COLORADO DEPARTMENT of EDUCATION

Flowchart: State Board of Education Rulemaking

Step One: Legislature Authorizes Rules

Legislators must have passed a statute that authorizes the State Board of Education (SBE) to adopt rules.

Step Two: Rules Drafted

CDE staff collaborates with appropriate internal and external stakeholders to draft new rules or draft revisions to existing rules. During this process, CDE staff reaches out to all 19 Boards of Cooperative Education Services, CASE, CASB, CEA, the BOCES Association and the Colorado League of Charter Schools.

Step Three: Notice of Rulemaking Hearing

After draft rules are presented to SBE at a regularly scheduled meeting, SBE approves a Notice of Rulemaking Hearing and initiates the formal rulemaking process. Notice is filed with Secretary of State and Dept. of Regulatory Agencies; hearing is scheduled at least 20 days after publication of notice. Copies of rules and notice of hearing date are emailed to superintendents, BOCES directors and other interested parties.

Step Four: Rulemaking Hearing

Members of the public may provide written comments prior to public hearing and provide oral testimony at hearing. SBE may opt to hold more than one hearing.

Step Five: State Board Votes to Approve Rules

Step Six: Attorney General Reviews Rules

As required by the Administrative Procedures Act, the Attorney General reviews legality of the rules that have been approved.

Step Seven: Rules Filed with SOS and Legislature

Final rules are filed with the Secretary of State for publication.
Final rules also are submitted to the General Assembly to be reviewed by the Legal Services Committee to assess compliance with statute.

Step Eight: Rules Are Effective

Final rules become effective 20 days after publication in the Registrar.

Step Nine: OLLS Reviews Rules

The Office of Legislative Legal Services must review all new rules to determine if they are within the SBE's scope of authority. Any concerns are presented to the Committee on Legal Services.

Prepared by CDE Staff, December 2014