

Overview

Pursuant to section 24-4-103.3, C.R.S., each state agency is required to establish a schedule for the review of all of its existing rules. The purpose of that review is to assess the continuing need for and the appropriateness and cost-effectiveness of the agency's rules to determine if they should be continued in their current form, modified, or repealed.

This policy establishes a protocol for the Colorado Department of Education (CDE) to follow in reviewing the agency's rules and to make recommendations to the State Board of Education (SBE) concerning its findings. A schedule for the review of rules and supporting templates are included below.

Process for Rule Review

Public Notice: In accordance with the schedule below, each quarter, CDE's Office of Policy will identify the five or six sets of rules that are up for review. The Office will submit an announcement to The Scoop e-newsletter: (1) referencing the statute authorizing a rule review, (2) listing the sets of rules scheduled for that quarter's review, (3) providing a link to the SBE's webpage with instructions on how members of the public may submit written comments about the relevant rules, and (4) providing a deadline for the public to submit comments to CDE.

Initiating Review Process: For each set of rules scheduled to be reviewed, the Office of Policy will contact appropriate CDE staff and provide instructions on how to use the Guiding Questions for Rule Review. When appropriate, other state agencies with an interest in particular rules will be contacted and given an opportunity to provide input. Staff will also identify other potentially interested parties that may be contacted for input.

Formal Review: The Director of State Board Relations and Office of Policy will meet with appropriate CDE staff to review any written comments submitted by the public and any other solicited input. They will complete the Guiding Questions for Rule Review form and develop recommendations for further action.

Recommendations: If CDE staff recommends amending or repealing rules, recommendations will be shared with the staff supervisor and supervising member of Executive Team, for approval. If approved for further action, formal rulemaking may be initiated, including the steps to involve internal and external stakeholders in the process of drafting any amendments to existing rules and seeking the SBE's approval of a notice of rulemaking.

Executive Summary: Beginning in the fall of 2015, the Office of Policy will compile an annual report on results of the administrative rules review, in conjunction with the regulatory agenda submitted to the Secretary of State by November 1 each year. Completed Guiding Questions for Rule Review forms will be retained by the Office for future reference.

Questions

Questions about the rule review policies and procedures should be sent to Elizabeth Cordial, Director of State Board Relations, at Cordial_E@cde.state.co.us, and/or Melissa Bloom, Senior Policy Associate, at Bloom_M@cde.state.co.us.

Schedule for Rule Review

Below is a tentative schedule for ensuring that all existing SBE rules are reviewed within a 3-year time span. This schedule is subject to change, in order to maximize administrative efficiency.

The following rules were reviewed, with public input, in February and March 2015.

- 1 CCR 301-3 Food and Nutrition Services
- 1 CCR 301-10 Rules for the Administration of the English Language Proficiency Act
- 1 CCR 301-11 Amendments to the Rules for Accounting and Reporting
- 1 CCR 301-71 Rules for the Administration, Certification & Oversight of Colorado Online Programs

The following rules were reviewed in May and June 2015.

- 1 CCR 301-4 Determination of Indigency and Establishing Policy on School Fees
- 1 CCR 301-25 Colorado Minimum Standards Governing School Transportation Vehicles
- 1 CCR 301-48 Amended Rules for the Administration of the Teacher Development Grant Program
- 1 CCR 301-40 Rules for the Administration of Pilot Schools for Expelled Students

The following rules are scheduled for CDE's review in September 2015. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, August 7, 2015.

- 1 CCR 301-14 Rules for the Administration of the Public School Transportation Fund
- 1 CCR 301-26 Operation of School Transportation Vehicles
- 1 CCR 301-29 Rules for the Annual Inspection and Preventative Maintenance of School Transportation Vehicles
- 1 CCR 301-22 Regional Library Service System
- 1 CCR 301-28 Administration of the State Publications Depository and Distribution Center
- 1 CCR 301-37 Rules for the Administration of the Educator Licensing Act of 1991

The following rules are scheduled for CDE's review in March 2016. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, January 29, 2016.

- 1 CCR 301-30 Administration of the Second Chance Pilot Program
- 1 CCR 301-31 Declaratory Orders
- 1 CCR 301-32 Amended Rules for the Administration of the Colorado Preschool Program Act
- 1 CCR 301-38 Rules for the Administration of the School District Budget Law
- 1 CCR 301-49 Rules for the Administration of the Science and Technology Education Center Grant Program
- 1 CCR 301-73 Rules for the Administration of the Supplemental Online Education Grant

The following rules are scheduled for CDE's review in June 2016. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, April 29, 2016.

- 1 CCR 301-43 Rules for the Administration of Educational Alternatives for Expelled Students
- 1 CCR 301-44 Rules for the Administration of the National Academic Contests Fund
- 1 CCR 301-46 Rules for the Administration of the College Entrance Exam
- 1 CCR 301-54 Rules for the Administration of the ACT Assessment on a National Test Date
- 1 CCR 301-55 Proposed Rules for the Implementation and Financing of Regional Education and Support Services
- 1 CCR 301-77 Rules for Administration of Postsecondary and Workforce Readiness Assessments Pilot Program
- 1 CCR 301-79 Rules for the Administration of the Healthy Beverages Policy

The following rules are scheduled for CDE's review in September 2016. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, July 29, 2016.

- 1 CCR 301-45 Rules for the Administration of the Protection of Persons from Restraint Act
- 1 CCR 301-47 Rules for the Administration of the Read to Achieve Grant Program
- 1 CCR 301-50 Rules for the Administration of the Summer School Grant Program for Academic Achievement
- 1 CCR 301-51 Rules for the Administration of the Colorado School Awards Program
- 1 CCR 301-57 Rules for the Administration of Accountability for Alternative Campuses
- 1 CCR 301-69 Administration of Closing the Achievement Gap

The following rules are scheduled for CDE's review in December 2016. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, October 28, 2016.

- 1 CCR 301-42 Rules for the Administration of Colorado Basic Literacy Act
- 1 CCR 301-52 Rules for the Administration of the School Improvement Plan and Grant Program
- 1 CCR 301-58 Rules for the Administration of the Summer School Grant Program for Facility Schools
- 1 CCR 301-62 Rules for the Administration and the Assessment of Students Whose Dominant Language Is Not English
- 1 CCR 301-86 Rules for the Administration of the Concurrent Enrollment Program
- 1 CCR 301-95 Rules for the Administration of the School Turnaround Leaders Development Program
- 1 CCR 301-96 Rules for the Administration of the Instruction of Cardiopulmonary Resuscitation in Public Schools Grant Program

The following rules are scheduled for CDE's review in March 2017. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, January 27, 2017.

- 1 CCR 301-1 Rules for the Administration of School Districts
- 1 CCR 301-66 Administration of the Dropout Prevention Activity Grant Program
- 1 CCR 301-68 Rules for Student Possession and Administration of Asthma, Allergy and Anaphylaxis Management Medications or Other Prescription Medications
- 1 CCR 301-70 Rules for the Administration of the Accessible Educational Materials for Students with Print Disabilities Grant Program
- 1 CCR 301-72 Rules for the Longitudinal Analysis of Student Assessments
- 1 CCR 301-74 Administration of the School Counselor Corps Grant Program

The following rules are scheduled for CDE's review in June 2017. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, April 28, 2017.

- 1 CCR 301-35 Rules for the Administration of Waiver of Statute and Rule
- 1 CCR 301-76 Rules for the Development Expansion Implementation and Management of Regional Service Areas
- 1 CCR 301-78 Rules Concerning the Standardized Calculation for Counting Student Attendance and Truancy
- 1 CCR 301-80 Rules for the Administration of the Alternative Teacher Compensation Plan Grant Program
- 1 CCR 301-89 Rules for Administration of Funding Assistance to BOCES in Implementing and Meeting State Educational Priorities
- 1 CCR 301-2 Administration of General Educational Development Testing Program

The following rules are scheduled for CDE's review in September 2017. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, July 28, 2017.

- 1 CCR 301-81 Rules Governing Standards for Individual Career and Academic Plans
- 1 CCR 301-82 Rules for the Authorization of Charter Schools and Charter School Collaboratives as School Food Authorities
- 1 CCR 301-84 Rules Concerning Dropout Prevention and Student Re-Engagement
- 1 CCR 301-85 Rules Governing the Renewable Energy and Energy Efficiency for Schools Loan Program
- 1 CCR 301-87 Rules for the Administration of a Statewide System to Evaluate the Effectiveness of Licensed Personnel Employed by School Districts and Boards of Cooperative Education Services
- 1 CCR 301-88 Standards for Charter Schools and Charter School Authorizers

The following rules are scheduled for CDE's review in December 2017. Written comments on the rules are due to RuleReview@cde.state.co.us by Friday, October 27, 2017.

- 1 CCR 301-90 Rules for Administration of Early Literacy Grant Program
- 1 CCR 301-91 Rules Concerning Charter Schools Applying for Federal and State Grants and Programs
- 1 CCR 301-92 Rules for the Administration of the Colorado Reading to Ensure Academic Development Act
- 1 CCR 301-97 Rules for the Administration of the School Health Professional Grant Program
- 1 CCR 301-39 Rules for the Administration of the Public School Finance Act of 1994
- 1 CCR 301-8 Rules for the Administration of the Exceptional Children's Educational Act

Guiding Questions for Rule Review

| QUESTION | RESPONSE |
|---|----------|
| Is the rule necessary? Please provide the citation(s) for authorizing legislation. | |
| Does the rule overlap with or duplicate other federal, state or local government rules? | |
| Is the rule written in plain language and easy to understand? | |
| Has the rule achieved the desired intent? Is more or less regulation appropriate? | |
| Can the rule be amended to give more flexibility, reduce regulatory burdens, or reduce unnecessary paperwork or steps while maintaining its benefits and compliance with state statute? | |
| Is the rule implemented in an efficient and effective manner? | |
| When the rule was promulgated, did DORA request CDE to complete a cost-benefit analysis of the rule (as permitted by section 24-4-103 (2.5))? | |
| Is the rule adequate for the protection of the safety, health, and welfare of the state or its residents? | |
| RECOMMENDATIONS | |
| What are staff recommendations for either leaving rules in current form, amending rules or repealing rules? | |
| What are staff recommendations for improvements in implementation of the rules? | |

Template for Public Comment on CDE's Administrative Rule Review

Name: _____

Organization/Affiliation: _____

Contact Information (phone number or email address): _____

Date: _____

These comments concern the Colorado Code of Regulations No.: _____

1. Is the regulation language duplicative, outdated, confusing or inconsistent? Yes ____ or No ____

If you responded "yes," please provide recommended revisions to make the regulation current, clear and concise:

2. Has the regulation achieved the desired intent or could the purpose be accomplished with less regulation or less impact on students/student families, schools, or school officials? What are your recommendations on how to amend the rules to give more flexibility, reduce regulatory burdens, or reduce unnecessary paperwork or steps?

3. Is the regulation implemented in an efficient and effective manner? If not, what are your recommendations for a better, cheaper or faster approach to implementation?
