

# THE COLORADO SPECIAL EDUCATION FISCAL ADVISORY COMMITTEE ESTABLISHED BYLAWS

## ARTICLE I

### Name

**Section 1** The name of the Committee shall be the Colorado Special Education Fiscal Advisory Committee (Colorado SEFAC) hereafter referred to as the “committee”.

## ARTICLE II

### Purpose and Duties

**Section 2** The establishment of the Colorado SEFAC is required by the Colorado Revised Statutes (C.R.S.). **C.R.S. 22-20-114.5**. Under **C.R.S. 22-20-114** the **Colorado SEFAC’s** explicit function is to assist the Colorado Department of Education (CDE) in the performance of its responsibilities for the implementation of certain provisions of the Individual with Disabilities Education Act (IDEA) as set out in Article 2 §IV below. (20 U.S.C. 1412 (21); C.R.S. 22- 20-R-5.00 State Eligibility. Namely the distribution of Exceptional Children’s Education Act (ECEA) tier C (or high cost) funds to eligible administrative units , and to report to the education committees of the hour of representatives and the senate, or any successor committees, a report that includes but need not be limited to a list of the administrative units that applied for and received a grant pursuant to subsection 3 of **C.R.S. 22-20-114.5**.

**Section 2** The Colorado SEFAC provides for statewide representation in decision making related to the distribution of high cost special education funds to eligible administrative units. The committee is made up of 12 voting members as indicated in Section 2 of C.R.S. 22-20-114.5. Through this action the committee serves as a liaison between administrative unit personnel tasked with special education fiscal responsibilities and the State Board of Education (SBE) and the Colorado Department of Education. The committee’s goal is to ensure all recommendations to the SBE and CDE include reimbursement for appropriate special education costs only. The committee also serves to gather data from across the state and evaluate the special education expenditures as it relates to funding needed by administrative units. This data is reported to the CDE, the SBE and the educational committees of the house of representatives and senate. This report is then used to educate stakeholders including the state legislature regarding special education funding needs including recommendations for funding to support all administrative units in Colorado.

**Section 3** The Colorado SEFAC has certain specified duties set out under the **C.R.S. 22-20-114.5**. The Colorado SEFAC shall:

(a) The SEFAC shall have the discretion to award a grant to an administrative unit that applies and qualifies to receive a grant pursuant to paragraph C.R.S. 22-20-114.5(3).

- I. To develop and distribute an application for high cost reimbursement including directions, forms and processes that guide the administrative unit to a full and complete application for reimbursement of funds.
- II. To collect high cost applications prior to the extended deadline granted by the state controller for the submission of the annual independent audit for each school district.
- III. CDE staff collects, compiles and performs initial ranking of high cost impact based C.R.S. 22-20-114.5 (3)(b)(II)(B).
- IV. In order for the committee to have the grant award recommendations to the SBE for the May SBE meeting, the 12 members of the committee will convene to review the applications that have met the threshold for funding. The committee shall review the applications for accuracy and to ensure all grants reimburse only special education costs. The committee will then submit final recommendations to the SBE for high cost reimbursement prior to the May SBE meeting each year.

(b) The committee shall submit to the education committees of the house of representatives and the senate, or any successor committees, a report that includes but need not be limited to a list of the administrative units that applied for and received a grant pursuant to subsection (3) of this section during the preceding budget year

- I. CDE shall collect necessary data pertinent to the Colorado SEFAC legislative report.
- II. The committee shall convene to review the data and compile the legislative report. Although not required by statute the committee has determined the following elements to be included but are not limited to the following. Changes to the report contents may be altered upon committee vote.
  - A. The contents of the report shall include the following sections and subsections.

- Executive Summary
- Tier A Recommendation
- Tier B Recommendation
- Introduction
- Analysis of Special Education Data
- Tier A and Tier B Funding
- Tier A
- Tier B
- Educational Orphans
- Birth to Age 3 Evaluations (Part C)
- High Cost In-District and Out-of-District Reimbursement
- Additional Funding Needed to Fully Fund Colorado Special Education High Cost Applications
- High Cost Reimbursement for In-District Placement
- High Cost Reimbursement for Out-of-District Placement
- Recommendations to the Committee
- Conclusion
- Appendices
- Appendix A: Overview of the Colorado Special Education State Share Fiscal Years 2018-19; 2019-20
- Appendix B: Students Receiving Special Education Services: total students Funded by Administrative Unit (AU) and Total Students Served Ages Birth to 21, by Disability and Gender
- Appendix C: Tier A to Tier B Four-Year Comparison
- Appendix D: High-Cost Four-Year Comparison by AU
- Appendix E: Special Education funding Gap by AU/BOCES: FY XXX-XX

III. The committee will submit to the SBE a final report to be reviewed annually by the December SBE meeting.

IV. On behalf of the committee, CDE shall then deliver the SBE approved committee report to the education committees of the house of representatives and the senate or any successor committees on January 15 of each year.

## ARTICLE III

### Membership

- Section 1** The membership of the Colorado SEFAC shall comply with the requirements of and shall be appointed in accordance with 22.20.114.5(2).
- Section 2** Members may be appointed for successive terms not to exceed three (3) terms (15 years) if approved by the committee, terms shall run for 5 years each. Appointment of successive terms shall be approved by the SBE through the same process as new membership.
- Beginning with the 2020-2021 school year, members appointed during or after July 1, 2020 terms shall be considered new members and the terms of appointment in this article shall apply. For members approved prior to July 1, 2020 all members shall be considered to be in year 2 of their current term.
- Section 3** The term of appointment shall be for approximately five (5) years, commencing at the first official meeting following their appointment by the SBE and terminating on the last day of the month in which new/renewal appointments are made, approximately five (5) years later.
- Section 4** Unexpired vacancies shall be filled by appointments of the Colorado SEFAC Co-Chairs with the confirmation of the Executive Director of the Exceptional Student Services Unit of the CDE. Such appointments will complete the fiscal year and must gain SBE approval prior to the next fiscal year should they be recommended as indicated in 22.20.114.5(2). Any such vacancies, if approved by the SBE shall fulfill the vacated member's term and may be considered for a successive term upon SBE approval.

## ARTICLE IV

### Meetings

- Section 1** The time and place of regular meetings shall be determined annually by the committee chair and chair elect in conjunction with the CDE. The annual schedule of regular meetings shall be at least three meetings each year. Meetings may be held in person or electronically but shall always ensure public access and comment.
- Section 2** Members of the Colorado SEFAC shall be notified by electronic mail of the time

and place of regular meetings at least 24 hours prior to the time of the meeting.

**Section 3** Minutes of each meeting shall be electronic mail within two weeks of the meeting. All documents distributed at each meeting will be sent to each absent member by mail or electronic mail within two weeks of the meeting.

**Section 4** Members are expected to attend and remain for the duration of the regularly scheduled meeting annually (minimum of 3). Any member who accrues three consecutive absences (without just cause and by communicating with the Chair or Chair-Elect) will be considered to have abandoned the position. Such absences may result in termination as a member of the Colorado SEFAC. The Chair and the member may also discuss the likelihood of future absences and the Chair may move to have the member replaced if attendance commitments are not affirmed.

**Section 5** A quorum for regular meetings shall consist of fifty percent (50%) of the Colorado SEFAC with at least one of whom is a fiscal representative. Formal decision-making shall require a majority vote of the quorum.

**Section 6** Either the committee chair or chair elect may invoke Robert's Rules of Order as necessary to the conduct of meetings. Any decisions requirement a vote for action, Robert's Rules shall be invoked. The committee will review CDE board rules annually.

## **ARTICLE V**

### Officer, Terms and Duties

**Section 1** Elected Officers of the Colorado SEFAC shall be one Chair and one Chair-elect. Only members approved by the SBE are eligible for officer positions.

**Section 2** A Chair-elect shall be elected by a majority of members present at the first regular meeting of fiscal year.

**Section 3** Each Chair or Chair-elect shall have served at least 2 years prior to be eligible for an officer position. Chair shall serve for a two-year term commencing at the beginning of the first regular meeting of the fiscal year. The Chair-elect will serve one year as Chair-elect prior to two years as Chair. The outgoing Chair will serve one year as past Chair.

Example terms/FY	2021	2022	2023	2024	2025	2026	2027	2028	2029
Member 1	Chair	Chair	Past						
Member 2		Elect	Chair	Chair	Past				
Member 3				Elect	Chair	Chair	Past		
Member 4						Elect	Chair	Chair	Past
Member 5								Elect	Chair

**Section 4** The Chair or Chair-elect shall call and preside at all meetings and shall appoint all *ad hoc* subcommittees and task forces as may be determined.

**Section 5** The Chair-elect shall serve in the absence of a Chair.

**Section 6** The Chair-elect shall become the Chair of the Colorado SEFAC at the annual planning meeting the year following election as Co-Chair-elect.

**Section 7** Secretarial services shall be provided by the CDE and a secretary shall be present at all regular meetings.

**Section 8** Additional non-voting representatives from the CDE, Exceptional Student Services Unit may be present at all regular meetings.

## **ARTICLE VI**

### Amendments

**Section 1** Proposed amendments must be submitted in writing to the members at least fifteen (15) days prior to the scheduled regular meeting.

**Section 2** These Bylaws may be amended by majority vote of the members present at that regular meeting.

This edition of the Bylaws was created and adopted by the SEFAC committee on September 30<sup>th</sup>, 2020.