

Education Statutes, Rules & Policy

COMPARING POWERS AND PROCESSES



OVERVIEW

This document provides a high-level comparison of the entities responsible for and processes used in creating state-level education statute, rules and policy.

COLORADO GENERAL ASSEMBLY STATUTE

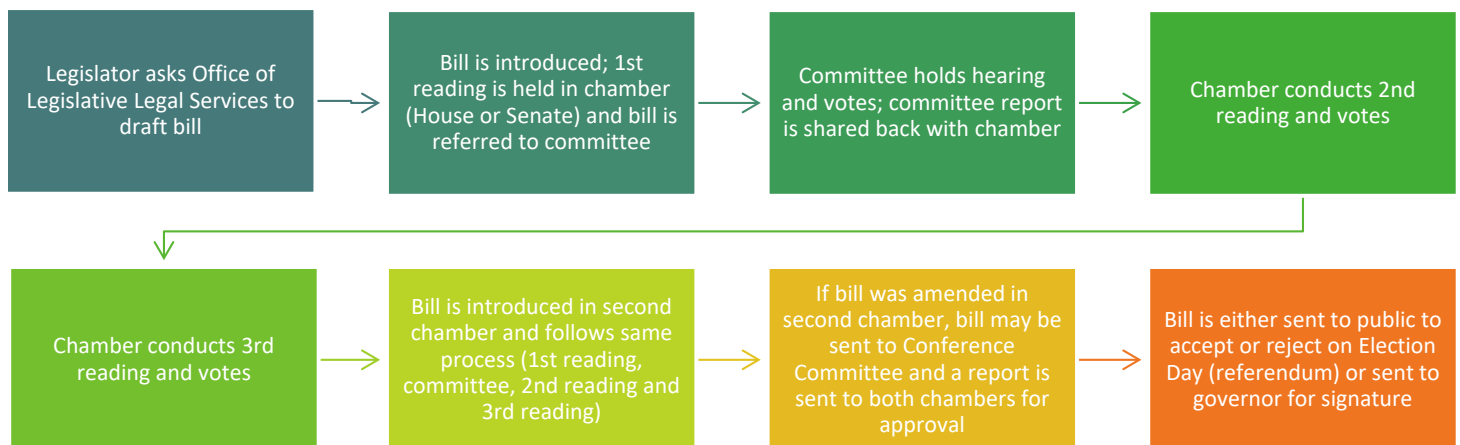
The Colorado Constitution places the power to make laws with the state legislature, the [Colorado General Assembly](#). The General Assembly is comprised of 100 elected officials—65 Representatives and 35 Senators. The legislature’s power to make laws is exercised through the process of considering and adopting bills. A bill generally either creates new law, amends existing law, or repeals existing law. State statutes may not violate the Colorado Constitution, the U.S. Constitution, or federal law.

Once a bill has been introduced in a chamber of the General Assembly (the Senate or House of Representatives), the bill is assigned to a committee for study and consideration. If approved by the committee, the bill goes back to the full chamber to be debated, amended and/or voted on. If the bill passes through one chamber, it is passed to the other chamber. There, the bill is again assigned to committee and, if approved, debated and voted on. Finally, a conference committee made of House and Senate members works out any differences between the House and Senate versions of the bill. The resulting bill returns to the House and Senate for final approval. The bill is then sent to the governor for signature or referred to the public.

Citizens may contact legislators to share opinions on proposed legislation or to suggest new legislation. They also may appear before legislative committees to express their views on bills.

Law and Policy

- The Colorado General Assembly has the sole power to create state statutes. It may delegate lawmaking function to administrative agencies by authorizing rulemaking.
- The State Board of Education promulgates rules to further define statute, if that authority has been delegated by the legislature. A person who violates a rule is, in effect, violating the statute that authorized the rule.
- The Department of Education may develop policies that describe how the department intends to exercise its administrative discretion. Policy is not legally binding.



COLORADO STATE BOARD OF EDUCATION RULES

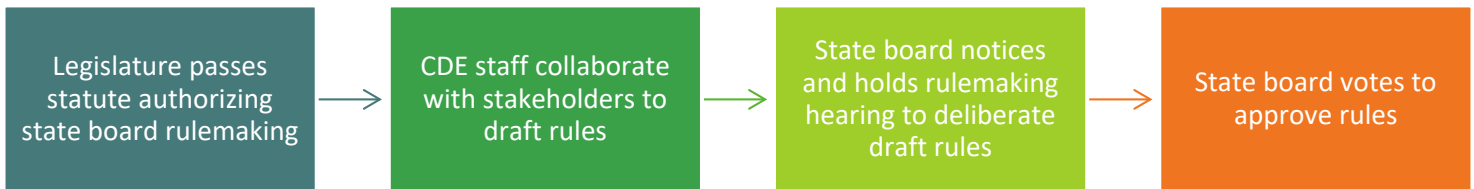
The [State Board of Education](#) (SBE) is composed of nine elected officials representing Colorado's congressional districts. The Colorado Constitution vests in the SBE general supervision of the public schools of the state. Included in this

authority is the power to promulgate rules with the force of law. However, before the SBE initiates any rulemaking, the Colorado General Assembly must first pass legislation authorizing the SBE to implement the legislation through rule.

The Colorado Administrative Procedures Act governs the legal and procedural requirements that the SBE must follow when promulgating rules. Once the General Assembly authorizes the board to promulgate rules, Department of Education staff draft new rules or revisions to existing rules. As part of this process, staff reaches out to interested stakeholders to receive input and comment. At a regularly scheduled public board meeting, staff presents the proposed rules to the SBE and requests that the board initiate the formal rulemaking process.

To initiate the formal rulemaking process, the SBE votes to approve a notice of rulemaking hearing, which must be filed with the Colorado Secretary of State for publication in the Colorado Register. Prior to the rulemaking, the draft of the rules or rule revisions are available to the public, and the public may submit written or oral testimony about the proposed rules. The SBE then determines whether to make any changes to the draft rules and, after finalizing the draft rules, votes on whether to adopt them. Through the Office of Legislative Legal Services, the General Assembly monitors state agency rulemaking to ensure that it does not exceed the rulemaking authority that has been delegated.

Citizens may submit written or oral testimony to be considered by the full board at a rulemaking hearing.

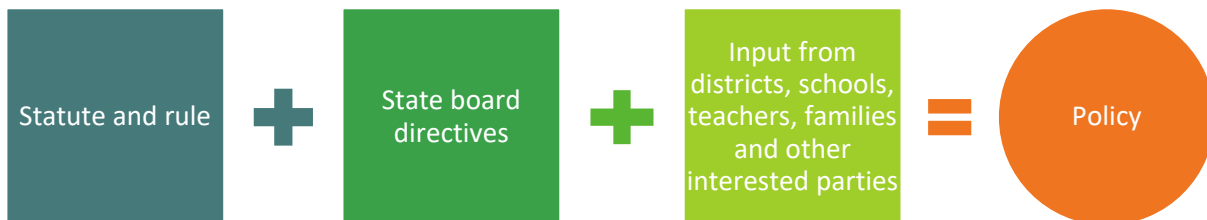


COLORADO DEPARTMENT OF EDUCATION POLICY

The Colorado Department of Education (CDE) is the administrative arm of the SBE. The head of the department, the Commissioner of Education, is appointed by the SBE. The commissioner, along with department staff, have discretion to use professional expertise and judgement when making certain decisions about how to apply a statute or rule. This discretion is restricted by requirements of statute and rule and is informed by directives from SBE members and input gathered from districts, schools, educators, families and other interested parties.

From time to time, CDE may develop written policies or guidelines that describe how CDE intends to exercise its discretion. Such written policy is important because it provides a roadmap that ensures executive functions are carried out in an objective, fair, and consistent manner.

Citizens may contact department staff to share opinions about policies and other matters related to implementation of statutes and rules.



Where can I learn more?

- Colorado’s Office of Legislative Legal Services’ [How a Bill Becomes a Law](#)
- [Rulemaking by the State Board of Education](#)
- [View all CDE fact sheets: www.cde.state.co.us/communications/factsheetsandfaqs](http://www.cde.state.co.us/communications/factsheetsandfaqs)