline or plan of study, the digital or print curriculum or materials to be used, requirements for submitting assignments and recording the academic progress, and the role of the supervising teacher.
- Indicates a pupil can be funded for only one alternative instruction independent study course for the fall semester unless the student has exhausted the curriculum options in their brick-and-mortar school. (See Rule 1.01(3))

Rationale for the Proposed Language:

- This provides guardrails for instruction that is allowable for funding.

What We Are Solving For:

- Ensuring that students have flexibility to engage in independent study courses, while also ensuring that these students are engaged in courses aligned to state academic standards and which allow students to make progress towards postsecondary and workforce readiness.

Proposed Rule Language:

- Clarifies fundable time for alternative instruction courses will be determined based on the equivalent amount of instructional time to similar credit-bearing course in the school or district that is delivered 100 percent on-site. (See Rule 1.01(8))

Rationale for the Proposed Language:

- This will simplify the assignment of equivalency.

What We Are Solving For:

- This will provide consistent treatment of direct and alternative teacher-pupil instruction courses. The same instruction time will be used for all courses with the same credits within a school.

Proposed Rule Language:

- Simplifies the requirements for the course catalog. Districts no longer need to assign an equivalent amount of instructional time or the basis for assigning equivalency. (See Rule 1.04(1))

Rationale for the Proposed Language:

- This will simplify the assignment of equivalency.

What We Are Solving For:

- This will provide consistent treatment of direct and alternative teacher-pupil instruction courses. The same instruction time will be used for all courses with the same credits.

Proposed Rule Language:

- Adjusts the date for districts to publish course catalog to the applicable count date instead of by September 1st. (See Rule 2.05(1)(a)(I))

Rationale for the Proposed Language:

- Public comment identified the need to adjust the timing for publishing the course catalog.

What We Are Solving For:

- This language was adjusted to allow for necessary adjustments to the course catalog until the count date.



Proposed Rule Language:

- Indicates that direct instruction also includes courses such as study hall, advisory, or credit recovery lab, that are on-site at a scheduled time and for a set amount of time and where attendance is mandatory. (See Rules 1.08 and 1.08(1))

Rationale for the Proposed Language:

- This is meant to continue current practice for the funding of instruction that is on-site and in-person, at a scheduled time, and where attendance is required.

What We Are Solving For:

- This incorporates the current practice for courses which are allowable for funding.



Proposed Rule Language:

- Clarifies home-bound pupils cannot receive instruction in a school setting due to a temporary or permanent illness, hospitalization, medical or mental health impairment or condition, or due to an expelled or incarcerated status. (See Rule 1.09)

Rationale for the Proposed Language:

- Public comment identified the need for clarification.

What We Are Solving For:

- This language conforms to historic practice.

Proposed Rule Language:

- Clarifies a licensed teacher also includes any educator of record when the district is not required by law to use a licensed teacher. (See Rule 1.11)

Rationale for the Proposed Language:

- Public comment identified the need for clarification.

What We Are Solving For:

- This language provides for the use of licensed educators when required, rather than focusing specifically on whether a school had received a waiver related to teacher licensure.

Proposed Rule Language:

- Clarify parent-led and -directed instruction, focusing on what it looks like in direct- vs. alternative-instruction:
 - For direct instruction, when the parent is instructing or supervising the delivery of educational content.
 - When the district is providing funding directly to families or created spending accounts.
 - For alternative instruction, requires courses to be designed by the district, not custom built by a parent.
 - Course catalog must include content that will be provided in the course, not what could be provided based on the interests of the parent. (See Rule 1.14 and Rules under 2.05(1)(c)(IV))

Rationale for the Proposed Language:

- Public comment and discussion with the State Board of Education identified the need for additional clarification.

What We Are Solving For:

- This will help to avoid confusion and provide guardrails for instruction that is allowable for funding.



Parent-led and Parent-directed Instruction: Example

Not fundable:

- A music class does not count as instructional time based on directly or indirectly providing funding to families (e.g., reimbursement or direct order) to pay for a private music instructor off-site.

Fundable:

- A music class is designed by the district (or its contractor) and delivered by an employee. Example: A homeschool option program (a district contractor) employs a music instructor who provides direct teacher-pupil instruction to students.



Proposed Rule Language:

- Clarifies that these rules apply to all schools within districts and that Section 20.5 does not apply to online schools and programs. (See Rule 2.01)

Rationale for the Proposed Language:

- Public comment identified the need for additional clarification.

What We Are Solving For:

- This language was adjusted to clarify applicability of these rules.



Proposed Rule Language:

- Clarifies that districts may only enroll students in a school authorized to serve the grades in which the pupils will be enrolled. (See Rule 5.01(4))

Rationale for the Proposed Language:

- Previous audit findings identified the need for additional clarification.

What We Are Solving For:

- This will help to avoid confusion and provide guardrails for instruction that is allowable for funding.



Proposed Rule Language:

- Adjusts the timing for documentation evidencing Colorado residency for students exclusively enrolled in alternative teacher-pupil instruction.
- Also requires students with a schedule that does not require regular physical presence at the public school to provide proof of residency documentation. (See Rule 5.08)

Rationale for the Proposed Language:

- Public comment identified the need to adjust the timing for proof of residency documentation.
- Additional clarification was needed for students that are not required to physically attend a school.

What We Are Solving For:

- This language mirrors the requirements and timing for proof of residency for online schools.



Proposed Rule Language:

- Clarifies that students exclusively enrolled in online courses that take place off-site must be enrolled in an online program or school. A student is not fully online 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. (See Rule 5.09)

Rationale for the Proposed Language:

- This clarifies when brick-and-mortar students need to be reported in an online program or school.

What We Are Solving For:

- A student taking one supplemental online course onsite and in-person at a scheduled time where attendance is mandatory would not need to be in an online program.



Proposed Rule Language:

- Clarifies requirements for contractual education services outlining that the district shall ensure the provider maintains documentation to demonstrate compliance with the rules and shall be prepared to provide supporting documentation. (See Rule 5.11(1))

Rationale for the Proposed Language:

- Public comment identified the need for additional clarification.

What We Are Solving For:

- The clarification will help avoid confusion on the supporting documentation necessary to evidence funding eligibility.



Questions and Open Discussion