

DEPARTMENT OF EDUCATION

Colorado State Board of Education

(RULES FOR THE) ADMINISTRATION OF THE SECOND CHANCE PILOT PROGRAM

1-CCR 301-30

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

2252-R-1.00 Basis and Purpose.

adopted, except for Section 3.03, on January 9, 1986.

The Colorado Department of Education is directed to promulgate Rules and Regulations for the implementation of Second Chance Pilot Programs for children who do not succeed in their resident school system pursuant to 22-52-106 CRS. These rules will become effective July 1, 1986. The legislative intent is to provide a variety of educational opportunities for children who do not succeed; provide for increased parental involvement in the educational process; and provide opportunities for educators to use their skills, talents, and creativity in developing Second Chance Pilot Programs. The intent of the Rules and Regulations is to set forth eligibility criteria for students and schools; procedures to be followed by participating schools and the Department of Education; and to define the process in which disputes which may arise will be resolved.

1.00 (1) Basis and Purpose for Amendment: The statutory authority for the amendment to 2252-R-5.01 (4) of these Rules, adopted by the State Board of Education on October 9, 1986, is found in 22-2-107 (1)(c), 22-52-106, and 22-52-104 (2), C.R.S.

The purpose of this amendment is to clarify the requirements for distribution of moneys between school districts or eligible schools under the Second Chance Program as prescribed in 2252-R-5.01 (1). The change is needed to comply with the intent of 22-52-104 (2), C.R.S., which sets forth the requirements for the transfer of eighty-five percent of the districts of residence's authorized revenue base per pupil of attendance entitlement to the school district or eligible school enrolling the student, or the actual educational cost of the program provided, whichever is less. The statute requires that of the portion of the moneys remaining to the school district of residence, the school district shall transmit two-thirds to the Department of Education and retain the remaining one-third for implementation of its requirements under the Second Chance Program. This refers only to those students coming from outside of the Second Chance Centers' attendance areas.

1.01 Definitions.

1.01 (1) Second Chance – An educational program for students, between the ages of sixteen and twenty-one, who have dropped out of school before graduating from high school and who have not received either a high school diploma or a General Educational Development (GED) certificate.

1.01 (2) Dropout – For purposes of these rules a dropout is defined as an individual between the ages of 16 and 21, who meets either of the following criteria: (a) has been out of school a minimum of four calendar months prior to applying to participate in Second Chance programs and who is not currently enrolled in a public or private school; or (b) any period less than four calendar months based on certification of the resident district with the concurrence of the receiving school, parents, guardian(s), or other responsible adult when applicable.

~~1.01 (3) Eligible Schools – Public schools that: (a) are located in school districts that have a dropout rate above the statewide average; or (b) are located in school districts contiguous to districts in (a) above; or (c) offer vocational, technical, or adult educational programs; or, (d) are operated by boards of cooperative educational services and which meet the requirements of the Rules and Regulations.~~

~~1.01 (4) Resident School District – As determined pursuant to law.~~

~~1.01 (5) Receiving Schools and School Districts (Second Chance Centers) – Any eligible school, as defined above, or district with such schools, that has been approved for a Second Chance Program by the Colorado Department of Education and which is willing to accept enrollees from within its own district as well as from other districts, subject to limitations set forth.~~

~~2252-R-2.00 Eligibility.~~

~~2.01 Students – In order to be eligible to participate in Second Chance a student shall:~~

~~2.01 (1) Be between the ages of 16 and 21.~~

~~2.01 (2) Be a school dropout as defined in 1.01 (2) above.~~

~~2.01 (3) Be recommended or certified by the resident district through a process in which attention is given to:~~

- ~~● Special needs of the student;~~
- ~~● Educational record of the student; and~~
- ~~● Educational opportunities available in resident district.~~

~~2.01 (4) Have concurrence of parent(s), guardian(s), or other responsible adult(s) when applicable.~~

~~2.01 (5) Have continued eligibility which will be contingent on satisfactory progress as determined by the Second Chance Center in which student is enrolled. Such eligibility shall continue until a diploma or GED certificate is attained, or until the end of the school year in which the 21st birthday occurs.~~

~~2.01 (6) Be eligible to reapply for enrollment in a Second Chance Center in subsequent years following dismissal from such a program until the 20th birthday is reached.~~

~~2.02 Schools – Public schools or public school districts in Colorado which meet the criteria as provided in 1.01 (3) above are eligible to apply to operate a Second Chance Program.~~

~~2.03 Eligible schools and districts may apply to the Colorado Department of Education for participation in the Second Chance Program. The application shall contain the following:~~

~~2.03 (1) A request for a designation as a Second Chance Program.~~

~~2.03 (2) A description, together with title, of the Second Chance Program to be provided, including outreach activities, intake or enrollment process, diagnosis procedures, plans for educational program agreements, implementation procedures, and follow-up activities.~~

~~2.03 (3) A description of experimental approaches and alternative programs to be utilized.~~

~~2.03 (4) A description of how educational staff have been provided with opportunities to develop creative programs.~~

~~2.03 (5) A description of how parental involvement is attained.~~

~~2.03 (6) A description of available resources.~~

~~2.03 (7) A brief description of the data and reports to be transmitted, monthly, among participating schools, districts, and the Department of Education on students' attendance and performance.~~

~~2.03 (8) An official signature on behalf of the eligible applicant and identification of a designated contact person.~~

2252-R-3.00 Application Procedures.

~~3.01 Applications from students to participate in a Second Chance Program shall be made to the resident school and shall contain the following minimum information which will be reported to the Department of Education:~~

~~3.01 (1) Student's correct name, age, address.~~

~~3.01 (2) Name and address of last school attended and last grade level in which enrolled.~~

~~3.01 (3) Typed or printed name of applicant and parent(s) if applicable.~~

~~3.01 (4) A request for approval for release of information to the Colorado Department of Education. Failure to provide such a release will not be cause for non-enrollment.~~

~~3.02 Resident School Districts shall process student applications as provided in 3.01 above, approve or reject the applications, and notify applicants of actions taken within one calendar month following receipt of application, and inform rejected applicants of the process to be followed if the decision is appealed and inform rejected applicants in writing of the process to be followed if they wish to appeal the decision.~~

~~3.02 (1) The Resident School District shall counsel students and parents concerning the availability of services the student and family may need.~~

~~3.02 (2) Assist the student in enrolling in an approved Second Chance Program.~~

~~3.02 (3) A student's application for participation in a Second Chance Program cannot be unreasonably denied.~~

~~3.03 The Resident School District shall count the student enrolled in a Second Chance Program in a manner consistent with the Public School Finance Act.~~

~~3.03 (1) The Resident District shall transmit monthly cost to the Second Chance Program where the student is enrolled as prescribed in 2252-R-5.00.~~

~~3.03 (2) Residence as described in this section shall be the official residence of the student at the time application for enrollment in a Second Chance Program is made.~~

~~3.04 The receiving school, district, or board of cooperative services shall provide assistance to resident districts, students, and parents with regard to:~~

~~3.04 (1) Enrollment procedures~~

~~3.04 (2) Available educational opportunities, including programs, training, and work experience options.~~

~~3.04 (3) Limitations on enrollments.~~

~~3.04 (4) Established criteria relating to standards of conduct, achievement, attendance, and other pertinent local policies.~~

~~3.04 (5) Any student who is denied enrollment in a Second Chance Program shall be provided with a copy of the appeals process.~~

~~3.05 The receiving school shall develop, in cooperation with the student, an educational program agreement to be signed by both parties. The agreement shall contain the following minimum information:~~

~~3.05 (1) The goal (s) to be attained by the student.~~

~~3.05 (2) A brief description of the program, coursework, vocational programs leading to a high school diploma or a GED certificate.~~

~~3.05 (3) An estimate of time required in order to attain the specified goal(s).~~

~~3.05 (4) When applicable, an estimate of costs and/or fees accruing to the student.~~

~~3.06 The receiving school shall monitor and report the student's performance and progress, at least monthly, to the resident district.~~

~~3.07 The receiving school shall determine the number of students that can be accommodated in a given program, and, when the number of Second Chance applicants exceeds the number that can be accommodated, establish a lottery system to insure equitable placement of Second Chance students.~~

~~**2252-R-4.00 Colorado Department of Education.**~~

~~The Colorado Department of Education, given the overall responsibility for state level administration of the Second Chance Program, shall have the following specific duties:~~

~~4.01 Gather information on participating schools in order to advertise the Second Chance Program to potentially eligible students.~~

~~4.02 Collect status and performance data from Second Chance Centers on forms prepared by the Department.~~

~~4.03 Provide technical assistance as requested to participating school districts, students, and parents.~~

~~4.04 Report to the General Assembly by January 31, 1987, and annually thereafter.~~

~~**2252-R-5.00 Financial Transactions.**~~

~~5.01 Financial transactions between resident and receiving school(s) (districts) shall be based on the number of students participating in the program with a signed educational program agreement and the authorized revenue base (ARB) per pupil of attendance entitlement in the resident school district. The local revenue base (LRB) shall not be considered in this transaction.~~

- ~~5.01 (1) The actual monthly amount to be paid to the resident school district shall be calculated on a 1/9 of the ARB as calculated by the school financial unit of the Colorado Department of Education or 1/12 as agreed upon by both contracting schools (districts.)~~
- ~~5.01 (2) The Resident District shall count students enrolled in approved Second Chance Programs in its authorized revenue base attendance entitlement as provided in the Public School Finance Act.~~
- ~~5.01 (3) The Resident District shall pay cost up to 85% of its authorized revenue base i.e. 5.01(1), to the receiving district(s) or actual cost whichever is the smaller amount.~~
- ~~5.01 (4) Two-thirds (2/3) of that portion of the moneys remaining of the ARB as set in 5.01 (1) per pupil shall be transmitted by the Resident District to the Colorado Department of Education regardless of which method of support is chosen in 5.01 (3). One-third (1/3) of the remaining moneys of the ARB shall be retained by the Resident District for the implementation of its own requirements.~~
- ~~5.01 (5) Payment, monthly, shall be based on the report on attendance, performance, and costs as submitted by the Second Chance Center to the School of Residence. This report will be sent by the 15th of the next month, with the School of Residence sending the warrant no later than the 15th of the following month.~~
- ~~5.01 (6) Payment and programs under this plan may be arranged, under terms of an official contract, with boards of cooperative educational services.~~

2252-R-6.00 -- Appeals Process

- ~~6.01 The process for resolving disputes arising between school districts, schools, students, and parents will be consistent with Article 4 of Title 24 CRS.~~
- ~~6.01 (1) The Department of Education will hear appeals on issues concerning the article that addresses student eligibility, student enrollment, finance (ARB), and Second Chance Center approval. The Department will not hear appeals on issues that fall under the legal jurisdictions of the local school district, and or BOCS, such as grades, discipline, and or disputes between student and parent.~~
- ~~6.01 (2) All disputes where appropriate, are expected to be first handled through the local school district appeals or grievance process and shall be considered Step I of the 2252-R-6.00 Appeals Process. If a satisfactory solution is not established or if an appeals process is not possible, the complaining party shall file a complaint within 10 working days, following the local decision and/or issue in dispute in writing to the Assistant Commissioner of Education, Office of Field Service, Colorado Department of Education, Denver, Colorado. The complaint shall state: the party complained against; action that is being complained about; the relief sought; and a request for a hearing. A copy of this complaint must be sent to the party being complained against who shall be given an opportunity to respond to the complaint.~~
- ~~6.01 (3) Upon receipt of a complaint by the Office of Field Services (OFS), an investigation shall be established to determine a solution to the complaint. A report, including the recommended solution shall be delivered to all parties involved no later than 60 days following the receipt of the written complaint. If the complaining party does not find the solution satisfactory, the party should restate its request in writing to the State Board of Education for a hearing on their complaint. This shall be done no later than 10 working days following the receipt of the OFS report.~~

~~6.01 (4) The State Board of Education upon receipt of a written request for a hearing will assign a hearing officer from the Department of Administration to hear this complaint and shall proceed as outlined in the Administrative Procedures Act.~~

Editor's Notes

History