

**From:** [Britni Mathson](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** 1 CCR 301-39  
**Date:** Tuesday, January 16, 2024 12:50:22 PM

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To the members of the Colorado School Board,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs.

In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

Thank you for your consideration,

**From:** [Kimberly Schwechel](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** 1 CCR 301-39  
**Date:** Tuesday, January 16, 2024 8:31:18 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule change to 1 CCR 301-39. Please support homeschoolers by continuing to support us with options programs instead of defunding programs across the state.

Not all students thrive in a public school, and our state's homeschool students have found success through enrichment by participating in more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

Thank you for your time and consideration,  
Kimberly Schwechel

**From:** [Brenda Pozarnsky](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** 1 ccr 301-39  
**Date:** Tuesday, January 16, 2024 2:38:42 PM

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To the members of the Colorado State Board of Education

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado. Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is dogmatic and unsound.

Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines. To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs, for today, and for the future of the state of Colorado.

Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,  
Brenda Pozarnsky  
720-435-8855  
10300 Coal Mine St, Firestone, CO 80504

**From:** [kristina.wilson](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** CCR 301-39  
**Date:** Tuesday, January 16, 2024 12:40:31 PM

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To the members of the Colorado School Board,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

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Thank you for your consideration,  
Kristina Wilson

**From:** [puddleglumps](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Colorado Homeschool Enrichment  
**Date:** Tuesday, January 16, 2024 7:51:24 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule change to 1 CCR 301-39. Please support homeschoolers by continuing to support us with options programs instead of defunding programs across the state.

Not all students thrive in a public school, and our state's homeschool students have found success through enrichment by participating in more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

Thank you for your time and consideration,  
Jessica Choy

**From:** [Lavender Booth](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Colorado Homeschool Enrichment  
**Date:** Wednesday, January 10, 2024 3:10:08 PM

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Dear Colorado of Education,

I'm SO grateful to have my son in your programs! He's learning things that I couldn't teach him and having experiences he wouldn't have without, otherwise. Also, this helps us as a family financially, as some of the enrichment classes he's in are entirely funded by your program, as well as a reduction in price for activities we otherwise could not afford! Me and my family are so grateful for the opportunities my child gets to experience and are looking forward to more opportunities and experiences in the future!

Sincerely,

Lavender Booth  
PO Box 1366  
Pagosa Springs, CO 81147  
scavengerbaby@hotmail.com

**From:** [Marci Yates](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Defunding CO homeschooling  
**Date:** Tuesday, January 16, 2024 1:33:17 PM

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To the members of the Colorado State Board of Education,

We are writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact our family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

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Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,

Marci and Brian Yates (and our 5th, 7th and 9th graders)

Sent from my iPhone

**From:** [Marnina Kammersell](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Defunding Homeschool Programs  
**Date:** Tuesday, January 16, 2024 2:31:45 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule change to 1 CCR 301-39. Please support homeschoolers by continuing to support us with options programs instead of defunding programs across the state.

Not all students thrive in a public school, and our state's homeschool students have found success through enrichment by participating in more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

My own children have greatly benefited from the variety of Options programs available in Colorado. I have a rising high schooler who is still not interested in full time enrollment, but is considering possibilities like aerospace education and early college enrollment through My Tech High. I know families that have moved here from other states in order to take advantage of the amazing opportunities for homeschoolers. I am terribly sad that we are facing the loss of this educational diversity.

My children are among those who do not thrive in conventional classrooms. They prefer a variety of small, experiential opportunities. In addition, five days a week of any program would be too much for them. They need very small and flexible enrollment in local classes. Homeschool Connections (HSC) Westminster has been a great fit for two of my children. They are both twice-exceptional, meaning they are intellectually gifted and also have disabilities. It would be very difficult to meet their educational needs in a conventional setting. The flexibility of homeschooling has enabled us to seek out opportunities that both meet their advanced needs and the scaffolding they need for their disabilities.

I am also the parent of a 2e child with disabilities that is not yet ready to attend drop-off programs due to extremely high anxiety. Using the funding provided through My Tech High, my disabled child has been able to participate in community programs at local climbing gyms that are a good fit for his unique needs, programming at the Junkyard Playground in Boulder, and to purchase educational materials such as Tinker Crates. If My Tech High is not an option going forward, our ability to access classes and to purchase these advanced educational materials to be sent to our home will be limited.

In addition to my role as a homeschooling parent, I am an educational consultant and a doctoral student studying Cognitive Diversity in Education. I provide educational consulting services for Colorado families, many of whom have neurodivergent children. These families find support and access through non-traditional, publicly funded programs. Many have had traumatic experiences in public school and will not return to full time enrollment. Options programs provide a variety of possibilities to support these children and their families, who are often isolated and lacking assistance.



The publicly-funded, tuition free programs that we have in Colorado are part of what makes this state a wonderful place to be a homeschooling family. They provide educational opportunities for a wide variety of children, including those who are the most vulnerable and at-risk. Please continue to support a wide range of educational opportunities in our state to best meet the diverse needs of children.

Thank you for your time and consideration,

Marnina Kammersell, M.A.  
Homeschooling Parent and Educational Consultant

**From:** [Crystal Rasmussen](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Enrichment rule change  
**Date:** Tuesday, January 16, 2024 1:24:10 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is dogmatic and unsound.

Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines.

To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs, for today, and for the future of the state of Colorado. My Tech High has personally enriched both of my homeschool students lives. My eldest is a 3rd grader and he has enjoyed using My Tech High funds for classes at our local zoo, trips to the Space Museum, lesson on water safety and survival and so much more. My kindergarten aged child has benefited in being able to use curriculum boxes like Kiwi Crate and Cunch labs. These have taught him science and history in a hands on way. Without My Tech High Funds we would not be able to afford this extra enrichment. Families sacrifice so much to school their children in ways that reach them on a deeper level.

Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature

programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,  
Crystal Rasmussen

**From:** [j4bether](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Funding for Homeschool Enrichment  
**Date:** Monday, January 15, 2024 4:30:34 PM

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Please keep funding available for Homeschool Enrichment. Full-time public school is not for everyone but there are somethings that are helpful for kids to be exposed to, like - other kids, art, stem or for the older kids maybe things like math that the parents aren't able to teach. I know my math, but my daughter has math phobia and can't learn it in a public school environment but I can only teach math through Pre-Algebra.

Please help ALL students, not just the ones that conform to everything they are asked to do in the public school setting. This has never worked.

Elizabeth Jones

**From:** [Kimberly Carrejo](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Homeschool Enrichment Programs - CCR 301-39  
**Date:** Tuesday, January 16, 2024 2:03:54 PM

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To the esteemed members of the Colorado State Board of Education,

I am writing to express my strong opposition to the proposed amendment to finance rule 1 CCR 301-39. This alteration would have a profound and adverse impact not only on my family but also on numerous homeschooling families across Colorado.

Homeschool enrichment programs play a pivotal role by offering families valuable resources that might otherwise be inaccessible. Despite choosing alternative educational paths outside the traditional public school system, these families contribute to taxes that fund these programs. Aligning with the principles of the Every Child Succeeds Act, it is only logical to support options that benefit homeschoolers. Recognizing that not all students thrive in a public school environment, it is crucial to prioritize the success of every student in Colorado, be it within a public school or through homeschool enrichment programs.

Imposing restrictions on K-5 enrichment programs, limiting them to those managed by licensed teachers, poses a significant threat to educational opportunities. Currently, students benefit from expert-led courses in areas such as agriculture, aerospace, and equine sciences. Dismissing these opportunities solely because they aren't conducted by licensed teachers is both dogmatic and imprudent.

Homeschool enrichment programs provide a range of options, including classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected courses. Parents meticulously select classes, experiences, and materials tailored to their students' needs. The auditing process ensures that reimbursements are accurate, and resources align with state guidelines, maintaining a reasonable allocation of funds.

Denying homeschoolers access to these invaluable resources and opportunities is tantamount to hindering the success of all our students. Homeschooling parents make significant financial sacrifices, and the support from enrichment programs allows us to meet our students' needs effectively, contributing to the future success of the state of Colorado.

I urge you to carefully consider the far-reaching consequences of the proposed financial rule for homeschooling families in Colorado. As of the fall of 2022, our state had 8,674 homeschooled students, while tuition-free enrichment programs catered directly to thousands of these homeschoolers. These programs cover diverse educational areas, from traditional school-based enrichment to nature programs, outdoor education, construction, agriculture, equine science, aerospace education, and beyond. Defunding these programs would be a shortsighted decision with lasting repercussions.

Thank you for your thoughtful consideration.

Sincerely,

Kimberly Carrejo  
10916 Deer Meadow Circle  
Colorado Springs, CO 80925  
719-322-1258

**From:** [Madeline Speer](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Homeschool Enrichment Programs  
**Date:** Tuesday, January 16, 2024 8:59:19 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is dogmatic and unsound.

Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines.

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Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,  
Madeline Speer  
970-481-3614  
[mkrsppeer@gmail.com](mailto:mkrsppeer@gmail.com)

**From:** [Tonya Simmerson](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Homeschool finance rule change  
**Date:** Tuesday, January 16, 2024 3:10:25 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule change to 1 CCR 301-39. Please support homeschoolers by continuing to support us with options programs instead of defunding programs across the state.

Not all students thrive in a public school, and our state's homeschool students have found success through enrichment by participating in more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

Thank you for your time and consideration,

Tonya Simmerson - homeschooling for 10 years, with a now-college student, an 11th grader, and an 8th grader.  
Longmont, CO

Sent from my iPhone



**From:** [Kiley Jones](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Date:** Tuesday, January 16, 2024 3:26:27 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

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The only acceptable change to this program would be to allow families to receive a stipend directly from the state for homeschooling, or for the state to create a program like My Tech High that reviews and reimburses educational purchases. States like California have implemented funding with much success. We want all Colorado students to succeed, removing programs without a way to provide support to those students is not acceptable.

Thank you for your consideration,  
Kiley Jones

**From:** [AllyssaKrystynn Ramstetter](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Opposing 1 CCR 301-39  
**Date:** Tuesday, January 16, 2024 10:23:57 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

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Thank you for your time,  
VanArsdel Family Homeschool

**From:** [Allyssa VanArsdel](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Opposition of CCR-301-39  
**Date:** Tuesday, January 16, 2024 10:22:10 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule change to 1 CCR 301-39. Please support homeschoolers by continuing to support us with options programs instead of defunding programs across the state.

Not all students thrive in a public school, and our state's homeschool students have found success through enrichment by participating in more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

Thank you for your time and consideration,

**From:** [Allyssa VanArsdel](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Opposition of CCR-301-39  
**Date:** Tuesday, January 16, 2024 10:17:49 PM

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Hello,

I am writing you today to show my opposition to CCR-301-39. Homeschoolers all over the state consistently outperform public school standards. We work hard and deserve encouragement, opportunities that are not constricted, empowerment in what works for our families best, and most especially financial assistance in the form of our paid tax dollars. This state should be celebrating the excellence homeschoolers are achieving and funneling school tax money with the student. Whether public or private, that money should be supporting the students of this state. Please think of all the young students who have been enriched in the schooling due to programs that give our tax dollars back to cover curriculum of choice; curriculums that are tailored to each student's unique needs! Each student is different, they don't fit in the same mold and they should not receive the same generic curriculum.

Thank You for reading and considering these truths.

Allyssa VanArsdel

**From:** [Hannah Collingwood](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Opposition to 1 CCR 301-39  
**Date:** Tuesday, January 16, 2024 1:55:44 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would negatively impact my family, and many other homeschooling families in Colorado.

We just moved from South Carolina where publicly funded enrichment programs do not exist. I was thrilled to see all of the enrichment options that are now available to my children since our move, however, they are very expensive to pay out of pocket, but programs like My Tech High would make these programs available to my children. One of your key initiatives listed on your website is All Means All. I am of minority ethnicity, and so are my children. Defunding enrichment programs takes away from minority children.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

Thank you for your time,

Hannah Collingwood

**From:** [Becca Lange](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Opposition to proposed finance rule 1 CCR 301-39  
**Date:** Wednesday, January 17, 2024 9:40:35 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado.

My family and I moved to Colorado December 2022. My son had completed kindergarten and half of his first grade year in Minnesota, where I also taught as a licensed teacher. He loved school and was excited to go each day. Until February 2023 when he began having panic attacks and begging to not go to school. It was a complete and very sudden switch. After talking to him more we found out he was being molested by a student 4 years older than him every day. After the school investigated the situation they told my son he was being bad and the other student was trying to help him. After months of back and forth with the school, I received a call from the Title IX director who told me her 4 year old was also molested at school. I cannot send my child to school and trust that he will be safe so we opted to homeschool. We saw an instant improvement in our son's mental health when he stopped attending school and has asked us if he can always be homeschooled. We have learned what a beautiful mind he has. He excels especially in math and technology/engineering which My Tech High has helped us realize and give him opportunities in those areas that we otherwise would otherwise not be available to him. As I said, I am an educator. I never planned on homeschooling my own children. However, I have seen how broken the system. Instead of going after the kids who don't thrive in public schools, the focus should be how to save our currently broken public school system.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is dogmatic and unsound.

Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines.

To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs, for today, and for the future of the state of Colorado.

Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,

Rebecca Lange



**From:** [Hikari Matsuyama](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** opposition to proposed finance rule 1 CCR 301-39  
**Date:** Friday, January 12, 2024 10:19:02 AM

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Hello,

My name is Hikari Matsuyama and our family of four live in SE Aurora. We homeschool our 8 year old girl, due to her medical condition. We currently attend Denver Options homeschool enrichment program, in Denver and my daughter Lumi has a great time there.

We have many homeschool friends in the area, who are part of other homeschool enrichment programs throughout Colorado. I see these children thriving, and learning at their own pace in rich environments. We are grateful that CO offers these programs to us homeschoolers.

Therefore, I strongly oppose the proposed finance rule 1 CCR 301-39, and ask for our representatives to stand up for parents and childrens educational rights.

Thank you very much.

Sincerely,  
Hikari Matsuyama  
5224 S. Rome st  
Aurora CO 80015

**From:** [Amber Reimer](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Please oppose 1 CCR 301-39  
**Date:** Wednesday, January 17, 2024 12:18:23 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule change to 1 CCR 301-39. Please support homeschoolers by continuing to support us with options programs instead of defunding programs across the state.

Not all students thrive in a public school (including my three neurodiverse children), and our state's homeschool students have found success through enrichment by participating in more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

My oldest daughter graduated last year. She was homeschooled from K-12, and she attended an options program from grades 1-12. This provided her with amazing educational opportunities, including robust science and tech classes, dual enrollment at a community college during her high school years, and now Colorado's ASCENT program. Homeschooling also allowed us to give her wonderful support to accommodate her ADHD so that she could excel. She just got accepted into Colorado School of Mines and will be attending there in the fall. We are so thankful for the opportunities these options/enrichment programs have added to our homeschooling experience and its contribution to her future.

My middle daughter also has ADHD and is autistic. She would not fare well in a public school environment as she needs a lot of additional time to complete her work. Homeschooling gives her this extra time, and she and my youngest daughter have been excelling in music and the arts. Options programs allow us to pursue these creative endeavors to encourage those strengths.

It is for all these reasons (and more!) that I ask you to please vote against the proposed finance rule change to 1 CCR 301-39.

Thank you for your time and consideration,  
Amber Reimer  
Westminster, CO

**From:** [Amy Bailey](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** please protect homeschool options  
**Date:** Tuesday, January 16, 2024 1:04:16 PM

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January 16, 2024

To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is dogmatic and unsound.

Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines.

To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs, for today, and for the future of the state of Colorado.

Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,

Amy Bailey

5392 Oak Tree Ct.  
Boulder, CO 80301

**From:** [Caroline Campese](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** proposed finance rule 1 CCR 301-39  
**Date:** Friday, January 12, 2024 11:29:49 AM

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Hello,

I am emailing in opposition to the proposed finance rule 1 CCR 301-39.

My husband and I both attended traditional public school K-12. We both went to state universities for our undergraduate education. All of our school aged children (4 of 5) have attended traditional public school in our school district. We have great admiration for our teachers and staff.

This proposed finance rule is in direct conflict with Colorado Law, which says "...the best education decisions are made by those who know the students best and who are responsible for implementing the decisions and therefore, that educators and parents have a right and a responsibility to participate in the education institutions that serve them" (Colorado Revised Statue 22-30.5-102).

As parents, we are the primary educators of our children. Last year, we realized that our oldest had been struggling in public school for a few years. After looking at all our options. We decided that the best one was to homeschool. She has since been thriving with the unique opportunities offered by homeschool enrichment programs. These programs would not be available to her at a traditional public school.

Just last month, we also decided to homeschool our 1st grader who has been struggling since starting public school as a preschooler. Despite working with teachers and staff, we decided homeschool was best. We enrolled him in enrichment programs that would not otherwise be offered at a traditional public school.

As we parent our children, my husband and I have come to realize that it's likely most of our five children are neurodivergent or gifted. We must to take their unique learning needs into consideration. Two of our children are already receiving services that are not available in public schools. Because of this, we have recognized the great importance of advocating for our children and teaching them in a way that allows them to thrive into adulthood.

Because we are a large family, state funding for these enrichment programs is essential. I know my children best, and I know what type of education is best for them. It is my job to advocate for them, and I am doing so now. Please say no to the proposed finance rule 1CCR 301-39.

Respectfully,

Caroline Campese

**From:** [Emrys Tyler](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Question about school funding  
**Date:** Wednesday, January 17, 2024 6:51:17 AM

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Greetings!

My name is Emrys Tyler, a resident of Colorado, parent of school-age children, and friend of many educators doing their work in both public and private school settings.

I have been reviewing the slide notes from the "Notice of Rulemaking" for the BOE dated December 13th, 2023. I see at the bottom of slide 13 the following proposed change to the current rules:

"Prohibits funding if the instructional time is provided in an environment that requires participation in a tuition-based non-public school."

The top of the slide indicates that such a change would be made to be in "alignment with state law." I have not yet been able to find the specific law that would make this prohibition on funding necessary.

Would you please direct me to that law/rule/statute?

Thank you,  
emrys

**From:** [Lisa Wachtel](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Tuesday, January 16, 2024 4:00:06 PM

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Dear Colorado of Education,

I am writing in strong support of retaining funding for homeschool enrichment programs. As the Chair of the Board of Directors of the Nature and Wildlife Discovery Center (NWDC), we are proud of our enduring partnership with the Alpine International Preparatory Academy to offer high-quality, standards-based outdoor experiential curricula for homeschool students in Pueblo's District 60.

All children deserve the experience of place-based learning and becoming comfortable in nature. Our Outdoor Explorations Program (OEP) serves children ages 5-14 or in grades K-8. OEP combines place-based natural science with experiential learning, community-building, and self-discovery. The program is conducted school year-round (weather permitting) at NWDC's River Campus. A variety of activities, experiments, challenges, service projects, explorations, and just plain fun help participants build nature knowledge, self-awareness, and outdoor skills. OEP is a tuition-free program supplementing homeschool curriculum with social development, conceptual understandings of ecology, and practical applications of outdoor skills in our unique settings. Skilled instruction is provided through age-appropriate lesson sequences including:

- place-based environmental science - exploring topics in Colorado flora and fauna, life zones, astronomy, weather patterns, geology, water cycle and core ecological concepts;
- outdoor skills and experience – with lessons about fire safety, first aid, Leave No Trace principles, dressing for Colorado weather, nutrition, hydration, navigation, and hiking;
- social and community development – providing essential opportunities for homeschooled students to practice mindfulness, develop leadership and teaming-building strategies, be involved in service learning, participate in group problem-solving situations, and strengthen abilities for self-management.

As a life-long science educator, administrator, and curriculum specialist, I can personally verify the credibility and necessity of the Outdoor Explorations Program for our Pueblo homeschooled population. Witnessing the educational growth, joy, and personal pride students gain through this student-centered and place-based program is transformational. All citizens of Colorado reap benefits from ensuring a well-educated future generation. On behalf of the entire Board of Directors of the Nature and Wildlife Center, we voice our support to retain homeschool enrichment program funding.

Sincerely,

Lisa A Wachtel  
Dr. Lisa A. Wachtel  
Chair NWDC Board of Directors  
[www.hikeandlearn.org](http://www.hikeandlearn.org)

Sincerely,

Lisa Wachtel  
1168 W Calle Antigua  
Pueblo, CO 81007  
[lisa@hikeandlearn.org](mailto:lisa@hikeandlearn.org)

**From:** [Paula Van Loan](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Wednesday, January 10, 2024 3:10:08 PM

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Dear Colorado of Education,

I beg you not take away these enrichment programs from our disabled youth. It puts our children at great risk to not develop these fundamental skills and potential career paths for some of our children with learning disabilities. Put yourself in a parents shoes whose child only flourishes in the non-traditional academic courses and is finally able to explore creative and physical skills.

Sincerely,

Paula Van Loan  
2720 Irving St  
Denver, CO 80211  
[paula.vanloan@gmail.com](mailto:paula.vanloan@gmail.com)



**From:** [Maria Hyde](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Wednesday, January 10, 2024 3:10:08 PM

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Dear Colorado of Education,

We use homeschool enrich programs, be aide this give the opportunity to ALL the children in CO to learn from another people, to enjoy the beauty of the outside and for them to interact with other children. The enrichment program is important because that way kids, can have another way of learning, hands on while sharing. We paid taxes and this is a very useful and important program needed to support the children that are homeschool.

Sincerely,

Maria Hyde  
14128 W Center Dr  
Denver, CO 80228  
[gabrielahyde@gmail.com](mailto:gabrielahyde@gmail.com)

**From:** [Taylor Driver](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Tuesday, January 16, 2024 4:00:08 PM

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Dear Colorado of Education,

Dear Colorado Commission of Education and Commissioner Susan Cordova,

The Nature and Wildlife Discovery Center (NWDC) is a 501(c)(3) non-profit environmental education and raptor rehabilitation center located in the City and County of Pueblo. Formed in 2018 through the merging of two veteran organizations, NWDC brings over 50 years of experience in high-quality nature programming to the Pueblo community. NWDC believes that access to the outdoors fosters a greater appreciation of the natural environment, supporting the development of a life-long ethic of stewardship. Since 2020, organizations across the Pueblo community have witnessed, with increasing need, the push for more youth programming opportunities. Thanks to the State funding for homeschool enrichment programs, NWDC has supported the growing needs of the Pueblo community through our successful Outdoor Exploration Program (OEP) since the fall of 2021.

The Outdoor Explorations Program serves children ages 5-14 and combines place-based, natural science with experiential learning, community-building, and self-discovery. The OEP program aims to enhance the homeschool curriculum with social development, conceptual understandings of ecology, and practical applications of outdoor skills in our unique settings aligned with state standards learning outcomes. Seasonal lesson sequences explore topics in Colorado flora and fauna, life zones, astronomy, weather patterns, geology, water cycle, and core ecological concepts; outdoor skills and experience – with lessons about fire safety, first aid, Leave No Trace principles, dressing for Colorado weather, nutrition, hydration, navigation, and hiking; social and community development – provide essential opportunities for homeschooled students to practice mindfulness, develop leadership and teaming-building strategies, be involved in service learning, participate in group problem-solving situations, and strengthen abilities for self-management.

NWDC is proud of our enduring partnership with the Alpine International Preparatory Academy to offer high-quality, standards-based outdoor experiential curricula for homeschool students in Pueblo's District 60 and 70. This partnership has also resulted in the opportunity for NWDC and more than nine other organizations across the state to collaborate on everything from staff training to curriculum and program development. This collaborative approach in conjunction with steady program funding, has increased program capacity across organizations, resulting in wider spheres of influence for all organizations and as a result, the Pueblo Community.

On behalf of the Nature and Wildlife Center, please accept my heartfelt voice of support to retain homeschool enrichment program funding.

Sincerely,  
Taylor Driver  
Executive Director

Sincerely,

Taylor Driver  
PO Box 99  
Beulah, CO 81023  
[Taylor@hikeandlearn.org](mailto:Taylor@hikeandlearn.org)

**From:** [Cybele Tarangelo](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Wednesday, January 10, 2024 3:10:09 PM

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Dear Colorado of Education,

We use home enrichment programs to provide my son an opportunity to socialize and learn. My son would not excel in a classroom setting and homeschooling has been a blessing. Colorado has been a great state to live in because of its support to homeschool families and part of that is providing these programs. You do your people harm by eliminating these programs. You ignore your children when you eliminate these opportunities. Then we will know your true motives.

Sincerely,

Cybele Tarangelo  
250 Dawson Dr  
Castle Rock, CO 80104  
cbrooksie0412@gmail.com

**From:** [Kevin Hannasch](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Wednesday, January 10, 2024 3:10:10 PM

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Dear Colorado of Education,

Colorado Education Board,

I cannot say enough good things about the homeschool enrichment program our Kindergartener participates in at "School at the Ranch" through Alpine International Prep Academy. The instructors are phenomenal and provide a truly rich education experience that couldn't be replicated in a standard classroom environment. This experience will be something our children will never forget. This program provided by Colorado is a huge draw for our family to remain in the state after our military service has completed. My son comes home all the time and shares the unique things he has learned and frequently teaches my wife and I something that we hadn't previously known. I couldn't support the homeschool enrichment programs provided by Colorado more and would be happy to explain in detail our experience. We are grateful to the state for funding this unique program and support its continuation above any other school program.

Thanks for your time,

-Kevin Hannasch

Sincerely,

Kevin Hannasch  
8043 Glory Dr  
Colorado Springs, CO 80924  
[klhannasch@gmail.com](mailto:klhannasch@gmail.com)

**From:** [Heather Pegors](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Friday, January 12, 2024 11:00:07 AM

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Dear Colorado of Education,

Hello, I homeschool my 2 children, one in 2nd and one in pre K. We live in Canon City, CO which is a small community - We have to go to outside of our town for the homeschool enrichment opportunities. Last year we drove 40-45 minutes to Pueblo for the "nature school" program offered at the nature center in pueblo. My daughter loved it, it grew her confidence and she considers herself like a junior ranger and nature girl. I love how she got to work with rangers and learn about safety outdoors, as well as exploring. She is also so much more confident in her interests and abilities. This year we found something closer to home, in Penrose. It's only a 20 minute drive. She attends the "farm school" with colorado agribusiness and equine science at McAninch farms. She loves animals, but we can't have any pets, due to allergies and other reasons. So this program allows her the therapeutic benefits of working with horses, chickens, and ponies. She loves it and has made friends. It also supports her in learning science in a very hands on way with gardening and the poultry and equine science. I'm so thankful for an option closer to home. While it is hard finding resources in a small community, I have been so thankful for Colorado's support. Losing these programs would limit our options for unique and empowering enrichment. I also love that my daughter sees women in these teaching roles, as rangers and farmers. It is empowering for her. She literally gets to brush a Shetland pony and care for her, it's fantastic, and she name one of the chickens, "beautiful." She still talks about her nature school and how she hiked 10 miles in the mountains (I am wondering if it was less than 10, but in her memory, it is just that she is capable of doing hard things). Please continue to support these essential programs for homeschool families. We are on one income, and rent is expensive. We could likely not pay the hundreds these programs would otherwise cost, especially for both children. Thank you, Heather

Sincerely,

Heather Pegors  
PO Box 1483  
Canon City, CO 81215  
hpegors@gmail.com

**From:** [Martha Brown](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Friday, January 12, 2024 11:00:09 AM

---

Dear Colorado of Education,

Parents who can be directly involved in their children's education and enrichment programs should be celebrated not limited by education bureaucrats uncomfortable with parental values. Keep enrichment programs as they are.

Sincerely,

Martha Brown  
2940 San Isabel Ave  
Pueblo, CO 81008  
[brown\\_martha@hotmail.com](mailto:brown_martha@hotmail.com)

**From:** [Ingr Youngblood](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Monday, January 15, 2024 11:50:09 AM

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Dear Colorado of Education,

Hello and thanks for reading my message. My family is homeschooling because there are zero covid policies in place in our local school system and our child has immune dysfunction and can not be in a classroom on a daily basis because it will leave her hospitalized again. 504 plans to do not allow us to come and go as we need for medical reasons and so I was forced to leave my 2 decade career and pull my child out of school so she doesn't end up more debilitated.

Homeschool enrichment programs allow us to be more American and choose how our child learns. The enrichment programs are a necessary part of our rural existence as homeschooling parents. As a former public educator in Colorado and other US States for over 2 decades, honestly, our public school system needs an absolute overhaul. If America, and Colorado, can't get on board to change the public school systems back to a place of safety and learning then more Coloradans will move to homeschooling and will need these robust programs to buffer their enrichment and learning. The system is broken. Fix it. Thank you.

Sincerely,

Ingr Youngblood  
4081 Forest Ct  
Howard, CO 81233  
[ingridann78@hotmail.com](mailto:ingridann78@hotmail.com)

**From:** [Nicxel Lopez](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Tuesday, January 16, 2024 4:00:06 PM

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Dear Colorado of Education,

My son has been part of an enrichment program for 2 years one that he has love so much where he its able to learn about open spaces, animals and how to survived the outdoors.

My son wait every single week to attend his program and play with his friends he also love his teachers. If the enrich program happens to be cancel I know many kids that will feel very upset on having their activities cancel.

Sincerely,

Nicxel Lopez  
10 Chase St  
Lakewood, CO 80226  
[nali.baby12@gmail.com](mailto:nali.baby12@gmail.com)



**From:** [Emilie Eldredge](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Wednesday, January 10, 2024 3:10:07 PM

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Dear Colorado of Education,

To the Colorado State Board of Education and Commissioner Susana Córdova,

As a young mother of two children, I feel the responsibility of undertaking their education, and I am very grateful for the earnest effort you put forth on behalf of the children and families in our state, thank you.

I am writing to communicate the value of homeschool enrichment programs and to request that they continue to receive the support of the state.

This year we enrolled our 1st grader, Eilish, in an enrichment program called Haven Forest Box with Haven Forest School in Black Forest, CO.

I am in a unique situation with my 7 year old. She has been able to read and write from a young age and comprehends higher level math concepts (such as algebra) without being instructed in the subjects. I am grateful for the opportunity to educate her at home, for the disparity between her academic and emotional maturity is drastic.

Partnering with Haven Forest School has enabled us to flood her education with many wonderful age appropriate resources on topic, while working intently with her on issues such as perfectionism and conflict resolution. She gets to soar in her areas of expertise without losing the innocence of childhood and while being gently taught how to grow in areas that are more difficult to attend to in a large classroom context.

We are profoundly grateful for the opportunities afforded to us in Colorado, and fervently hope they continue in the future.

Sincerely,

Emilie Eldredge  
17990 Peyton Hwy  
Peyton, CO 80831  
[emilie.eldredge@gmail.com](mailto:emilie.eldredge@gmail.com)



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[www.SparksWillson.com](http://www.SparksWillson.com)

January 19, 2024

Sent Via Electronic Mail Only ([Michelle.Berge@coag.gov](mailto:Michelle.Berge@coag.gov))

Michelle Berge  
First Assistant Attorney General, K-12 Education  
1300 Broadway, 6th Floor  
Denver, Colorado 80203

Re: Notice of Rulemaking for the School Finance Rules, 1 C.C.R. 301-39

Dear Ms. Berge,

I am writing to you as legal counsel to the State Board of Education in regard to the formal Notice of Rulemaking that the Board approved by a vote of 8-1 at its meeting on December 13, 2023, regarding the extensive amendments proposed by CDE staff to the Rules for the Administration of the Public School Finance Act of 1994, codified at 1 C.C.R. 301-39. As you know, this rulemaking process is governed by the State Administrative Procedure Act (APA), C.R.S. § 24-4-101 *et seq.* The State Board is currently scheduled to hold a rulemaking hearing under the APA on these proposed amendments at its meeting on February 14, 2024.

I submit this letter to you as part of the public evaluative process under the APA as the State Board considers these important proposed changes. *See* C.R.S. § 24-4-103(4)(a) (as part of a rulemaking, a state agency must consider the views and arguments of interested persons). I ask that you pass along this letter to the members of the State Board and Commissioner Córdova so that they can read it for themselves.

#### **EXECUTIVE SUMMARY**

As I explain in this letter, the proposed rules violate the APA – and, thus, are legally void – because they:

- Conflict with other provisions of law. Namely, they conflict with:
  - Every district’s right of “local control” of instruction within their districts pursuant to article IX, section 15 of the Colorado Constitution;
  - The Online Education Act, C.R.S. § 22-30.7-101 *et seq.*;
  - The Supplemental Online Education Grant Program, C.R.S. § 22-2-130;
  - The Empowering Digital Learning for All Act, C.R.S. § 22-5-119;
  - The Home-Based Education Act, C.R.S. § 22-33-104.5.
- They are not clearly and simply stated so that their meanings will be understood by any party required to comply with the regulations. To the contrary, the proposed rules are needlessly complex and convoluted. Further, they delete current rules that provide clarity and do not replace them with anything.
- They duplicate and overlap with other rules without adequate explanation.
- There does not appear to be a record that demonstrates the need for many of the key proposed rules, e.g., the surprising requirement under the proposed rules that to be funded K-5 students must receive direct – and, thus, synchronous – instruction only.

C.R.S. § 24-4-103(4)(b) & (8)(a), -106(7)(b). In sum, the proposed rules, as written, are legally void due to a host of APA violations.

In addition, on December 14, I made a request to Patty Salazar, the Executive Director of the Department of Regulatory Agencies (DORA), to have her require the State Board to conduct a cost-benefit analysis pursuant to the APA. C.R.S. § 24-4-103(2.5)(a) (governing the cost-benefit analysis requirement). As I stated in my letter to Ms. Salazar, there were three reasons for my request. First, my initial analysis concludes that the negative, adverse effects of the proposed rules on the economy, consumers, families, students, private markets, small businesses, job

creation, and economic competitiveness are substantial and material. Second, CDE staff have not provided a full explanation of the reasons for the proposed changes and, more importantly, why these specific proposed changes are the right ones for students, families, schools, and districts across Colorado. Third, as detailed in this letter, the proposed rules fail to meet the APA's requirements under C.R.S. § 24-4-103(4)(b), making them legally void. Earlier today, I received notice from DORA that it will require the State Board to conduct a cost-benefit analysis.

Finally, at the end of this letter I summarize the disturbing findings that have come to light from a CORA request of CDE staff in the school finance office. These CORA documents reveal four extremely troublesome items:

1. CDE audit staff find the current rules confusing and unclear.
2. CDE staff did not ground the proposed changes in controlling law.
3. CDE staff admit that the proposed rules are *less clear* and *more confusing* than the current ones.
4. CDE staff openly admit that they have targeted My Tech High for adverse treatment which is manifestly illegal.

Reading these CORA documents explains why the proposed rules violate the APA in so many ways. CDE staff who created them appear to have been motivated to “disallow” one vendor (MTH) while ignoring the numerous APA requirements for legal rulemaking. The proposed rules should be scrapped and the entire process started again.

## **DETAILED ANALYSIS**

### **A. State Agency Rulemaking Consistent with the Administrative Procedures Act**

The General Assembly grants authority to the State Board to promulgate rules interpreting and implementing various statutes governing K-12 education. Whenever the State

Board, or any state agency, engages in rulemaking, it must follow the requirements of the APA. Section 103 of the APA sets out the detailed procedures for executive agency rulemaking. C.R.S. § 24-4-103. At least twenty days after the notice of proposed rulemaking is published in the Colorado Register, the agency must hold a hearing to determine whether to adopt the proposed rules. *Id.* -103(3)(a). As mentioned, the State Board is currently scheduled to make this determination at its board meeting on February 14.

Under the APA, “[n]o rule shall be adopted unless:

- (I) The record of the rule-making proceeding demonstrates the need for the regulation;
- (II) The proper statutory authority exists for the regulation;
- (III) To the extent practicable, the regulation is clearly and simply stated so that its meaning will be understood by any party required to comply with the regulation;
- (IV) The regulation does not conflict with other provisions of law; and
- (V) The duplication or overlapping of regulations is explained by the agency proposing the rule.”

*Id.* -103(4)(b). In addition, the APA mandates that “[n]o rule shall be issued except within the power delegated to the agency and as authorized by law.... Any rule or amendment to an existing rule ... which conflicts with a statute shall be void.” *Id.* -103(8)(a). A court can set aside amendments to agency rules for numerous reasons, including if they are: “Contrary to a constitutional right ...; In excess of statutory jurisdiction [or] authority ...; Not in accord with [APA] procedures ...; [or] An abuse ... of discretion....” C.R.S. § 24-4-106(7)(b)(III), (IV), (V), (VI).

## **B. The State Board’s Proposed Amendments to the School Finance Rules**

The State Board is now considering extensive amendments to the rules for the administration of the Public School Finance Act (PSFA). The *current* rules are codified at 1 C.C.R. 301-39. On November 14, 2023, CDE’s School Finance Office published *proposed*

changes to the rules.<sup>1</sup> At its board meeting on December 13, the State Board formally accepted from CDE staff the proposed rules both in redline and with CDE staff annotations.

As mentioned, the APA permits the State Board to promulgate rules only in those areas where the General Assembly has granted it authority to do so. C.R.S. § 24-4-103(4)(b)(II) & (8)(a). The General Assembly has granted the State Board authority to “make reasonable rules and regulations necessary for the administration and enforcement of [the PSFA].” C.R.S. § 22-54-120(1). It has also granted authority to make rules regarding “students who are enrolled as less than full-time students,” i.e., as part-time students. *Id.* -103(10)(e.5)(I).

**1. To Be Funded, Students Must Be Enrolled, Attending, and Scheduled for the Requisite Number of Hours of Instructional Time**

From the current rules, the proposed rules carry over the fundamental notion that a student will be funded only on three conditions: the student is (1) enrolled and (2) in attendance in a public school<sup>2</sup> during the applicable count period, and she<sup>3</sup> (3) has a schedule of courses that provides the requisite amount of Instructional Time (as defined by the proposed rules). *See* Proposed Rules 5.05 & 5.06. A student shall be counted in the full-time pupil count if she has a schedule that provides at least 360 hours of Instructional Time per semester, while she will be included in the part-time count if her schedule provides at least 90 hours but less than 360 hours per semester. *Id.* Students will be funded if they are enrolled either in a public school or in an “educational program with which the district has contracted ... to provide instructional services.”

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<sup>1</sup> Throughout this letter, I distinguish between the “Current Rules” and the “Proposed Rules.”

<sup>2</sup> The proposed rules use the term “district” to mean all types of local public education agencies. Specifically, the rules define “district” to include “a BOCES, innovation school, innovation zone, charter school, or other entity when said entity has legal responsibility for the applicable school calendars and student schedules.” Proposed Rule 1.06. This is the first example of how the proposed rules do not define key terms clearly, which leads to confusion for all stakeholders.

<sup>3</sup> When referring to a single student, I alternate the use of she and he.

Proposed Rules 5.01, 5.02, 5.10(a). This comports with the contracting statute that allows districts to hire any entity to provide educational (or other) services. C.R.S. § 22-32-122(1).

Under the current rules, there is only one type of instructional time: “teacher-pupil instruction.” *See* Current Rules 2.06, 2.06(2), 5.04(3), 5.06(3). As noted in current rule 2.06, this term emanates from statute, C.R.S. § 22-32-109(1)(n)(I), which defines the minimum number of hours of “teacher-pupil instruction” for students in kindergarten, elementary school, and secondary school. *Id.* The proposed rules, however, create two types of Instructional Time: “direct teacher-pupil instruction” and “alternative teacher-pupil instruction.” Proposed Rules 1.01, 1.08, 2.05(a)(1), and 2.05(a)(2).

## **2. Direct Teacher-Pupil Instruction**

Direct teacher-pupil instruction is defined as “the organized instruction of educational content for pupils enrolled in public schools under the supervision of a licensed educator that takes place synchronously, when the licensed educator and the pupil are in the same physical location, such as a school building, or when the licensed educator and the pupil are in the same virtual classroom.” Proposed Rule 1.08. Three aspects of this definition are notable: “under the supervision of,” “licensed educator,” and “synchronously.”

### **a. “Under the supervision of”**

First, for this proposed rule to be adopted under the APA “under the supervision of” must be “clearly and simply stated so that its meaning will be understood by any party required to comply with the regulation,” such as schools and private providers. *See* C.R.S. § 24-4-103(4)(b)(III). For instance, schools need to know precisely how much, and what type of, “supervision” is necessary for students to be funded. For example, must a teacher actively deliver each minute of instruction to qualify as “supervision,” or may a teacher break students into small

groups and task a paraprofessional or parent volunteer with “supervising” the work of a small group while the teacher “supervises” the overall classroom? In the online context, is it permissible for a teacher to be giving instructions in real time to students who are connected remotely by phone or video, even if the teacher cannot visually see each student to ensure that he is actually following directions? Does the meaning of “supervision” differ depending on whether the students are five and six years old in kindergarten or seventeen and eighteen years old in twelfth grade?

The proposed rules do not provide any guidance on these questions because they do not define “under the supervision of” or “supervision.” In fact, they delete current rule 2.06(2) and its subparts 2.06(2)(a) & (b)<sup>4</sup> that offer guidance in this area. Current rule 2.06(2) provides, “Teacher-pupil contact and teacher-pupil instruction means the time when a pupil is actively engaged in the educational process of a district.” Moreover, current rules 2.06(2)(a) & (b) state that “each local board shall define ‘educational process’” and “supervision of a ... licensed teacher.” Thus, under the current rules funded instruction occurs when a student is “actively engaged in the educational process,” and local boards have the authority to provide greater clarity on the meaning of “educational process” and “supervision.” This is consistent with the “local control” provision of article IX, section 15 of the Colorado Constitution that provides that local districts “shall have control of instruction in the public schools of their respective districts.” Colo. Const. art. IX, § 15. The Colorado Supreme Court has explained that under this provision “a school district’s control of instruction ‘requires power or authority to guide and manage both the action and practice of instruction as well as the quality and state of instruction,’ which

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<sup>4</sup> There are typographical errors in the current rules in that 2.06(2)(a) & (b) are mislabeled as “2.02(6)(a)” and “2.02(2)(b).” See Current Rules page 4.



includes the ‘ability to implement, guide, or manage the district’s educational programs.’” *Colo. State Bd. of Educ. v. Adams Cty. Sch. Dist. 14*, 2023 CO 52, ¶ 49 (quoting *Bd. of Educ. v. Booth*, 984 P.2d 639, 648, 649 (Colo. 1999)).

Hence, the proposed rules’ removal of rules 2.06(2) and 2.06(2)(a) & (b) is problematic in two ways. First, they provide less guidance than the current rules on what constitutes “teacher supervision,” thereby making it less likely that “its meaning will be understood by any party required to comply with the regulation.” C.R.S. § 24-4-103(4)(b)(III). Second, by removing districts’ local control over the supervision of their educational programs, the change violates article IX, section 15 of the Constitution. *Id.* -103(4)(b)(IV).<sup>5</sup>

**b. “Licensed Educator”**

Second, the definition of direct teacher-pupil instruction seems to require the supervision of a “licensed educator.” Proposed Rule 1.08. However, the proposed rules define “licensed educator” or “licensed teacher” to “also include any teacher of record when the district has a waiver from Section 22-63-201, C.R.S.” Proposed Rule 1.11. Since “district” means any local public education entity, *see* Proposed Rule 1.06, and some of those – most notably, charter schools – have waivers of this statute, *see* C.R.S. § 22-30.5-104(6)(b); 1 C.C.R. 301-35, Rule 3.1, “licensed educator” often simply means the “teacher of record” for the public school. This is a second example of how the proposed rules are deficient in that they do not clearly define their terms.<sup>6</sup> Compounded with the ambiguities and confusing formulations throughout the proposed

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<sup>5</sup> The proposed rules also remove local control by (1) deleting language that “[a] local board may meet the required minimum hours for each school year by contracting for educational services from another entity,” and (2) deleting language that local districts may define “middle school” for purposes of the 1080 hour requirement. *See* Proposed Rules page 6 (showing deletions in 2.05(b)(1) and 2.06(4)). These are further incursions into districts’ constitutionally protected rights of local control.

<sup>6</sup> The first example given in this letter was the term “district,” discussed above in footnote 2.

rules, these misleading definitions ultimately lead to the proposed rules violating the APA in that they are not “clearly and simply stated so that [their] meaning will be understood by any party required to comply with the regulation[s].” C.R.S. § 24-4-103(4)(b)(III).

**c. “Synchronously”**

Third, direct teacher-pupil instruction also requires that instruction “take[] place synchronously.” Proposed Rule 1.08. The proposed rules define “synchronous” as “instruction which occurs during scheduled times and includes real-time interactions between teacher and pupils in-person, by video, or by phone.” Proposed Rule 1.08(a). By contrast, “asynchronous” refers to instruction in which “the teacher and the pupils engage with the educational content at different times.” *Id.*

These terms are used most often in the online education context. The Colorado Online Education Act holds that an “online program” is “a full-time education program ... that delivers a sequential program of synchronous or asynchronous instruction, directed by a teacher, primarily through online digital learning strategies that provide students choice over time, place, and path, and teacher-guided modality, of learning.” C.R.S. § 22-30.7-102(2).<sup>7</sup> Thus, because the proposed rules limit “direct instruction” to synchronous instruction only, they conflict with the Online Education Act, which does not recognize this limitation. *Id.* As a result, this foundational part of the proposed rules violates the APA and is void as a matter of law. *See* C.R.S. § 24-4-103(4)(b)(IV) & (8)(a) (rules that conflict with statutes are void).

This conflict is made more apparent by reviewing the State Board’s rules for online education. 1 C.C.R. 301-37. As with the Online Act, the online rules define “online program”

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<sup>7</sup> An “online school” is simply an “online program” with one hundred or more students. C.R.S. § 22-30.7-102(9) & (9.5).

and “online school” as a full-time program that “delivers a sequential program of synchronous or asynchronous instruction directed by a teacher...” 1 C.C.R. 301-37, Rules 2.09 & 2.10. Further, the online rules employ only one definition of “teacher-pupil instruction,” not two. *Id.*, Rule 2.18. The definition is the same as that under the current school finance rules, namely, “‘Teacher-pupil contact and teacher-pupil instruction’ means that time when a pupil is actively engaged in the educational process of a district.” *Id.* And the online rules comport with districts’ constitutional right to local control because they stipulate that “[e]ach local board of education shall define ‘educational process.’” *Id.*, Rule 2.18(1). Furthermore, the online rules that define the required number of hours of “teacher-pupil instruction” for students to be “full-time” (360 hours or more) and “part-time” (between 90 and 360 hours) cross-reference the current school finance rules 5.04(3) and 5.06(3), *id.*, Rules 8.04 & 8.05, but the proposed rules delete rules 5.04(3) and 5.06(3). *See* Proposed Rules pages 13-14. By doing so, the proposed rules have the unintended adverse consequence of making the online rules less clear.

Without doubt, the school finance rules and the online education rules “overlap” but to date I have not seen an explanation as to how the discrepancies caused by the proposed rules should be understood. *See* C.R.S. § 24-4-103(4)(b)(V) (APA requires that an agency explain overlapping regulations). Further, these discrepancies make the meaning of the proposed rules (and, frankly, the online rules too) less likely to “be understood by any party required to comply with the regulation[s].” *Id.* -103(4)(b)(III). As a result, they would not survive an APA challenge in court. C.R.S. § 24-4-106(7)(b)(IV) & (V).

### **3. Alternative Teacher-Pupil Instruction**

As mentioned above, the proposed school finance rules create a second type of funded instruction: “alternative teacher-pupil instruction.” Proposed Rules 1.01 & 2.05(a)(1). It is

defined as “the organized instruction of educational content for pupils enrolled in a brick-and-mortar public school under the supervision of a licensed educator that may take place asynchronously. The term includes any instruction not meeting the definition of direct teacher-pupil instruction, including but not limited to independent study, work study, internships, apprenticeships, blended learning, and supplemental online learning.” Proposed Rule 1.01. As its name indicates, this type of instruction is the “alternative” to “direct” instruction. Hence, as the beginning of the second sentence states, it “includes any instruction not meeting the definition of direct teacher-pupil instruction.” *Id.* Instruction under this “alternative” definition “may take place asynchronously.” *Id.*

**a. Alternative Instruction at Brick-and-Mortar Schools Only**

However, alternative instruction adds a component that direct instruction lacks, namely, it applies only for “pupils enrolled in a brick-and-mortar public school.” *Id.* The result of these formulations is that asynchronous instruction of students *not* enrolled in a brick-and-mortar school, i.e., enrolled in an online program or school, is not funded. Essentially, this means that the proposed rules would require that – to be funded – all Colorado online programs and schools must employ synchronous instruction only – which, again, directly conflicts with the Online Education Act. *See* C.R.S. § 22-30.7-102(9) & (9.5). This conflict violates the APA. C.R.S. § 24-4-103(4)(b)(IV) & (8)(a), -106(7)(b)(II) & (IV).

**b. Catalog of Alternative Instruction Courses**

The proposed rules add another requirement for alternative instruction, namely that to be funded schools must “publish a catalog of courses using alternative teacher-pupil instruction (as

defined in 1.15<sup>8</sup> of this rule) for any such courses they intend to provide to secondary pupils ....”

Proposed Rule 2.05(a)(1)(I). Schools must publish this catalog on their websites by September 1st of each school year, beginning September 1, 2024. *Id.* This catalog of courses must “include a listing of courses, a description of each of the courses or identification of course provider if applicable, and the equivalent amount of instructional time ... that the course will count towards determining funding eligibility.” Proposed Rule 1.04(a). In addition, these courses “must be offered and made available for all eligible public school pupils at appropriate grade levels.”

Proposed Rule 1.04(c). In other words, districts cannot offer alternative instruction courses to just certain students or in select schools; it is all or nothing. This proposed mandate to create a catalog of courses with these specific characteristics, including that these courses must be made available for all students, conflicts with districts’ constitutional right of local control of instruction which requires that districts have the “authority to guide and manage both the action and practice of instruction as well as the quality and state of instruction,’ which includes the ‘ability to implement, guide, or manage the district’s educational programs.’” *Colo. State Bd. of Educ.*, ¶ 49; *Booth*, 984 P.2d at 648, 649. This violation of districts’ right to local control is yet another example of how the proposed rules fail to meet APA requirements. C.R.S. § 24-4-103(4)(b)(IV), -106(7)(b)(III).

### **c. Independent Study**

Alternative instruction allows for independent study. Proposed Rule 1.01. However, just like “teacher-pupil instruction” and “educational process” (discussed above), the proposed rules delete the definition for “independent study.” *See* Proposed Rules pages 2-3. The current rules

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<sup>8</sup> This is a typographical error; “alternative instruction” is actually defined in Rule 1.01, not 1.15. This error occurs three times in the proposed rules. *See* Proposed Rules 2.05(a)(1)(I), 5.03(a)(1), and 5.07.

define “independent study” as “a program established by a local board under the supervision of a licensed or certificated teacher, as defined by the local board and included in the student’s academic schedule. The student may be receiving all or a portion of his or her educational instruction through independent study.” Current Rule 1.06. This current rule comports with local control under article IX, section 15 because local schools may define the independent study program and the supervision required by a licensed teacher. *Id.* It is unclear why the proposed rules delete the definition, but this decision suffers from the same two problems: it means the proposed rules provide less guidance, making it less likely that “its meaning will be understood by any party required to comply with the regulation,” C.R.S. § 24-4-103(4)(b)(III), and it violates districts’ constitutional right to local control of their educational programs. *Colo. State Bd. of Educ.*, ¶ 49; *Booth*, 984 P.2d at 648, 649. *See* C.R.S. § 24-4-103(4)(b)(IV).

#### **4. Additional Guidance from the Commissioner on Teacher-Pupil Instruction**

The proposed rules also state, “The Commissioner issues additional guidance regarding the reporting of ‘teacher-pupil instruction and teacher-pupil contact’ for purposes of Section 22-32-109(1)(n), C.R.S.” Proposed Rule 2.05(b). This proposed rule goes on to provide, “In the Commissioner’s guidance, Instructional Time” under the proposed rules “may be the same or different” from teacher-pupil instruction under the statute. *Id.*

It is unclear what this “additional guidance” from the Commissioner would consist of, and how it might be “the same or different” from the proposed rules. To be sure, the State Board cannot circumvent the rulemaking process of the APA by asking the Commissioner to create a second set of rules related to instructional time. C.R.S. § 24-4-103(1) & (11)(a) (APA requires all rules be enacted through the public, formal rulemaking process). Clearly, these “Commissioner rules” would be “duplicative” and “overlapping” to the proposed finance rules.

*See* C.R.S. § 24-4-103(4)(b)(V). Presumably, the State Board will provide an explanation for how the two sets of rules fit together. *Id.* The obvious concern is that an additional set of “Commissioner rules” that are “the same or different” from the proposed rules will almost certainly lead to ambiguity and confusion and not the “clarity and simplicity” that the APA requires. *Id.* -103(4)(b)(III).

#### **5. Grades K-5 May Receive Direct Instruction Only**

The proposed rules state that students in grades 6-12 may receive both direct and alternative instruction. Proposed Rule 2.05(a)(1). However, they stipulate that students in grades K-5 may receive direct instruction only.<sup>9</sup> Proposed Rule 2.05(a)(2). As explained above, this means that students enrolled in grades K-5 – to be funded – must receive their instruction synchronously only. Proposed Rules 1.08 & 2.05(a)(2). This conflicts with the Online Education Act that makes no such distinction between K-5 and 6-12. *See* C.R.S. § 22-30.7-102(9) & (9.5). As such, the proposed rule is void under the APA. C.R.S. 24-4-103(4)(b)(IV) & (8)(a).

#### **6. Part-Time Enrichment Programs**

Like the current rules, the proposed rules also allow for students to be enrolled part-time. Current Rule 5.06; Proposed Rule 5.06. Part-time students receive one-half funding, regardless of where they fall in the 90-360 hour continuum. Current Rule 5.01(2); Proposed Rule 5.01(b). Part-time students can be home school or private school students. Current Rule 5.13; Proposed Rules 5.06(d) & (e).

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<sup>9</sup> The proposed rules carve out an exception for “homebound” students in grades K-5, stipulating that they may receive alternative instruction as well. Proposed Rule 2.05(a)(2)(I). Homebound students are defined – in both the current and proposed rules – as being unable to “receive instruction in a school setting due to a temporary or permanent condition or status.” *See* Current Rule 1.03; Proposed Rule 1.09.

Part-time enrichment programs for home school and private school students have grown dramatically over the past few years, especially since the COVID pandemic.<sup>10</sup> To the extent these students are receiving standard, in-person instruction by public school teachers, they qualify for funding under proposed rules 1.08, 2.05(a)(1), and 2.05(a)(2). However, the proposed rules become problematic in two specific circumstances: (1) their definition of “parent-led instruction” (which is excluded from funding), and (2) how they attempt to limit supplemental online programs.

**a. Exclusion of “Parent-Led Instruction” for Homeschool Students**

Colorado’s Home-Based Education Act explicitly authorizes that homeschool students may “attend[] a public school for a portion of the school day,” i.e., participate in part-time homeschool enrichment programs. C.R.S. § 22-33-104.5(6)(a). If they do, then public schools providing those programs “shall be entitled to count such child in accordance with the provisions of [the Public School Finance Act],” i.e., receive part-time funding. *Id.* The Home-Based Education Act also requires that homeschooling parents must be “in charge and in control of” the homeschooling program in order to be exempt from the compulsory school attendance law. *Id.* - 104.5(2)(a) & (3)(e).

However, the proposed school finance rules stipulate that Instructional Time “does not include parent-led or parent-directed instruction.” Proposed Rule 2.05(a)(3)(IV). These terms are defined as meaning “the parent is substantially or primarily responsible for establishing the

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<sup>10</sup> Indeed, on January 4, 2024, Jennifer Okes (via an email sent by Angela Maramba) provided to State Board members follow-up information from the December 13 meeting, including a spreadsheet that shows the number of homeschool enrichment students, the funding in 2022-2023 and 2021-2022 for homeschool enrichment programs, and the public schools providing such programs. This spreadsheet shows that there are thousands of students and tens of millions of dollars being spent on Colorado homeschool enrichment programs, and that the list of public school providers is extensive.



content of the required program of planned instruction and activities, selecting course curriculum, leading such instruction and activities, and/or directly evaluating student progress in the class. For example, even if there is a teacher of record communicating with the parent, it will still be parent-led or parent-directed if it meets the above definition.” Proposed Rule 1.14. This proposed rule, as written, does not provide sufficient guidance to “clearly and simply” state how homeschool parents can satisfy their obligation to remain “in charge and in control of” their child’s homeschool education but also have their child be funded when enrolled in a part-time enrichment program. *See* C.R.S. § 24-4-103(4)(b)(III) (a rule must be “clearly and simply stated so that its meaning will be understood by any party required to comply with the regulation”). This substantial lack of clarity makes this proposed rule subject to legal challenge. *Id.*

#### **b. Supplemental Online Programs**

Supplemental online programs are governed by three different Colorado statutes: (1) the Online Education Act, (2) the Supplemental Online Education Grant Program, and (3) the Empowering Digital Learning for All Act.

The Online Education Act defines a “supplemental program” as “a program that offers one or more online courses to students to augment an educational program provided by a school district, charter school, or board of cooperative services.” C.R.S. § 22-30.7-102(16). It also stipulates that an “‘online program’ does not include a supplemental program.” *Id.* -102(9). As mentioned above, an “online program” is “a full-time education program ... that delivers a sequential program of synchronous or asynchronous instruction, directed by a teacher, primarily through online digital learning strategies that provide students choice over time, place, and path, and teacher-guided modality, of learning.” *Id.* -102(2). Thus, online programs and online schools (including multi-district online schools) are limited by statute to full-time students only. *Id.* -

102(6), (9) & (9.5). Notwithstanding these definitions, the Online Act explicitly permits online schools and programs to offer supplemental online courses. *Id.* -105(1)(c). Thus, both brick-and-mortar and online schools can offer supplemental online programs.

The next two statutes were enacted by the General Assembly to encourage the growth and expansion of supplemental online programs. The first is the Supplemental Online Education Grant Program, codified at C.R.S. § 22-2-130. In this statute, the General Assembly found that “[o]nline education courses that are supplemental to the education program provided by a school district, charter school, or BOCES are a valuable resource for schools because they allow [public schools] to provide a much richer, more varied curriculum of courses for students at all levels of achievement.” C.R.S. § 22-2-130(1)(a). Further, it found that it is “in the best interests of the state to help small or rural school districts, charter schools, BOCES, and facility schools provide supplemental online education courses to their students by allowing these [public schools] to apply for grants to help them overcome their financial and technical barriers.” *Id.* -130(1)(c). Accordingly, the statute creates a program by which state funds are used to increase the ability of public schools to provide supplemental online programs. *Id.* -130(3).

The second statute is the Empowering Digital Learning for All Act, codified at C.R.S. § 22-5-119. Here, the General Assembly found that the “rapidly evolving use of technology and the internet” will change the “delivery of public education services” in a “massive” and “far-reaching” manner that exceeds “the currently available constructs of online learning and blended learning.” C.R.S. § 22-5-119(2)(a)(I)(A) & (B). Further, it found that “[t]he public education system must take advantage of this opportunity to significantly improve statewide educational equity by delivering educational services through the digital learning environment.” *Id.* -119(2)(a)(I)(C). Therefore, the General Assembly found that it is “in the best interests of the

state to increase its investment in the expansion of affordable, high-quality supplemental online education courses ... for [public schools] especially those that lack the capacity to develop their own supplemental online education course offerings, by subsidizing the provision of supplemental online education courses ... to implement supplemental online and blended learning statewide.” *Id.* -119(2)(a)(II). As a result, this statute creates a statewide program to achieve a number of goals, including: “[e]xpanding the availability of supplemental online education courses...” and “[i]ncreasing significantly the number of students who enroll in high-quality, effective, and affordable supplemental online education courses.” *Id.* -119(4)(b)(I) & (II). In addition, it entitles “[e]ach high school student in Colorado [to] take at least one supplemental online course per year.” *Id.* -119(8). It also “prioritize[s] entering into partnerships with local public education agencies for delivery of supplemental online learning recovery courses for students enrolled in kindergarten through twelfth grade.” *Id.* -119(11)(a).

In addition to seeking to expand supplemental online courses throughout Colorado, these two statutes also share two other characteristics. First, they both define “supplemental online education course” in the same way, namely, as a course (i) taught by a licensed teacher, (ii) delivered via the internet, and (iii) offered by a public school or a private provider to augment the education program provided by the school. C.R.S. § 22-2-130(2)(f), § 22-5-119(3)(j). Second, they both contemplate that private providers might contract with schools to offer supplemental online programs. C.R.S. § 22-2-130(2)(e), § 22-5-119(3)(g). This is consistent with the school contracting statute, C.R.S. § 22-32-122(1).

The proposed school finance rules conflict with these online statutes in three ways. *First*, as mentioned, proposed rules 2.05(a)(1) and 2.05(a)(2) distinguish between students in grades K-5 – who may receive only direct, i.e., synchronous, instruction – and those in grades 6-12 – who

may receive direct or alternative, i.e., synchronous or asynchronous, instruction. However, neither the Online Education Act, the Supplemental Online Education Grant Program, nor the Empowering Digital Learning for All Act makes such a distinction. *See* C.R.S. § 22-30.7-102(9), (9.5), (16); § 22-5-130(2)(f); § 22-5-119(3)(j), (5)(b), (11)(a). *Second*, the proposed rules require that “[p]upils exclusively enrolled in online classes, but [who] are not enrolled in an online school, must be enrolled in an online program.” Proposed Rule 5.08. However, online programs are full-time. C.R.S. § 22-30.7-102(9). Thus, this effectively mandates that part-time enrichment programs – to be funded – must have an in-person component. Said differently, part-time students cannot take only supplemental online courses. This runs contrary to all three statutes because each of them does not contemplate such a restriction and, moreover, the latter two seek affirmative expansion of supplemental online programs. In addition, given the parent demand for, and dramatic growth of, online learning proposed rule 5.08 will effectively require that current homeschool enrichment programs be converted into online programs, mostly likely, multi-district online schools (MDOLs). The APA’s cost-benefit analysis is needed to determine the economic costs and adverse effects of such a large-scale conversion on the Colorado public education system. *See* C.R.S. § 24-4-103(2.5)(a)(III) & (IV).

*Third*, the proposed rules also prescribe, “Any specialized programming paid for with public funds and made available to part-time pupils shall also be available for participation by any other public school pupil within the same district.” Proposed Rule 2.05(a)(3)(V). This all-or-nothing mandate finds no support in the three statutes, and it violates districts’ constitutional right to local control, i.e., to guide and manage their own educational programs. *Colo. State Bd.*

*of Educ.*, ¶ 49; *Booth*, 984 P.2d at 648, 649.<sup>11</sup> School districts and charter schools – especially large ones – must have the flexibility to determine which “specialized programming” will be offered to which students, whether full-time or part-time. Such decisions are affected by a host of local factors, such as staffing availability, student interest, employee training, budget constraints, and leadership capability. To my knowledge, the record before the State Board does not demonstrate the need for this one-size-fits-all mandate. Thus, it is void under C.R.S. § 24-4-103(4)(b)(I).

### **C. Conclusion Regarding APA Analysis**

In sum, the proposed rules violate numerous provisions of the APA. Should the State Board adopt them as written, they will be vulnerable to challenge in a civil action under the APA. They need to be substantially reworked.

### **D. Additional Concerns from Documents Produced in Response to a CORA Request**

As you know, many people across the State have been carefully reviewing the proposed changes to the school finance rules. I have been provided access to CDE documents produced in response to a recent a CORA request. I have attached as **Exhibit 1** to this letter a handful of these documents. They show four extremely disturbing items.

First, CDE audit staff find the current rules confusing and unclear. *See Exhibit 1* at pages 1-2, 4, 7, 11-12, 14. These CORA documents show that since at least January 25, 2023, CDE audit staff repeatedly have asked for clarification on a host of issues related to whether students

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<sup>11</sup> CDE’s Student October Count Audit Resource Guide imposes similar restrictions on supplemental online courses. For instance, since June 14, 2021, CDE has limited the number of supplemental online courses that may be funded, how they appear in a student’s schedule, and the amount of synchronous instruction that a student must receive. These restrictions are void under the APA for the same reasons described in this paragraph. *See* C.R.S. § 24-4-103(4)(b)(IV) & (8)(a).

will be funded or not. More often than not, their questions went unanswered. *Id.*

Second, once CDE staff decided that the school finance rules needed to be updated, they did not ground the proposed changes in controlling law. In other words, there is no evidence that the CDE employees who appear to have taken the lead in formulating the proposed rules recognized the primacy of constitutional and statutory provisions, e.g., the APA, article IX, section 15 (“local control” by school districts), and the Online Education Act. For example, these CORA records shed light on the troubling new requirement under the proposed rules that students in grades K-5 may receive direct (i.e., synchronous) instruction only. Proposed Rules 1.08 & 2.05(a)(2). These CORA records show that CDE staff apparently concluded unilaterally that “course designs in K-5 are not necessarily well-suited to assign equivalency as one might assign in secondary grades.” *See Exhibit 1* at page 66. But such an important policy decision cannot be made by CDE staff, especially when it conflicts with current statutes.

Third, and worse, CDE staff admit that the proposed rules are *less clear* and *more confusing* than the current ones. For example, one staff member wrote that the draft of the proposed rules being circulated on June 15, 2023, was “a boondoggle ... because the details of what is being proposed are obfuscated under language that even we in the School Auditing Office have difficulty following...” *See Exhibit 1* at page 14. As a result, he believed that “a disservice is being done to the State Board and stakeholders around the state, who are being asked to comment on/implement policy language [i.e., the proposed rules] that they almost certainly do not fully understand (since even we really don’t and our office works in this area full-time).” *Id.* The APA requires that rules be “clearly and simply stated so that its meaning will be understood by any party required to comply with the regulation,” C.R.S. § 24-4-103(4)(b)(III), but CDE staff admit the proposed rules were intentionally written as a

“boondoggle” to “obfuscate” their intended meaning. Having now read these shocking CORA records, I understand why the proposed rules violate the APA in so many ways.

Fourth, and most troubling, CDE staff openly admit that they have targeted my client, My Tech High, for adverse treatment. For instance, on June 15, Adam Van Alstyne states that CDE staff made a conscious decision to “disallow MyTechHigh” and now they were working to “craft[] language” to achieve that illicit goal. *See Exhibit 1* at page 14. This is manifestly illegal. CDE staff cannot, behind the scenes, decide to “craft” new rules in such a way that will single out for disqualification one vendor. Rather, CDE staff need to act in good faith to draft proposed amendments that evenhandedly advance the good of students, families, and public schools within the current constitutional and statutory framework. Since that clearly has not been done, these proposed rules need to be scrapped and a new process begun with different people in charge.

The records I provide in **Exhibit 1** are a small sampling of the total. Your team, the State Board, and the Commissioner need to intervene now to correct this litany of problems.

Sincerely,

*s/Eric V. Hall*  
Eric V. Hall

cc: Matt Bowman, Founder and Chief Operating Officer for My Tech High  
Joseph Peters, Senior Assistant Attorney General, K-12 Education Unit

**From:** [shellpagone@aol.com](mailto:shellpagone@aol.com)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Urgent Opposition to Proposed Rule Change 1CCR 901-93  
**Date:** Tuesday, January 23, 2024 1:45:37 PM

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Dear Members of the Colorado State Board of Education,

I am writing to express my deep concern regarding the proposed rule change, 1CCR 901-93, currently under consideration by the Colorado State Board of Education.

The potential impact of this rule change on My Tech High and approximately 16,000 homeschoolers across the state is alarming. My Tech High has played a vital role in providing a tailored and innovative educational experience for my children. The proposed rule change, by restricting access to funding for programs that allow parents to choose curriculum for their children, undermines the very essence of homeschooling – the ability for parents to actively participate in shaping their child's educational journey.

Homeschooling, with its emphasis on parent-led learning, has proven to be a valuable educational approach for many families. Delegitimizing this option through policy not only impacts those directly involved but also sets a concerning precedent that undermines the autonomy of parents in educational decision-making.

It is with this urgency that I implore the Colorado State Board of Education to reconsider the potential consequences of 1CCR 901-93.

I understand the importance of creating policies that benefit all stakeholders, and I appreciate the difficult decisions you face. However, I kindly urge you to carefully consider the unique needs and perspectives of homeschooling families in Colorado.

I hope that, as dedicated advocates for education, you will make decisions that uphold the values of choice, diversity, and parental involvement in our children's learning journeys.

Thank you for your time and consideration.



**From:** [Diana Jakubiak](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Urgent: Opposition to Proposed Rule Change 1CCR 901-93  
**Date:** Tuesday, January 23, 2024 6:28:08 PM

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Dear Members of the Colorado State Board of Education,

Thank you for taking the time to read my concerns regarding the proposed rule change, 1CCR 901-93, currently under consideration by the Colorado State Board of Education. The proposed rule change undermines the very essence of school choice and homeschooling. Homeschooling, with its emphasis on parent-led learning, has proven to be a valuable educational approach for many families. Delegitimizing this option through policy not only impacts those directly involved but also sets a concerning precedent that undermines the very nature of the Colorado School Choice law, C.R.S 22-36-101.

I am a parent, and taxpayer, who has exercised the right of school choice for my children with one currently homeschooled and the other in a publicly funded charter high school. I use My Tech High to fund our enrichment efforts and feel grateful to have access to this resource. We live in a location with a small rural elementary school that does not offer enrichment opportunities. With My Tech High we can access synchronous classes, clubs, field trips, teams, and other educational programs. There are also many teacher resources available to us that otherwise wouldn't be available to homeschool families. Therefore, My Tech high plays a vital role in providing innovative and personalized educational experiences for my homeschool child.

One of the most important enrichment opportunities My Tech High has enabled me to do, is to create and coach a First Lego League Challenge team two years in a row. I used MTH funding to purchase a Spike Prime Robot, additional kit, and the yearly First Lego League Challenge playing field and program fees. These two teams were comprised of homeschool students. They have learned team work, innovation, robotics, coding, presentation skills, and perseverance. The majority of the kids on the team have some mental challenges (anxiety, dyslexia, ADHD, etc). BOTH teams made it to COLORADO FIRST LEGO LEAGUE STATE CHAMPIONSHIPS. Without My Tech High funding, I would not have been able to give this experience to almost a dozen homeschooled students (in and not in the MTH program).

The My Tech High program has very strict policies for curriculum reimbursement and for staying in the program. We are required to follow a strict reimbursement policy and submit the reimbursement requests through a review process before it is fulfilled. We also must check in with a certified teacher once a week. If you miss a certain number of check-ins, you are removed from the program and all reimbursements must be returned to My Tech High. This program takes work on the part of the homeschool parent and is a wonderful way to ensure our children receive a tailored and innovative education where it might not otherwise be possible. My taxpayer dollars are hard at work in this program.

It is with urgency that I implore the Colorado State Board of Education to seriously consider the potential consequences of 1CCR 901-93 to all stakeholders. I kindly urge you to carefully consider the unique and diverse needs and perspectives of homeschool families across Colorado that have exercised their right to school choice. I hope that, as dedicated advocates for education, you will make decisions that uphold the values of choice, quality education for all students, and parental involvement in our children's education.

Thank you for your time and consideration.

Diana Jakubiak

**From:** [mewadley](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** 1CCR 901-93  
**Date:** Tuesday, January 23, 2024 4:02:01 PM

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Subject: Urgent Opposition to Proposed Rule Change 1CCR 901-93

Dear Members of the Colorado State Board of Education,

I am writing to express my deep concern regarding the proposed rule change, 1CCR 901-93, currently under consideration by the Colorado State Board of Education.

The potential impact of this rule change on My Tech High, other publicly funded homeschool programs, and approximately 16,000 homeschoolers across the state is alarming. My Tech High has played a vital role in providing a tailored and innovative educational experience for my children. The proposed rule change, by restricting access to funding for programs that allow parents to choose curriculum for their children, undermines the very essence of homeschooling – the ability for parents to actively participate in shaping their child's educational journey. Homeschooling, with its emphasis on parent-led learning, has proven to be a valuable educational approach for many families. Delegitimizing this option through policy not only impacts those directly involved but also sets a concerning precedent that undermines the autonomy of parents in educational decision-making.

It is with this urgency that I implore the Colorado State Board of Education to reconsider the potential consequences of 1CCR 901-93.

I understand the importance of creating policies that benefit all stakeholders, and I appreciate the difficult decisions you face. However, I kindly urge you to carefully consider the unique needs and perspectives of homeschooling families in Colorado.

I hope that, as dedicated advocates for education, you will make decisions that uphold the values of choice, diversity, and parental involvement in our children's learning journeys.

Thank you for your time and consideration.

Sincerely,

Mary Wadley

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Lewis, Terry Croy](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Cc:** [Dan Schaller \(dschaller@coloradoleague.org\)](#); [Córdova, Susana](#)  
**Subject:** comments re proposed changes to School Finance Rules  
**Date:** Tuesday, January 23, 2024 7:15:04 PM  
**Attachments:** [SchoolFinanceRules\\_CSICLCS\\_January2024.pdf](#)

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Dear Members of the State Board of Education,

The Colorado Charter School Institute (CSI) and the Colorado League of Charter Schools would like to submit the attached letter to the State Board of Education. This joint letter provides comments on the proposed changes to the Rules of the Public School Finance Act of 1994, 1 CCR 301-39.

Please let us know if you have any questions.

Respectfully,

Terry Croy Lewis and Dan Schaller

**Terry Croy Lewis, Ph.D. | Executive Director**

Colorado Charter School Institute  
Mobile: (720) 626-2647  
1525 Sherman St, B76, Denver, CO 80203  
[Website](#) | [Facebook](#) | [Twitter](#)



January 24, 2023

Dear Members of the Colorado State Board of Education,

We are writing on behalf of the Colorado Charter School Institute (CSI) and the Colorado League of Charter Schools to provide comments on the proposed changes to the Rules for the Administration of the Public School Finance Act of 1994, 1 CCR 301-39. While we appreciate the department's stated intent in revising the rules to "provide greater flexibility" in funding out of recognition of "the evolution of instructional models" that has taken place in recent years, there are certain places where, at least as drafted, we don't feel the revisions fully reflect this goal. Specifically, we have concerns related to 1.11, 5.07, 5.09(b), 5.11 (e), and 8.02; the below comments reflect suggestions and recommendations for these sections.

**1.11 – Definition of Licensed Educator:**

We request clarification of the language in section 1.11. As currently written, "a licensed teacher may also include any teacher of record when the district has a waiver from Section 22-63-201, C.R.S.." This redline change was made without any annotation from staff, and was changed without explanation. Changing "may" to "shall" would reduce ambiguity in interpretation and provide greater clarity and assurance for school communities across the state.

**5.09(b) – Impact on Early College Schools:**

We express concern regarding the proposed change in section 5.09(b), which would disqualify Early College students taking 7-11 semester credit hours from being eligible for full-time funding. There are multiple Early College charter schools that would be impacted by this proposed change. Of these schools, it is estimated that approximately 10% of their student populations take 7-11 credit hours at some point in their education, including students who rely on this structure to support their continued success. Approving this change will create barriers for many students who benefit from this option, including students with special plans and those developing their postsecondary readiness. The rationale for including this change in rulemaking now remains unclear, particularly when the Secondary, Postsecondary and Work-Based Learning Task Force, which staff referenced throughout their presentation, has established recommendations, and those have yet to be considered as part of the legislative process.

**5.11 (e) – Determining District of Primary Residence:**

We request a reconsideration of the language in section 5.11 (e). As currently written, CSI schools cannot receive funding for a student also claimed by another district since CSI could never be the 'district of primary residence.' We propose exploring alternative criteria such as scheduled hours, date of enrollment, or other relevant factors to determine which district (or CSI) should receive funding. This adjustment would help ensure equitable distribution of funds for students in such cases.

**8.02 – Audit Turnaround Time:**

We emphasize the importance of reducing the turnaround time for audits to provide districts/CSI with sufficient time to address any issues or feedback before the October Count of the coming year. The current practice leaves room for potential discrepancies in the interpretation of the Audit Guide language, impacting up to five years of funding for a district/CSI. A more expedited audit process would contribute to a more transparent and efficient financial system.

**5.07 – Residency Documentation Timeline:**

In reference to section 5.07, we find the proposed shortened timeline for residency documentation of students enrolled in online schools unclear and potentially burdensome. Aligning the timeline with the established

requirement for students in traditional schools would promote consistency. Additionally, clarification on whether the "current school year" begins on July 1 or the start date of the school calendar would greatly assist schools in operationalizing this requirement.

**Process:**

While recognizing the challenges inherent in crafting policies that cater to the diverse needs of our state's broad educational landscape, we believe that the perspectives of key stakeholders, including those communities who could be impacted most by any proposed changes to the rules governing the School Finance Act, have not been adequately solicited or considered during the rulemaking process.

As stated in comment submitted by Attorney Eric Hall on January 19th, there are a number of process concerns that impact many students, families, and educators across the state. We second the comment's sentiments concerning the need for clarity in rulemaking. The proposed rules are not all clearly and simply stated so that their meanings will be understood by any school, district, or individual required to comply with the regulations.

In order to ensure a fair and representative process, we urge staff to maintain open lines of communication with representatives from the field and to seek resolutions to their questions and concerns. We believe that doing so will contribute to the development of rules that truly serve the best interests of all students and schools within our state.

**Conclusion**

We appreciate the efforts to revise and improve the school finance rules, and we hope that our feedback provides insights into areas that require reconsideration or clarification for the benefit of all stakeholders involved.

Thank you for your attention to these important matters. We look forward to continued collaboration in ensuring the success and fair treatment of all schools and students in the state.

Sincerely,



Terry Croy Lewis, PhD  
Colorado Charter School Institute



Dan Schaller  
Colorado League of Charter Schools

## **12/13/2023 State Board - spoken public comment**

Matt Bowman

- 5<sup>th</sup> year of MTH in Colorado, part-time homeschool enrichment program, BLI strived to implement feedback on flexibility
- Specifically asking for K-5 programming through local control, no research to justify excluding K-5 from alternative model
- Shared parent letters to the Board and CDE

Leanne Smith

- MTH elementary teacher, homeschooled as a child, diverse needs for MTH K-5 students
- Publicly funded enrichment program for elementary child, continue allowing K-5 students at MTH

Andy Franco

- ER BOCES, implements and monitors homeschool enrichment programs in portfolio as an LEA
- Eliminate creative opportunities for K-5 students, infringement on parent rights, shifts in licensure requirements
- Asks State Board to direct the Department to continue under current Rules rather than a process of rulemaking
- Students in attendance who would be most impacted by rule changes

Ella Hurley

- Falcon Aero Labs alum, drove 2.5 hours to access STEM program, now available local, only accessed through public funds
- Siblings and students deserving of opportunities, programs should be expanded and not limited

Andrew Stevenson

- Falcon Aero Labs student, 6 years in program to learn skills could not find anywhere else
- True benefit is character growth of quality and well-educated students from their instructors
- Removing opportunities, continue to allow to accessibility will sustain what has been built

Gria Tochi

- Falcon Aero Labs part-time high school student, always has been homeschooled
- Vision to what to achieve after graduation through post-secondary in preparation for flight career
- Defunding will never give kids of the future the chance to find passion

#### Kayden Glindine

- Found a program, Falcon Aero Labs to triplet amount of black pilot students, homeschooled since 1<sup>st</sup> grade
- Exposure is best form of education, when exposure is limited education is limited
- Need to be part of change for them and generations to come

#### Matthew Stevenson

- Falcon Aero Labs part-time high school student, growing shortage in aerospace industry
- Can only learn outside of the classroom, authentic hands-on experiences, real-world applicability
- Entire program taught to lead, productive members of Colorado's workforce
- Would not have been possible without state funding of the program, funding made it possible and worthwhile
- Encourages continued support of opportunities, impacts, and experiences from Falcon Aero Labs

#### Deedee Vasino

- Head of School at CEC in Ft Collins, personal issue grateful for online for daughter
- Will eliminate alternative-pupil instruction for K-5, should not rob them of the opportunity to access program
- Rigorous curriculum, ability to serve the most vulnerable student, earn a degree or certification for free
- Wants to see the data of no academic merit for alternative-pupil instruction, thousands of Colorado students
- Encourage to adequately engage with the people and understand the impact devastating to families

#### Dustin Sparks

- CEC's attorney since they had just one campus, was a homeschool student
- Speaking as a parent homeschooling children through CEC
- CEC stands against rule changes and asks not to move forward with them at this point
- Full-time enrollment as early as middle school to access college credit hours
- Requirement to move from 7 credit hours to 12 puts additional burden on students

- Alternative to be part-time students creates issues with truancy and delaying graduation time
- CEC program design to graduate in 4 years, change will make it take longer to finish
- Do not know motivation, if evidence or actual concern documented
- Ask to pause on this, don't even start this process, no reasoning
- CEC opposes elimination of grades K-5 as well

Stephanie Scrado

- Principal at Summit Academy K-12 homeschool program with charter classes and concurrent enrollment
- Recommendation for postsecondary early college hours of credit increased from 7 to 12 for full time funding
- Last month State Board agreed with program's success and benefits, urge the Board to vote against
- 12 hour requirement creates obstacles for students and those with special needs
- Would like to see more discussion about the 12 hour requirement in concurrent enrollment programs as well



## Kottenstette, Bill

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**From:** Colorado State Board of Education Relations  
**Sent:** Friday, December 15, 2023 7:15 AM  
**To:** Kottenstette, Bill; Okes, Jennifer  
**Cc:** Maramba, Angela  
**Subject:** FW: Support homeschool enrichment programs

Good morning,

We received the below response in the board inbox.

Thanks!  
Michelle

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**From:** Brittani Chilson <[brittani.chilson@gmail.com](mailto:brittani.chilson@gmail.com)>  
**Sent:** Thursday, December 14, 2023 11:41 PM  
**To:** Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)>  
**Subject:** Re: Support homeschool enrichment programs

Thank you for your response. I'm not quite sure how those proposed rule changes affect our CHE location in New Castle, Colorado. Are these proposed changes going to require that every teacher is a licensed teacher? There are so many adults who offer valuable real-life experience who are more than qualified to teach these \*enrichment\* classes who are not licensed teachers. I would love it if you could clarify this for me. Thank you.

Sent from my iPhone

On Dec 14, 2023, at 10:39 AM, Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)> wrote:

The Colorado Department of Education is aware of various ways in which homeschool programs provide learning opportunities and experiences to students in grades K-12. Many of these are anchored in live instruction under the supervision of a licensed teacher and therefore are likely not impacted by the proposed rules.

Given the varied models currently operating however, we recognize the complexity in predicting how the proposed rules might influence any specific program. In an effort to provide clarity, we have chosen to highlight a couple of proposed rules that warrant close attention, allowing families and stakeholders to discern how these may align with the diverse experiences they are engaged in:

1. 1.02 Direct Teacher-pupil instruction - This type of instruction means the organized instruction of educational content for pupils enrolled in public schools under the supervision of a licensed educator that takes place synchronously, when the licensed educator and the pupil are in the same physical location, such as a school building, **or when the licensed educator and the pupil are in the same virtual classroom (emphasis added).**
2. 1.01 “Alternative teacher-pupil instruction” means the organized instruction of educational content for pupils enrolled in a brick-and-mortar public school under the supervision of a licensed educator that may take place asynchronously. The term includes any instruction not meeting the definition of direct teacher-pupil instruction, including but not limited to independent study, work study, internships, apprenticeships, blended learning, and supplemental online learning.

From these definitions, the rules further elaborate when these two types of instruction would count as instructional time. Specifically to this, it outlines:

1. 2.05(a)(1) For grades six through twelve, Instructional Time for funding each pupil may include direct teacher-pupil instruction and alternative teacher-pupil instruction for that pupil.
2. 2.05(a)(2) For grades kindergarten through five, Instructional Time for funding each pupil may include direct teacher-pupil instruction.

Under the proposed rules, the Department’s focus has been to bring greater clarity to what activities qualify as funding-eligible instructional time offered by a public school. For example:

1. Alternative teacher-pupil instruction for students in grades 6-12 can count toward instructional time, in accordance with equivalency calculations outlined in 1.04(a) of the rule.
2. Asynchronous virtual instruction can also be counted for students in grades K-5 if the school operates as an online school.
3. Synchronous (live) virtual instruction likely meets the definition in 1.02 and can count as funded instructional time for all students in grades K-12.
4. In-person instruction is eligible for counting instructional time for grades K-12 - even when the instructional time does not occur inside a physical building (for example, field-based learning).

We hope this is helpful clarification. We appreciate your feedback and engagement in this process.

-----Original Message-----

From: Brittani Chilson <[user@votervoice.net](mailto:user@votervoice.net)>

Sent: Wednesday, December 13, 2023 9:25 AM

To: Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)>

Subject: Support homeschool enrichment programs

Dear Colorado of Education,

My family greatly benefits from Colorado Homeschool Enrichment. As a family of 7, we have chosen to school at home, but our community has so many valuable things to offer each other. My kids love interacting with their friends each week, and they have learned amazing skills from baking and learning an instrument to learning Spanish and computer coding. These skills benefit my kids currently, and they also give them a wonderful foundation for their future lives! If we didn't have CHE, my kids wouldn't be able to take any of these classes or lessons while still homeschooling. Our family values our time at home while being able to take classes through CHE. Additionally, putting restrictions on parent involvement seems a completely asinine idea. Honestly, think about the things you learned from your mom or dad or your friends' parents as you were growing up. Our parents are business-owners, professionals, and homesteaders who understand the intrinsic value of passing down skills from one generation to the next. I don't care if they have a teaching degree! It's homeschool \*enrichment\*, and what a better way to enrich our lives than allowing the people who know the skills well to teach them to their kids, their friends' kids, and their kids' friends?! Please do not eliminate the funding, and please do not put restrictions on the parental involvement. Please trust that the administrators and board know our community better than the state board does--you have to understand and respect that; it's just common sense. We respect your communities in the same way! Thank you for your consideration.

Sincerely,

Brittani Chilson  
5033 County Road 335 Trlr 285  
New Castle, CO 81647  
brittani.chilson@gmail.com

**From:** [Sarah Mansfield](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** 1 CCR 301-39 Video  
**Date:** Thursday, January 18, 2024 6:14:50 PM

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I've created a video addressing the use of My Tech High in context of proposed rule change 1 CCR 301-39. It is only 7 minutes and shows the accountability required by My Tech High to qualify for funding, and explains how existing statutes would encourage the continuation of My Tech High and similar programs. I hope that members of the board will watch and consider the points made as they decide how to move forward.

The link follows, and I hope you will consider viewing it.

<https://vimeo.com/904291145/b08823b260?share=copy>

Thank you,

Sarah Mansfield

**To the Colorado State Board of Education**

**RE: Rules for the Administration of the Public School Finance Act of 1994, 1 CCR 301-39**

## Benefits of Homeschool Enrichment Programs

The reasons for homeschooling are as varied as the families who follow this path in education, as are the challenges these families face.

While I greatly enjoy teaching my two boys (4 and 9 years old) at home, I am aware of the necessity for them to connect with people in the community. Homeschool Enrichment Programs allow us to do just that: connect with people in our community, form relationships, and find our roles in a broader social setting than the family. Not only have we formed invaluable friendships with other homeschooling families, we also had the great fortune of meeting wonderful dedicated educators who work hard to provide hands-on learning opportunities for the children they are entrusted with every week. In our particular situation, that included the opportunity for my son to learn about our local flora and fauna, the delicate ecosystems that surround us, and a responsible approach to exploring nature with curiosity and appreciation through the Outdoor Exploration Program at Pueblo Nature and Wildlife Discovery Center.

This program not only allows my son to find answers to questions he comes up with when faced with the beautiful diversity that shapes our Southern Colorado landscape, it also lays the groundwork for a hopefully life-long habit of spending a lot of time outdoors. With our increasing problems of childhood obesity and more and more sedentary life-style in front of screens, any program that encourages children to develop their motor skills and physical mobility outdoors should be supported by our educational institutions.

By the same token, homeschool enrichment programs allow homeschooled children to explore skills and subject areas their parents or caregivers cannot necessarily provide (and often, neither can public schools). Whether those programs center around the Fine Arts, Construction and Engineering, Agricultural Science, or Zoology, most children will not have the opportunity to pursue these fields as in depth during their education than those who have the chance to participate in a particular homeschool enrichment program. Tomorrow's problem-solvers of our communities need to address a large variety of problems: Homeschool Enrichment Programs can help prepare our kids for the task. Again, I'd like to point out the example of the Outdoor Enrichment Program in Pueblo: Considering the role of tourism for our state economy, awakening our kids' curiosity about our state's natural beauty and perhaps laying the groundwork for them to become rangers and caretakers of our popular State Parks seems like a worthwhile investment.

In summary, Homeschool Enrichment Programs promote the socio-emotional development of children, foster academic curiosity and pursuit, and fill in educational gaps that parents and the public school system cannot bridge.

In my estimation these benefits warrant the financial investment in homeschool enrichment programs, for the sake of our families, communities, and our state.

Yael Katz

Pueblo, 01/20/2024

**From:** [Noel M](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Opposition to proposed finance rule 1 CCR 301-39  
**Date:** Thursday, January 18, 2024 9:59:15 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact many families in Colorado who chose to homeschool.

While these families have all sought educational options outside of a traditional public school, they all pay taxes to fund enrichment programs which provide families with resources they otherwise wouldn't have access to. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is dogmatic and unsound. Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines.

To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs, for today, and for the future of the state of Colorado.

Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,

Noel Metcalf  
(818) 434-5958

**From:** [Adrienne Miller](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Opposition to proposed finance rule 1 CCR 301-39  
**Date:** Saturday, January 20, 2024 6:01:03 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is dogmatic and unsound.

Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines.

To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs, for today, and for the future of the state of Colorado.

Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,

Adrienne Miller

**From:** [Danielle Dougherty](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** opposition to the proposed finance rule change to 1 CCR 301-39  
**Date:** Saturday, January 20, 2024 7:41:53 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule change to 1 CCR 301-39. Please support homeschoolers by continuing to support us with options programs instead of defunding programs across the state.

Not all students thrive in a public school, and our state's homeschool students have found success through enrichment by participating in more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

Thank you for your time and consideration,



**From:** [Susan Troy](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Proposed finance rule 1 CCR 301-39  
**Date:** Thursday, January 18, 2024 9:57:29 AM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would negatively impact my family and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment to nature programs, and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now and the state of Colorado in the future.

Thank you for your time,

Susan Troy

**From:** [LaShanna Cox](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Proposed rule change CCR 301-39  
**Date:** Thursday, January 18, 2024 12:01:28 AM

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Members of the Colorado State Board of Education:

I am writing to show my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many homeschooling families personally know in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all. In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Especially considering the shortage of licensed teachers in Colorado

Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is unfathomable. Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines. To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs, for today, and for the future of the state of Colorado. Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,  
LaShanna Cox

**From:** [Yael Katz](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Friday, January 19, 2024 1:50:08 PM

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Dear Colorado of Education,

We have been enthusiastic and grateful supporters of and participants in homeschool enrichment programs for three years now. The programs have opened up not only content we cannot teach at home (about Zoology with hands-on experience at the Pueblo Zoo as well as local flora and fauna through the Outdoor Exploration Program in Pueblo), but also connections to other homeschooling families as well as to dedicated educators and members of the community. Teaching kids in the above mentioned settings allows them to develop of sense of responsibility for their community as well as nature, and the curiosity about subject matters they otherwise only experience indirectly in a classroom, if at all. The physical, socio-emotional, and intellectual development that these programs promote in so many children cannot be overstated! Our 9-year old son is now participating for the third year in a row, and our 4 year-old cannot wait to join and explore after his 5th birthday in July. Whether they are learning how to safely build a campfire or treat an injury outdoors, or about what is involved with the proper care of different species at the local zoo, our children are smarter, more responsible, and more enthusiastic about learning because of homeschool enrichment programs. We truly believe that these programs help instill a sense of community as well as responsibility for the many points of interest our state has to offer.

Sincerely,  
Yael Katz  
Pueblo West

Sincerely,

Yael Katz  
1528 W Carrizo Springs Ave  
Pueblo, CO 81007  
[yael79@gmail.com](mailto:yael79@gmail.com)

**From:** [Jake Bowser](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Homeschool  
**Date:** Tuesday, January 30, 2024 4:38:57 PM

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To the members of the Colorado State Board of Education,  
I am writing to express my opposition to the proposed finance rule change to 1 CCR 301-39. Please support homeschoolers by continuing to support us with options programs instead of defunding programs across the state.

Not all students thrive in a public school, and our state's homeschool students have found success through enrichment by participating in more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

Thank you for your time and consideration,

Jacob E Bowser.

**From:** [Leanne Cantalupo](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Letter of Opposition to 1 CCR 301-39  
**Date:** Wednesday, January 31, 2024 2:47:29 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with much appreciated resources. Though homeschool families have pursued educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and aligned with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

Restricting K-5 enrichment programs only to programs run by licensed teachers will greatly reduce educational opportunities. Currently, students learn from experts in their field in areas such as agriculture, aerospace, and engineering. Eliminating these opportunities because they aren't implemented by a licensed teacher would be a detriment to learning.

Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their individual students. Parents can only be reimbursed when their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures accurate reimbursement, that the resources are being allocated in a reasonable manner and that they align with state guidelines.

To deny homeschoolers access to these resources and opportunities is unsupportive to the success of all Colorado students. Parents make specific financial choices in order to homeschool. It can be expensive and the support received from enrichment programs like My Tech High enables us to best meet student needs, for today, and for the future of the state of Colorado.

Please carefully consider how the proposed finance rule would revoke choices of the homeschooling community in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program. This program has supported homeschool families with standards based curricula and classes. Thousands of others students are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education. Defunding these programs would negatively impact the homeschool community.

Thank you for your consideration,  
Leanne Cantalupo

**From:** [Kimberly Bradfield](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Opposed to the proposed finance rule 1 CCR 301-39  
**Date:** Monday, January 29, 2024 1:07:54 PM

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To the members of the Colorado State Board of Education,

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. This rule change would dramatically and negatively impact my family, and many other homeschooling families in Colorado.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In addition, restricting K-5 enrichment programs to those programs run by licensed teachers will greatly restrict educational opportunities. Currently, students learn from experts in their field in areas like agriculture, aerospace, and equine sciences - and to eliminate those opportunities because they aren't implemented by a licensed teacher is dogmatic and unsound.

Homeschool enrichment programs like My Tech High provide options for both classes with direct providers or reimbursement for approved learning resources, tutoring, lessons, classes, and educational supplies for self-selected classes. Parents carefully choose what classes, experiences, and materials best meet the needs of their students, and in order to be reimbursed, their purchases are audited to be sure they are secular and meet the requirements of the classes on their schedules. The auditing process ensures parents are reimbursed accurately, and that the resources are being allocated in a reasonable manner that aligns with state guidelines.

To deny homeschoolers access to these resources and opportunities is to deny the success of all of our students. Parents make great financial sacrifices in order to homeschool, and the support we receive from enrichment programs like My Tech High enables us to best meet our student needs, for today, and for the future of the state of Colorado.

Please carefully consider the impact the proposed finance rule would have on the homeschooling families in Colorado. In the fall of 2022, there were 8,674 homeschooled students in our state. Currently, My Tech High has about 3000 enrolled in their program, and thousands of others are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is short-sighted at best.

Thank you for your consideration,

Kimberly Waters

**From:** [Marcia Vigil](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Parent Letter- Vote NO on finance rule 1 CCR 301-39  
**Date:** Tuesday, January 30, 2024 4:18:29 PM

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Colorado State Board of Education  
201 E Colfax Avenue  
Denver, CO 80203

January 30, 2024

To the members of the Colorado State Board of Education,

My name is Marcia Eberhart and I am a parent of a 6 year old boy who attends (and absolutely thrives) from his Homeschool Enrichment Program, School at the RANCH in Colorado Springs, CO. School at the RANCH is one of the programs under Alpine International Prep Academy (AIPI). He is a very active and imaginative child with a hunger for hands on learning with a lot of physical movement, sunshine and fresh air which has made this program a great match for him (they hike 2-3 times throughout Garden of the Gods as they learn each day). Since starting this once a week program in Fall of 2023, his health, behavior, attention span, independence, personal responsibility, social-emotional skills and thirst for learning and knowledge have grown exponentially.

I am writing to express my opposition to the proposed finance rule 1 CCR 301-39. Please vote NO to the proposed finance rule 1 CCR 301-39. This rule change would negatively impact my child, family, and many other homeschooling families in Colorado. Should the proposed finance rule 1 CCR 301-39 pass, it would remove this program from my son and other children who learn like he does. Boys, especially young boys, thrive in programs like this that allow their bodies to move with multisensory exposure vs being in a building/ at a desk for prolonged periods of time. It would also remove other options to advance his learning and interests in other programs offered through current homeschool enrichment programs that are state funded when he is older. Eliminating such programs could hinder his future and career as so many of these enrichment programs help set their students up for exploring different careers and training as they get older.

Homeschool enrichment programs throughout the state provide families with resources they otherwise wouldn't have access to, and while these families have all sought educational options outside of a traditional public school, all pay taxes to fund those programs. Having options that benefit homeschoolers seems both logical and in line with the Every Student Succeeds Act. Not all students thrive in a public school environment, and helping every student in Colorado find success - whether that is in a public school or in a homeschool environment with enrichment - should be paramount for us all.

In the fall of 2022, there were 8,674 homeschooled students in our state. Currently thousands of children are served by more than 55 publicly-funded, tuition-free programs that provide everything from a single day of more traditional school-based enrichment, to nature programs and outdoor education, construction, agriculture, equine science, aerospace education, and more. Defunding these programs is to short-change our students now, and the state of Colorado in the future.

As I looked back at a journal from his first day at School at the RANCH. He came home so excited and was beaming with happiness and pride. He couldn't wait to share about his day. In the 15 minute ride home, he was bursting with joy. Here are some of his thoughts and feelings about School at the RANCH that first day:

<!--[if !supportLists]--> <!--[endif]-->“Mommy I had the best time of MY LIFE!”

<!--[if !supportLists]--> <!--[endif]-->“The cow’s name is Martha. And she’s pregnant, so she’s gonna have a baby calf. So I said, ‘Congratulations Martha!’ Cows have 7 stomachs and she has to eat lots and lots of grass to grow a calf in her belly.”

<!--[if !supportLists]--> <!--[endif]-->“Stash your trash!”

<!--[if !supportLists]--> <!--[endif]-->“First rule: think before you hike.”

<!--[if !supportLists]--> <!--[endif]-->“Mommy, I ate almost all of my snacks!”

<!--[if !supportLists]--> <!--[endif]-->“I know how to make mint tea now! There’s a way you can make tea out of mint. Let me tell you how to make it. All you have to do is pull some leaves of mint and then after that, you wash the mint off because you never know how much dirt is on the mint, and then you put it in some normal hot water then let it cool down then drink it! Then it’s called tea mint OR you can call it mint tea. Either one you can call it.”

<!--[if !supportLists]--> <!--[endif]-->“I got to see a raccoon on the roof. I learned something: raccoons are nocturnal. And nocturnal means they sleep during the day and they move around at nighttime.”

<!--[if !supportLists]--> <!--[endif]-->“Rule number 6: leave nature ALONE.”

<!--[if !supportLists]--> <!--[endif]-->“I loved everything today, Mommy. EVERYTHING!”

Every Monday, he is so excited that he “gets to go to RANCH school.” Every Monday afternoon when I pick him up, he has that same enthusiasm, joy and excitement to tell of all the things he did and learned about as he did that first day.

Please allow children like mine to continue to grow, learn and thrive in their homeschool enrichment programs as they can now. Please vote NO to the proposed finance rule 1 CCR 301-39.

Thank you for your time and consideration,

Marcia Eberhart  
2822 Country Club Cir  
Colorado Springs, CO 80909



**From:** [Holly Marcus](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Please vote no on CCR301-39  
**Date:** Monday, January 29, 2024 1:18:42 PM

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Dear Colorado School Board Members,

I am writing to share my family's success with the program My Tech High. With this program, we have been able to purchase, with reimbursement, a family membership to My Nature Lab, which is an education center in Louisville that offers unique educational lab experiences with reptiles. My son is learning so much in this setting about biology and science. I believe he has learned more here with access to live animals and experts in the field than what he would learn in a public school setting. Another opportunity funded through My Tech High is my son's guitar lessons. In these music lessons, he is able to learn new skills, compose music, learn about past and present musicians, and even practice math facts such as fractions when reading and analyzing written music. Next year, I plan to re-enroll my son in this program along with his younger twin brothers who will be in kindergarten.

The proposed changes would negatively affect our family. As tax payers, I hope my voice is heard and you consider my children and over 8000 other students who are homeschooled in this state.

Thank you for your time,  
Holly Marcus

**From:** [Kate Villarreal](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Public Comment Related to Homeschool Enrichment  
**Date:** Tuesday, January 30, 2024 2:50:07 PM

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Dear Colorado of Education,

Dear Colorado Education Board,

I am writing to share with you on record our family's life changing experience through the enrichment program provided by Colorado Early College at Everest Point Homeschool. With a neurodiverse 3rd grade boy who severely struggled being unfairly treated and bullied by teachers and children last year, we hesitated to even consider another traditional school environment for our son ever again. Our sons' disabilities became labeled as behaviors and resistance, instead of being nurtured and accommodated so he could learn in a positive environment gaining confidence and coping skills to manage his executive functioning. Many points we were given apologies at the district level, yet the school we left just couldn't get their "stuff" together to collaborate with my husband and I to cohesively provide a FAPE.

We elected for this school year to pull both of our boys from public school reeling and healing from the hurt and inability to understand why this was happening to us. The truth of the matter is that I have learned that I am not the only parent struggling in our district or even our state for that matter. This has unfortunately become an all-too-common occurrence in our society today in many public-school settings.

This brings me to the reason for my letter; we are so happy and thriving more than ever before with our decision to homeschool this academic year. Both of our boys are learning at an incredible rate and have had the time necessary to absorb all the information they are able. WE COULD NOT HAVE DONE THIS WITHOUT THE HELP OF EVEREST POINT!

From the beginning, since the first phone call I made to Everest Point Northglenn I was met with nothing less than grace and compassion for my worried mom heart. Abby Dean was so kind and patient and put me in touch with Ami Kovach Everest Point Northglenn's Principal, and in basic conversation I could feel her love for children and teaching and her ability to meet a child exactly where they are. Her staff is no different. Every time we walk in the door on Monday mornings we are greeted with a kindness and desire to serve I have never encountered in this school setting.

Both of our boys LOVE this program for two reasons, the first is the type of courses offered, this program offers an amazing and eclectic variety of courses that they are learning and engaging in. They have a few of their classes together (though they are in 3rd and 4th grade) which has never been an option for them before this year since kindergarten. Our youngest son REALLY enjoys his "bast off" class, with an excited and engaging teacher teaching them all about the earth and gems out to space and the solar system. He also really enjoys his faces of history class and has come home to share what he has learned about Rosa Parks, Jackie Robinson Milton Hershey and more. The teacher in this course has surprised me with what she has been teaching in a positive way and with the time she needs to give many of these faces a story. The Zoology class is though by far his favorite as an animal lover. Our older son has had the opportunity to thrive in music and musical theater as his passion for music exceeds everything he does.

The second reason our boys love their time at Everest point is the caring compassionate environment the teachers create for them. Through this school year the teachers have modeled their exceptional ability to manage and maintain a classroom in a fun and engaging way on so many occasions that we have not received any negative or punitive interactions EVER. The few times that a negative interaction needs to be addressed, it is done so with collaboration and care of both of our students. The accommodations needed by our children have been met at such a level that they are able to thrive and enjoy all of their time and each of their classes in this program.

It is without refrain that I express our gratitude and thankfulness as a family for this opportunity for our children this school year. Without the funding to provide this life altering opportunity, I am unsure where our family would be, except at home. Both of our children have gained so much guided knowledge and confidence in this program while maintaining socialization and peer relationships in a positive and inclusive environment. We, along with many other families, would be void without this opportunity and the possibility of any loss of any part of this program would be devastating to so many including our family. Please consider this plea to continue funding in all aspects with only the opportunity for growth and increased educational experiences like ours. From our family to yours.

Sincerely,

Kate Villarreal

Sincerely,

Kate Villarreal  
1067 Button Rock Dr  
Longmont, CO 80504  
katers735@aol.com

**From:** [Sara Huntsinger](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Monday, January 29, 2024 9:10:06 AM

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Dear Colorado of Education,

My name is Sara and I home school both my boys. Justin (9) and Max (7) both go to enrichment once a week at Summer Elementary. This program has been critical for our home school journey, they not only get to connect with other students like them, they also get to work with other adults who can help them see things in ways I can not. It would be devastating to both my children to lose such an amazing opportunity to grow in more ways than one. Losing the k12 program and the enrichment is going to impact thousands of children and their right to have a safe loving education environment. All children learn differently and should have the right to do so through our public education system. Parents should also have the option to be able to teach their children at home with some sort of support that everyone can afford and have access to. Thank you for letting me tell you about our journey, and considering all the little ones you will impact by taking any of these options away.

Sara Huntsinger

Sincerely,

Sara Huntsinger  
27572 State Highway 67  
Woodland Park, CO 80863  
whkttkn@gmail.com

**From:** [Brittany Link](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Monday, January 29, 2024 9:10:07 AM

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Dear Colorado of Education,

Hello Commissioner Córdova and Colorado State Board of Education,

We're a homeschool family with our six year old son currently enrolled with the Falcon Homeschool Enrichment Program. We have seen him grow tremendously this past year during his time in the program and his younger sister is already excited for joining the upcoming Fall semester. He's been able to connect and grow socially with peers that he's able to see on a consistent basis every week, which is one of the most difficult aspects to replicate in the home school. Programs like these are essential for the homeschool community and it has been rewarding to meet other families that are just like us.

These programs being state funded have also been what's made this possible for us. As a one income household, paying for a program such as the FHEP, would most definitely be out of the question. It would be taking away a big part of our schooling and life to not have these programs. The homeschool community needs these programs and they are essential to the learning, growth and future of these children. Keeping these programs is helping to make these smart children grow into wonderful adults and helping Colorado's future.

Thank you for your time,  
Brittany Link

Sincerely,

Brittany Link  
2620 Plymouth Dr  
Colorado Springs, CO 80916  
[brittanyhayden12@gmail.com](mailto:brittanyhayden12@gmail.com)

**From:** [Richelle McKim](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Monday, January 29, 2024 9:10:09 AM

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Dear Colorado of Education,

Dear Board, I am the parent of 3 children, 2 who have graduated from a public High School. My youngest is now a Sophomore. Throughout the years, we have experience much disappointment, as public school could not accommodate for high-quality learning - not with my gifted child, on-target child, or boy (couldn't sit still and was made to feel incompetent - absolutely destroying his self-worth). I tried improving the system. After 15 years of being a mother with children in public schools, with the last 7 years spent volunteering my time with advocacy for improved policies and promoting high-quality curricula, I gave up and homeschooled. It has only been through our homeschool program with BOCES, Summit Homeschool Academy, that he has thrived intellectually and emotionally. They have small classes and amazing teachers. This was the first English class that he was given a novel that was read at home. Through 8th grade, he was only given books that were read out loud in class. I was completely unaware until I began homeschooling. He is finally learning grammar, how to write well, and is completing Geometry... a course that is not offered at our public high school (neither is Algebra 1 or Algebra 2). He has flown 23 hours towards his private pilots license through their Aviation Pathway, and has been inspired to become a commercial pilot because of this school. Without Summit Homeschool Academy, we would leave public schools, even enrichment programs, entirely. Thank you for funding a program that is able to teach all children how to be successful in reading and math. This is the missing piece we cannot find anywhere else!

Sincerely,

Richelle McKim  
5026 Bear Paw Dr  
Castle Rock, CO 80109  
[richelle.mckim@gmail.com](mailto:richelle.mckim@gmail.com)

**From:** [Enwei Schwind](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Monday, January 29, 2024 9:10:13 AM

---

Dear Colorado of Education,

Colorado State Board of Education and Commissioner Susana Córdova,

My name is Enwei Schwind and I am a homeschool mother of three children, two of which currently attend a homeschool enrichment every Tuesday funded by the state. Next year, I plan to put all my children in enrichment once a week. Our family currently resides in Woodland Park, Colorado, due to my husband's occupation at the Cripple Creek Mine. I am also a dietitian and a former military intelligence officer.

I personally grew up in a large city on the East Coast and went to public school. I never had a true desire to learn until I went to college a second time in my late 20s, when I was pregnant with my first child. As a child, I struggled with undiagnosed ADHD. This, coupled with a traumatic upbringing, taught me hypervigilance in a dysfunctional way that could never have been detected in a normal school setting. To the outside world, it looked as if I were a high-performing student. But in reality, this was only because I had secretly become an expert at learning how to achieve good grades without actually learning much.

My own children are also neurodivergent, extremely intelligent, but would not do well in a public-school setting. Therefore, I am so grateful for the ability to be able to stay at home and homeschool them. The biggest difference I see between them and myself as a child is their love of learning. This can mostly be attributed to their once-a-week outdoor enrichment school through the Catamount Institute and Alpine International Academy in Woodland Park. As I am sure you are aware, there are numerous scientific studies to show the positive effects of being outside for children, but particularly for children who are not neurotypical, like mine, being outside is the ideal learning environment. This particular enrichment program focuses on science and being outdoors and I love that my children are learning how to care for our planet sustainably and responsibly, an important topic for future generations as caring for our planet has become alarmingly important. I truly believe they are being given the tools that they would not be able to obtain otherwise to change this world for the better environmentally. I am excited to see how they each impact this world and know that their enrichment will have played a large role in it!

They also enjoy being with other homeschooled children in a setting that focuses on teamwork, a growth mindset, a being present mentality, and my children like to learn from someone other than me! All of these factors play a large and important role in their social-emotional development and well-being, and I do not believe this could be replicated without their current homeschool enrichment program.

I love being a homeschool mom where I can tailor my curriculum and teaching style to best fit their needs, but I am also a mother who suffers from PTSD and other mental health issues. While I have been getting the help that I need, allowing them to attend enrichment once a week gives me a break and the capability to take care of my own mental health, which results in me being a better mother and teacher to them. I know this may sound like a situation unique to my own, but I guarantee there are many mothers who feel the same way. Motherhood is wonderful but also can be challenging, especially in a society where the burden of raising children is placed solely on the parents.

We feel so grateful for the opportunity my children have here in Woodland Park to be able to attend a state-funded enrichment program that is perfect for our needs. Please do not take this opportunity away from my children and my family. My children's education, desire to learn, and ultimately their futures would be negatively impacted with the removal of their outdoor homeschool enrichment. I appreciate your consideration on the matter. I can be reached at (813) 777-4714 or [enwei.schwind@gmail.com](mailto:enwei.schwind@gmail.com) for further questions.

Enwei Schwind

Sincerely,

Enwei Schwind  
2590 Sunnywood Ave  
Woodland Park, CO 80863  
enwei.schwind@gmail.com



**From:** [Jordanna Perry](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Monday, January 29, 2024 9:10:15 AM

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Dear Colorado of Education,

Hello.

We are thankful to reside in a beautifully diverse state, this diversity is represented from corner to corner on the map of Colorado and in the people to that fill those state lines.

As a resident of Colorado who has chosen to take on the challenges and perks of home education I am thankful for the various opportunities available to my family regardless of education, sex, financial status, and county lines. Colorado stands apart in the care and support they offer to their residents in regards to pursuit of education. Thank you. Do not let our unique diversity in the realm of home education be removed or greatly restricted; thus debilitating the beauty and uniqueness of the diversity we have and that our children flourish in.

Sincerely,

Jordanna Perry

Sincerely,

Jordanna Perry  
1135 Spruce St  
Pueblo, CO 81004  
[jordannaperry@gmail.com](mailto:jordannaperry@gmail.com)

**From:** [Jessica Rawson](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Monday, January 29, 2024 9:10:19 AM

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Dear Colorado of Education,

I am a licensed teacher in Colorado. I have been homeschooling my children for the past 8 years. They have attended enrichment programs weekly. These programs offer wonderful opportunities for academic and personal growth. These programs are vital and should continue. Homeschoolers should have the opportunities to attend such programs. Each child is different and what they need for success as a student is unique. I support all children and all methods for educating them. Keep enrichment for children and families.

Sincerely,

Jessica Rawson  
5438 Painted Rocks Rd  
Woodland Park, CO 80863  
[Jessicarawsonroofing@gmail.com](mailto:Jessicarawsonroofing@gmail.com)

**From:** [Sarah Harvey](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support homeschool enrichment programs  
**Date:** Monday, January 29, 2024 9:10:06 AM

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Dear Colorado of Education,

It is incredibly important to me that we have home school enrichment programs. My children benefit from the learning and the community these programs provide. I also believe that this is too much government involvement and a reaction to citizens showing their distrust in the public school system. Focus on the public school system, as that is where the true hemorrhaging is occurring. Homeschool is a response to the breaking down of public education. Fix public education, not home school enrichment programs.

Sincerely,

Sarah Harvey  
1516 N Tejon St  
Colorado Springs, CO 80907  
[sarahharveyhomes@gmail.com](mailto:sarahharveyhomes@gmail.com)

**From:** [Matt Dugan](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Support supplemental enrichment programs  
**Date:** Tuesday, January 30, 2024 2:50:08 PM

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Dear Colorado of Education,

Our family uses the Alpine International Preparatory Academy Outdoor Exploration Program, authorized by ER BOCES. It is a wonderful program that has been great for our kids. Bluff lake feels like a wilderness oasis and our kiddo loves spending the day outside with all his friends.

Our son has really thrived since homeschooling, as the traditional class structure did not fit him well. The consistent, high-quality outdoor education we receive has allowed him to grow as a student and socially blossom with his peers. He really feels at home with the group and the instructors.

We plan on sending our second child next year.

Sincerely,

Matt Dugan  
2505 Olive St  
Denver, CO 80207  
[mattdugan12@gmail.com](mailto:mattdugan12@gmail.com)

**From:** [Sarah Proctor](#)  
**To:** [Colorado State Board of Education Relations](#)  
**Subject:** Vote no on finance rule CCR 301-39  
**Date:** Thursday, February 1, 2024 4:26:14 AM

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Vote no on finance rule CCR 301-39!!

I would like to express my opposition to to the proposed finance rule 1 CCR 301-39. Please continue to fund homeschool options for all!

Thank you,

Sarah Proctor  
719.659.5067

To the members of the Colorado State Board of Education,

I'm one of thousands of homeschooled students in Colorado who currently benefits from homeschool enrichment programs. I'm writing in opposition to the proposed finance rule change to 1 CCR 301-39.

I started My Tech High when it first became available to students in Colorado. This program has allowed me to further my education in Engineering by providing funding to take high level classes offered through accredited programs.

Please support my education with options programs instead of defunding programs across the state. Homeschool students deserve choices and financial support in education.

Thank you,

A handwritten signature in black ink that reads "Jack". The signature is written in a cursive, slightly slanted style.

Jack

Dear Members of the Colorado State Board of Education,

I am writing to express my deep concern regarding the proposed rule change, 1CCR 901-93, currently under consideration by the Colorado State Board of Education.

The potential impact of this rule change on My Tech High and approximately 16,000 homeschoolers across the state is alarming. My Tech High has played a vital role in providing a tailored and innovative educational experience for my children. The proposed rule change, by restricting access to funding for programs that allow parents to choose curriculum for their children, undermines the very essence of homeschooling – the ability for parents to actively participate in shaping their child's educational journey. Homeschooling, with its emphasis on parent-led learning, has proven to be a valuable educational approach for many families. Delegitimizing this option through policy not only impacts those directly involved but also sets a concerning precedent that undermines the autonomy of parents in educational decision-making.

It is with this urgency that I implore the Colorado State Board of Education to reconsider the potential consequences of 1CCR 901-93.

I understand the importance of creating policies that benefit all stakeholders, and I appreciate the difficult decisions you face. However, I kindly urge you to carefully consider the unique needs and perspectives of homeschooling families in Colorado.

I hope that, as dedicated advocates for education, you will make decisions that uphold the values of choice, diversity, and parental involvement in our children's learning journeys.

Thank you for your time and consideration.

A handwritten signature in black ink that reads "Carolyn Angelovich". The signature is written in a cursive style with a large, prominent initial 'C'.

To the members of the Colorado State Board of Education,

I'm one of thousands of homeschooled students in Colorado who currently benefits from homeschool enrichment programs. I'm writing in opposition to the proposed finance rule change to 1 CCR 301-39.

Thanks to My Tech High, I am able to take classes that require tuition and payments and my family is reimbursed for the cost of these classes. This allows me a wider variety of classes for my education.

Please support my education with options programs instead of defunding programs across the state. Homeschool students deserve choices and financial support in education.

Thank you,

Josie

*Josie*



## 1/10/2024 State Board - spoken public comment

Jay Zar

- Director of Alpine International Preparatory Academy authorized by ER BOCES
- Outdoor programming at unique sites, framework based in outdoor skills and community
- Enrichment programs in communities are bigger than just homeschool program
- No comments specific to Rules or rulemaking

Eric Dinnel

- Director of Colorado Agribusiness and Equine Academy, inaudible mention of BOCES
- Serving students is as critical as ever
- Concerned proposed current language for homeschool enrichment in rules will eliminate their programs as a private provider similar to Aero Labs

Debbie Mogar

- Program Coordinator at Equestrian Center in Denver, K-5 homeschool students
- Partners with Colorado Agribusiness and Equine Academy to expose students to career options

Dr. Temple Grandlin

- Partners with Colorado Agribusiness and Equine Academy and Equestrian Center in Denver
- Professor of Animal Sciences from CSU Agribusiness and Equine Sciences with autism, important to show kids visuals and hands-on learning to get interested, need industry skills

Wyatt Pipes

- Falcon Aero Labs student
- Positive impact of virtual and hands-on classes, able to accumulate flight hours for certificate, skills and classroom projects as foundation for pilot career
- Appreciative for program opportunities family could not have afforded

Kimberly Peters

- Falcon Aero Labs parent, military family has used school choice since moving to Colorado and benefited from current state funding

- 7th grader and 10th grade children attended Falcon Aero Labs
- Would not have opportunities without school, program, instructors

#### Jack Peters

- Falcon Aero Labs alum, started in 7th grade
- Benefitted from small classroom sizes, meeting field professionals, intriguing classes, engaging teachers
- Please allow Falcon Aerolab to continue revolutionizing education

#### Lindsey Peters

- Falcon Aero Labs alum, started in 10th grade
- Falcon Aero Labs lead to career flying the past two years, would not have had opportunities without state funding
- Hope for same opportunities for future generations

## Kottenstette, Bill

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**From:** Colorado State Board of Education Relations  
**Sent:** Friday, December 15, 2023 7:16 AM  
**To:** Kottenstette, Bill; Okes, Jennifer  
**Cc:** Maramba, Angela  
**Subject:** FW: Support homeschool enrichment programs

Please see the below response.

Thanks!  
Michelle

---

**From:** Kirsten Kernc <kirstenkernc@yahoo.com>  
**Sent:** Thursday, December 14, 2023 11:16 PM  
**To:** Colorado State Board of Education Relations <state.board@cde.state.co.us>  
**Subject:** RE: Support homeschool enrichment programs

I appreciate your reply; however, it does not address the items I listed. This is a formulaic response you sent to many concerned educators. As a tax payer and educator for nearly 30 years in the state of CO, I respectfully ask you to stop being narrow minded and agenda focused. You do not have the best interest at heart for students. You are 9 people assuming you know best for over 800,000 school aged students in CO. Perhaps you should expand your horizons in education. Control should not be your motive. Service to all students should be. Your rule changes are the exact opposite.

Regards,  
Kirsten Kernc  
[Sent from Yahoo Mail on Android](#)

On Thu, Dec 14, 2023 at 10:17, Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)> wrote:

The Colorado Department of Education is aware of various ways in which homeschool programs provide learning opportunities and experiences to students in grades K-12. Many of these are anchored in live instruction under the supervision of a licensed teacher and therefore are likely not impacted by the proposed rules.

Given the varied models currently operating however, we recognize the complexity in predicting how the proposed rules might influence any specific program. In an effort to provide clarity, we have chosen to highlight a couple of proposed rules that warrant close attention, allowing families and stakeholders to discern how these may align with the diverse experiences they are engaged in:

- 1.02 Direct Teacher-pupil instruction - This type of instruction means the organized instruction of educational content for pupils enrolled in public schools under the supervision of a licensed educator that takes place synchronously, when the licensed educator and the pupil are in the same physical location, such as a school building, **or when the licensed educator and the pupil are in the same virtual classroom (emphasis added).**
- 1.01 “Alternative teacher-pupil instruction” means the organized instruction of educational content for pupils enrolled in a brick-and-mortar public school under the supervision of a licensed educator that may take place asynchronously. The term includes any instruction not meeting the definition of direct teacher-pupil instruction, including but not limited to independent study, work study, internships, apprenticeships, blended learning, and supplemental online learning.

From these definitions, the rules further elaborate when these two types of instruction would count as instructional time. Specifically to this, it outlines:

- 2.05(a)(1) For grades six through twelve, Instructional Time for funding each pupil may include direct teacher-pupil instruction and alternative teacher-pupil instruction for that pupil.
- 2.05(a)(2) For grades kindergarten through five, Instructional Time for funding each pupil may include direct teacher-pupil instruction.

Under the proposed rules, the Department’s focus has been to bring greater clarity to what activities qualify as funding-eligible instructional time offered by a public school. For example:

- Alternative teacher-pupil instruction for students in grades 6-12 can count toward instructional time, in accordance with equivalency calculations outlined in 1.04(a) of the rule.
- Asynchronous virtual instruction can also be counted for students in grades K-5 if the school operates as an online school.
- Synchronous (live) virtual instruction likely meets the definition in 1.02 and can count as funded instructional time for all students in grades K-12.
- In-person instruction is eligible for counting instructional time for grades K-12 - even when the instructional time does not occur inside a physical building (for example, field-based learning).

We hope this is helpful clarification. We appreciate your feedback and engagement in this process.

-----Original Message-----

From: Kirsten Kernc <[user@votervoice.net](mailto:user@votervoice.net)>

Sent: Wednesday, December 13, 2023 9:23 AM

To: Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)>

Subject: Support homeschool enrichment programs

Dear Colorado of Education,

Dear Commissioner Cordova and Members of the Colorado State Board of Education, I am writing to you today as a Colorado parent and homeschool educator who both uses and administers a Colorado Enrichment Program funded by state funds.

First, allow me to thank you for the tremendous effort and sacrifice each of you put out for the students of Colorado. For decades, Colorado has been a leader in school choice and putting students' futures above politics. No two students learn the same or are destined for a college track. The depth of opportunity for our future generation is so very important.

That said, it is important to not shut these opportunities down. Our nation's students are in a battle to keep up with what other First World nations are doing. We cannot possibly expect our students to meet the increasing demands in technology, science, renewable energy, medicine, politics, education, etc. if we shut down opportunities for some students over others.

A parent's choice to homeschool is rooted in meeting a child's need both academically and emotionally. Many children in today's world are battling so much more than playground bullying. They are battling emotional issues, learning issues, physical challenges, etc.

One of my own children was on the spectrum of ADHD and struggled to be a part of traditional classrooms. Bringing him home allowed us to tailor an education which could meet his very specific needs. Being at "home" allowed him to flourish rather than flounder in his education. He was very gifted in the STEM field. We were able to channel what would have been negative behavior in a classroom setting, to positive growth in the areas of electrical, mechanical and computer technology. By giving him more time in enrichment of STEM, he was much more productive in his core subjects which had been such a struggle in his traditional school setting. Had programs such as Aerolab and other homeschool enrichment groups not been available to us, I truly believe my son would not be where he is today—a married man working fulltime in the IT industry for a large banking institution in CO Springs. He is thriving and loving his contributions to society!

It deeply saddens me to think Colorado might be going backwards in education when we seemed to be on the cutting edge at one time. I do not believe it is the goal of the Colorado Board of Education to put children in a box. I believe you have the best interest at heart. Allowing families to make the best choice for a student's needs is the best choice you can make. Providing resources to do so is the greatest impact you can have on these needs.

Please do not cancel programs such as Falcon AeroLab or Colorado Homeschool Enrichment. These types of programs awaken students' interests often through exciting and engaging, hands-on STEM content, and experiences or outdoor exploration which encourages protecting our environment. Students are most often taught by industry experts who generously share their expertise and enable students to engage with outstanding instructors/mentors/speakers/role models. Although they may not have a "teaching certificate", their life experience and passion alongside years of training far from makes up for a lack of teaching credentials. Don't we all just want our children to be successful and happy in life while being able to provide for themselves and the community around them?

These enrichment programs are ONLY made possible for ALL students because of state funding. This funding makes these programs accessible to every student in the state, especially underserved students. Most parents can't afford this high-quality STEM/experiential educational option without public funds.

Don't we want our next generation to have as many resources to lead them into the future? There is so much at stake for this future generation! I encourage you to retain public funds for enrichment programs (like AeroLab and Colorado Homeschool Enrichment) for ALL types of educational experiences which exist now or may become available in the future. These programs will continue to create more equitable, diverse, and accessible opportunities for ALL children of Colorado. Adding more rules and removing funding from certain groups will only create hardship and stifle creativity and educational growth. You will only be hurting the students.

Appreciatively,

Kirsten A. Kernc

Littleton, CO

Sincerely,

Kirsten Kernc

12058 W Cooper Dr

Littleton, CO 80127

kirstenkernc@yahoo.com

## Kottenstette, Bill

---

**From:** Crawford, Michelle  
**Sent:** Thursday, December 14, 2023 2:08 PM  
**To:** Kottenstette, Bill; Okes, Jennifer  
**Subject:** FW: Support homeschool enrichment programs

Good afternoon,

Please see the below email and response that we received in the Board inbox.

Thanks!

Michelle Crawford  
Executive Assistant to the Director of State Board Relations  
State Board of Education



**COLORADO**  
Department of Education

P 303-908-4580  
201 East Colfax Ave.  
Room 500, Denver, CO 80203  
Crawford\_M@cde.state.co.us | [www.cde.state.co.us](http://www.cde.state.co.us)



*Email cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. Therefore, email cannot be used to transfer files containing personally identifiable information of educators or students. Contact the intended recipient to mutually determine enhanced security options for transferring such information.*

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**From:** E Haley <[ehaleym@gmail.com](mailto:ehaleym@gmail.com)>  
**Sent:** Thursday, December 14, 2023 12:29 PM  
**To:** Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)>  
**Subject:** Re: Support homeschool enrichment programs

Thank you for your email,  
It does not help to clarify the proposed legislation.

What is the goal of the legislation? Most homeschooling families in the state are not performed under a licensed educational institution or individual.

And this legislation would not cause my families to solicit the services of any such licensed entity. We will continue to homeschool as usual, except that we would forego the opportunity to make use of grant funding to participate in the extra curricular activities our child has been enrolled in.

This legislation would cause our child to miss out on opportunities to be in an environment with other children and participate in the field trips, theater classes, and sports provided through the grants that this legislation would end.

Enjoli (Anjali) Haley Muthu

On Thu, Dec 14, 2023 at 11:07 AM Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)> wrote:

The Colorado Department of Education is aware of various ways in which homeschool programs provide learning opportunities and experiences to students in grades K-12. Many of these are anchored in live instruction under the supervision of a licensed teacher and therefore are likely not impacted by the proposed rules.

Given the varied models currently operating however, we recognize the complexity in predicting how the proposed rules might influence any specific program. In an effort to provide clarity, we have chosen to highlight a couple of proposed rules that warrant close attention, allowing families and stakeholders to discern how these may align with the diverse experiences they are engaged in:

- 1.02 Direct Teacher-pupil instruction - This type of instruction means the organized instruction of educational content for pupils enrolled in public schools under the supervision of a licensed educator that takes place synchronously, when the licensed educator and the pupil are in the same physical location, such as a school building, **or when the licensed educator and the pupil are in the same virtual classroom (emphasis added).**
- 1.01 “Alternative teacher-pupil instruction” means the organized instruction of educational content for pupils enrolled in a brick-and-mortar public school under the supervision of a licensed educator that may take place asynchronously. The term includes any instruction not meeting the definition of direct teacher-pupil instruction, including but not limited to independent study, work study, internships, apprenticeships, blended learning, and supplemental online learning.

From these definitions, the rules further elaborate when these two types of instruction would count as instructional time. Specifically to this, it outlines:

- 2.05(a)(1) For grades six through twelve, Instructional Time for funding each pupil may include direct teacher-pupil instruction and alternative teacher-pupil instruction for that pupil.
- 2.05(a)(2) For grades kindergarten through five, Instructional Time for funding each pupil may include direct teacher-pupil instruction.

Under the proposed rules, the Department’s focus has been to bring greater clarity to what activities qualify as funding-eligible instructional time offered by a public school. For example:



- Alternative teacher-pupil instruction for students in grades 6-12 can count toward instructional time, in accordance with equivalency calculations outlined in 1.04(a) of the rule.
- Asynchronous virtual instruction can also be counted for students in grades K-5 if the school operates as an online school.
- Synchronous (live) virtual instruction likely meets the definition in 1.02 and can count as funded instructional time for all students in grades K-12.
- In-person instruction is eligible for counting instructional time for grades K-12 - even when the instructional time does not occur inside a physical building (for example, field-based learning).

We hope this is helpful clarification. We appreciate your feedback and engagement in this process.

-----Original Message-----

From: Elan Ortiz <[user@votervoice.net](mailto:user@votervoice.net)>

Sent: Wednesday, December 13, 2023 9:46 AM

To: Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)>

Subject: Support homeschool enrichment programs

Dear Colorado of Education,

Cutting funding would not help to get teachers involved with our homeschool kid. But if you cut funding, it would decrease the number of kids who participate in the extra curricular activities where they are instructed by coaches, directors, and coordinators and where they are working with other kids in these programs.

Sincerely,

Elan Ortiz

7956 Weatherstone Dr

Colorado Springs, CO 80925

ehaleym@gmail.com

## **Kottenstette, Bill**

---

**From:** Kimberly Peters <k@epicly.org>  
**Sent:** Thursday, January 11, 2024 12:09 PM  
**To:** Kottenstette, Bill  
**Subject:** Pleasure meeting you

Bill,

It was such a pleasure meeting you yesterday at the Sate Board of Education monthly board meeting.

As promised from our discussion yesterday, here's the video (about 7 minutes long—very well produced) of a great program just north of Colorado Springs in Black Forest. Tamara Wineland, founder of AdventureMe, also partners with Falcon AeroLab...<https://www.youtube.com/watch?v=LzGRQQWOn9Y>

And by the way, please check out Falcon AeroLab's brief, informative 90 second video on our homepage: <https://www.falconaerolab.org/>

Unfortunately, our group had to leave after the public comment break since we had a 5 year old with us. He did exceptionally well for 2 hours but we didn't want to test his limits anymore, so we opted for an early lunch.

I commend your noble work in the Schools of Choice division at the Colorado Department of Education. 2020 definitely changed the landscape of education and it's wonderful to hear about the many options opening up to students and families.

Keep pressing on for current students and making productive pathways for future generations.

Sincerely,

Kimberly Peters  
Falcon AeroLab parent

## Kottenstette, Bill

---

**From:** state.board@cde.state.co.us  
**Sent:** Thursday, December 14, 2023 2:44 PM  
**To:** Kottenstette, Bill; Okes, Jennifer  
**Cc:** Maramba, Angela  
**Subject:** FW: CCR 301-39

Hello, please see the below response we received in the Board inbox.

Thanks!  
Michelle

---

**From:** carrie jantz <carriejantz@yahoo.com>  
**Sent:** Thursday, December 14, 2023 2:38 PM  
**To:** Colorado State Board of Education Relations <state.board@cde.state.co.us>  
**Subject:** Re: CCR 301-39

Hello —

Was this an auto reply?

It doesn't seem terribly pertinent to my feedback....

Carrie

On Dec 14, 2023, at 2:17 PM, Colorado State Board of Education Relations <[state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)> wrote:

The Colorado Department of Education is aware of various ways in which homeschool programs provide learning opportunities and experiences to students in grades K-12. Many of these are anchored in live instruction under the supervision of a licensed teacher and therefore are likely not impacted by the proposed rules.

Given the varied models currently operating however, we recognize the complexity in predicting how the proposed rules might influence any specific program. In an effort to provide clarity, we have chosen to highlight a couple of proposed rules that warrant close attention, allowing families and stakeholders to discern how these may align with the diverse experiences they are engaged in:

1. 1.02 Direct Teacher-pupil instruction - This type of instruction means the organized instruction of educational content for pupils enrolled in public schools under the supervision of a licensed educator that takes place synchronously, when the licensed educator and the pupil are in the same physical location, such as a school building, **or when the licensed educator and the pupil are in the same virtual classroom (emphasis added).**
2. 1.01 “Alternative teacher-pupil instruction” means the organized instruction of educational content for pupils enrolled in a brick-and-mortar public school under the supervision of a licensed educator that may take place asynchronously. The term includes any instruction not meeting the definition of direct teacher-pupil instruction, including but not limited to independent study, work study, internships, apprenticeships, blended learning, and supplemental online learning.

From these definitions, the rules further elaborate when these two types of instruction would count as instructional time. Specifically to this, it outlines:

1. 2.05(a)(1) For grades six through twelve, Instructional Time for funding each pupil may include direct teacher-pupil instruction and alternative teacher-pupil instruction for that pupil.
2. 2.05(a)(2) For grades kindergarten through five, Instructional Time for funding each pupil may include direct teacher-pupil instruction.

Under the proposed rules, the Department’s focus has been to bring greater clarity to what activities qualify as funding-eligible instructional time offered by a public school. For example:

1. Alternative teacher-pupil instruction for students in grades 6-12 can count toward instructional time, in accordance with equivalency calculations outlined in 1.04(a) of the rule.
2. Asynchronous virtual instruction can also be counted for students in grades K-5 if the school operates as an online school.
3. Synchronous (live) virtual instruction likely meets the definition in 1.02 and can count as funded instructional time for all students in grades K-12.
4. In-person instruction is eligible for counting instructional time for grades K-12 - even when the instructional time does not occur inside a physical building (for example, field-based learning).

We hope this is helpful clarification. We appreciate your feedback and engagement in this process.

-----Original Message-----

From: [carrie jantz <carriejantz@yahoo.com>](mailto:carriejantz@yahoo.com)

Sent: Wednesday, December 13, 2023 5:59 PM

To: Colorado State Board of Education Relations [state.board@cde.state.co.us](mailto:state.board@cde.state.co.us)

Subject: CCR 301-39

Please respect my family by keeping my and my son's identifying information confidential. This email is intended for members of the board.

Hello —

I have a homeschooled child who is 3e (his public school failed to support him and refused to test him and this is why he now homeschools. We have since paid out of pocket for private testing which identified his 3e diagnoses).

I am also an educator with an M.Ed and literacy certificate from Regis. I have about 15 years of classroom and online-based teaching experience both at the HS (classroom) and community college (online) levels.

I'm watching the 12/13 board meeting with interest.

It seems like the board has a lot of questions, misconceptions, and incomplete info about Summit Academy, My Tech High, etc.

My family has used both programs and I taught at Summit Academy South for a year prior to and during the pandemic (the year the pandemic hit). I also was intended to teach at Summit Academy South this year but left in October in complete disgust because actual academic instruction was not supported or valued and I felt morally wrong in letting parents falsely believe their children were learning/earning HS World History and other credits and were being prepped for college — which was/is not even close to being the case when compared with my other teaching experience at the HS and community college levels. The principal can not even answer the question "what does a credit mean here?" I had no books or materials for students other than what I photocopied. Parents were supported in claiming their students did not need to prepare for class or complete homework because of "parent choice."

As a teacher, I was told by the Summit principal, Allycia Taussig, (who has no administrator credential and very limited classroom teaching experience) that my education level was "irrelevant" and that "anyone can teach high school academics." The assistant principal, Julie Jordening, is the principal's friend and is a retired gerontologist who has no education experience or credential at all.

Many of the staff at Summit Academy South are actually parents of kids in the program and are not credentialed or supported in any way — making them no more effective (and probably less so because they're trying to teach multi age classes of students — many of whom have special needs they know nothing about — re: subjects in which they have no particular expertise) than a randomly selected homeschool parent. There's no logical reason to fund their instruction but to not fund learning overseen by a parent — in this case they are literally the same individuals.

The students at Summit are being grossly shortchanged by this program and parents are being misled by the Jeffco endorsement of the credits awarded.

As a parent, here is what I see currently — my son takes HS science courses at Summit South that are fabulous. He is a sophomore. After this year there I see nothing at Summit that warrants his time or is academically legitimate.

To fill out his day this year he is also in two other courses that have very limited merit. One of these two courses includes students from grades 2-12 (I'm not joking) and the other grades 7-12. He was awarded his very first grade in one of these classes last week — which was a general participation grade. In the other course he is awarded a weekly 10/10 participation grade (as does everyone else). He receives no other feedback in these two courses.

Last I checked, Jefferson Academy — who sponsors both of the Summit homeschool programs — has double the per pupil spending of any other HS in Jeffco. I have to wonder if the Summits exist to bankroll JA. Something does not add up here.

I tried to contact the CDE to find out where Summit South was spending its funding (whether it is spent on Summit students or on JA students) but I was not successful in learning this info.

In your meeting it was said that programs like Summit are enrichment only. This is completely false. Look at the Summit Academy South course catalog to see how academic credits are being assigned for questionably legitimate courses. Summit is awarding academic credits and Jeffco transcripts and diplomas to high school students and, with only a few exceptions, namely science (high school science courses are structured differently, have double the seat time, and significant asynchronous homework) those credits are a complete joke and represent 32-34 seat hours with limited /often zero homework for a year-long course / a full HS credit. There are no official outcomes or standards for other courses.

There are good and legitimate things happening in both Summit and MTH and both have aspects that are egregious misuses of public funding.

My hope is to get my son into concurrent enrollment with RRCC next year (via Summit, CEC, or MTH)— but the details for how to do this are convoluted and not presented clearly to parents. Also, if these schools get \$4500 for my son to be a part time RRCC student then why would his semester tuition cap be \$1100 even if he never sets foot anywhere but RRCC? Where does the rest of that money go? Why not just give it straight to RRCC and let him have the full benefit of the funding? Who else is this money spent on? And if he is full time at RRCC then Summit gets \$8500 and his tuition cap is \$2200? Something is rotten here. Someone is getting the money and it's not the kids.

If you would like to know more about our experiences with these programs I'd be happy to explain what I have seen as an educator and as a parent.

People aren't wrong in thinking something is rotten. But the details go far beyond MTH and don't include all of MTH. I am a widowed parent and we previously received funding from MTH for 2 years, which helped a lot. We were/are, even so, classified as very low income. I'm doing my best to do right by my son with limited options.

Summit South is far worse than MTH in that it misleads parents and uses the Jeffco Public Schools name to create unwarranted trust with parents. It also misleads parents re the qualifications of admin and staff. Also, if online sources are correct, the Executive Director, Tim Matlick, collects a compensation package valued at over \$200k and he is not even an on site administrator for Summit South. He is, however, a strong political advocate for "parent choice" who is somehow paid from Summit student PPR to do this work.

If you're tweaking this bill to be effective then it might be worth investigating whether a students PPR is really spent on that student and whether it is actually spent on academics/enrichment. I suspect it is not, in many cases.

Best,

Carrie Jantz



Form submission:

|   |
|---|
| 1/11/2024 16:59:13  |
| lyates@bvschool.sorg  |
| Lisa Yates  |
| Buena Vista School District   |
| Student Impacts with Flexibility  |
| 1.04 and 2.05   |
| <p>I have shared my concerns about these rules over time with CDE and others. I understand the idea of being responsive and ensuring that innovative means of providing educating students are considered. I have heard it said, "We need to take the practices from COVID and learn from them." I have also heard that post secondary options are a priority in our state. Based just on these two reasons, there has been a drive to ensure finance rules allow for these innovations/flexibility.</p> <p>My very strong concern is that the practices these rules are actually incentivizing have no long term evidence of positive outcomes for students. In fact, we have reason to believe online learning, especially students in environments with limited support and supervision have declined in performance and engagement. The practices being advanced are interesting and certainly technology has made them possible, but this does not qualify the practices as student-rich.</p> <p>For online and blended opportunities: this might support an immediate need of schools who cannot hire a teacher for a position and so students have access to online courses. We should not solve the educator pipeline issue by institutionalizing and permanently funding instructional practices (online with less relational connection) that proved less effective even as recently as COVID. Certainly, we need to be sure all students have access to content and opportunity. As a rural superintendent in a high housing community, I know this well. But to adjust a funding system that incentivizes and encourages creating systems that cost less but still receive full funding is problematic. The finance rules actually ENCOURAGE districts to utilize a less expensive model (using online courses part of the time) or work based learning, during which you are likely not paying educators at the same rate as a live, in person employee. I can create a course catalogue book with opportunity for credits that do not require the same level of supervision, expertise, and experience, at a lower cost, and receive full funding. While we need to consider temporary means of allowing for emergency situations when a teacher cannot be hired, we should not be changing school funding rules that are not temporary in nature. Even more, these rules are setting the future of our educational system even as we experiencing the limitations and deficiencies for students correlated with these flexible, more detached programs.</p> <p>Over the last 5-10 years, we have shifted high school - from a secondary experience, full of electives, time for deep thinking around foundational content, with trusted adults interacting and mentoring young learners through teaching and activities - to valuing post-secondary experience. We have done so by replacing what was once the heart of a high school experience. High schools are charged to maintain the same high levels of engagement, provide electives, ensure achievement on standardized high school tests, while also sending students out to the workforce and enrollment in college courses. When and why did we begin to believe that high school was no longer a necessary pathway to develop qualified workers and post secondary students? Instead, we have assumed that high school students need to actually become post-secondary students. This requires more flexibility and blended opportunities (and so the need for these rules). When will we count the cost of these decisions, both financially and to the wellbeing of adolescents? By example, monies that come to K-12 districts in Colorado now get re-distributed to local colleges and universities so high school students can get college credits in high school. Some school districts use this as a more economical way to not have to hire as many high school teachers and let the college do the teaching. It seems to not matter that we study the impact this is actually having on youth because we are not setting rules to finance and incentivize this. Work Based</p> |

Learning opportunities sends students out to experiences, yes, but with very little oversight of a trained educator. We are having more students graduate early because of these flexible credit attainments, and the benefit to the district - full funding with fewer students who actually need a teacher.

Colorado already has the lowest requirements for student attendance in the nation, with the most districts of any allowing four day weeks. What impact will less student/teacher in person learning have on our student performance and wellbeing?

This is not to say we should not examine flexibility, but these rules are changing the trajectory of a K-12 experience without any strong evidence pointing to positive impacts for students. It seems like a reactionary decision without substantial connections to positive student impacts. Will districts compromise the integrity of programming to students because the incentive to receive funding through a reduction in staffing costs is too great? Any business would consider cost efficiencies in planning; we need to be sure we are all considering the likely academic cost to students when programs are compromised. Part time funding for students in blended models or involved extensively in work based learning or concurrent enrollment honors the district's fiscal responsibility to the student without promoting models that actually push students further from direct instruction. The long term implications need to be studied further before implementing these rules.

These are not easy decisions. It does feel more time may be needed to consider long term impacts on student performance and wellbeing as a result of this implementation. Thank you for your considerations.

To: Colorado State Board of Education

From: Colorado Association of School Boards  
Colorado Association of School Executives  
Colorado Rural Schools Alliance  
Colorado BOCES Association  
Colorado Digital Learning Solutions

Date: February 6, 2024

Re: Rules for the Administration of the Public School Finance Act,  
1 CCR 301-39 (“Proposed Rules”)

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Thank you for the opportunity to comment on the Proposed Rules.

### **Overview**

Our organizations place great value in the in-person student learning model and also recognize the increasing role quality online courses can play in addressing educational equity and bridging the rural-urban divide by offering students increased educational opportunities.

We appreciate the Department’s efforts to engage stakeholders as they worked through a myriad of practice and policy questions presented by online programming during and after the pandemic. However, we still have significant concerns with regard to the language and approach in the Proposed Rules.

As explained more fully below, we believe the Proposed Rules (i) conflict with provisions of the Online Education Act and constitutional principles of local control; and (ii) fail to establish clear requirements for funding as necessary to ensure consistent oversight by CDE auditors and minimize administrative burdens on schools, families and providers.

We share the legal concerns raised by Eric Hall, in his correspondence dated January 19, 2024, and support comments put forth by the Charter League and CSI with regard to the need for more clarity around the state audit process. In light of the significant concerns raised by the myriad of stakeholders, we urge the Board to delay its vote and direct CDE to revise the Proposed Rules to align with applicable law and provide clear and specific guidance as to the new requirements for funding.

The following provides an overview of our concerns. We have attached a marked-up version of the Proposed Rules to further identify specific points of concern and offer alternative language, as appropriate.

**The new definition of Alternative Instruction and the requirements tying funding to published Course Catalogs unreasonably limits schools' ability to meet students' needs and violates local control.**

The current funding rules preserve local control by allowing school boards to define when a student is "actively engaged in the educational process" for purposes of state funding. Current Rule, 2.02(6)(a). The Proposed Rules eliminate local control by deleting rule 2.02(6)(a) and replacing it with a new definition of "Alternative Teacher-Pupil Instruction," for purposes of funding, which lumps together "any instruction that does not meet the newly created definition of "Direct Teacher Pupil Instruction" and includes independent study, work study, internships, apprenticeships, blended learning and supplemental learning." The Proposed Rules then limit a school or district's funding options for Alternative Instruction to courses adopted and published in a Course Catalog on or before September 1, which must include detailed information around determinations of credit equivalencies.

While we see value in the publication of a Course Catalog for the purpose of ensuring students and families are informed as to their programming options, we do not believe the Catalog should dictate (or include information around) school finance. Nor do we support the September 1 deadline, which eliminates a district's ability to serve students throughout the year as students present with requests or interests in online courses that were not included or identified prior to September 1.

Accordingly, we urge you to amend Proposed Rule 1.04(a) and delete 2.05(a)(1) and restore local board's control over their educational programs.

**Prohibiting Alternative Instruction for elementary school students violates the Online Education Act, local control and restricts parent choice.**

We also urge the Board to delete Proposed Rule 2.05(a)(2) prohibiting funding for alternative instruction in grades K-5. Even if the State Board believes that alternative instruction, as broadly defined in the Rules, is not appropriate for elementary students, it does not have the right to restrict local board's discretion (or control) over local instructional choices. See e.g., *Denver Bd. of Educ. v. Booth*, 984 p.2d 639 (Colo. 1999)(control of instruction requires power or authority to guide and manage both the action and practice of instruction as well as the quality and state of instruction."); and *Owens v. Congress of Parents, Teachers and Students*, 92 P. 3d

933 (Colo. 2004)(local control allows localities to tailor educational policy to suit the needs of each district, free from state intrusion.)

Additionally and importantly, the Online Education Act makes no distinction between elementary and secondary school students with regard to funding for online courses.

Accordingly, we urge you to delete Proposed Rule 2.05(a)(2).

**Requiring students enrolled in online courses on a part-time basis to be enrolled in online programs violates the Online Education Act.**

The Proposed Rules create new section 5.08, which requires pupils exclusively enrolled in online classes, but not an online school, to enroll in an online program. The comments indicate this language is intended to “ensure the framework for the Online Education Act is not unintentionally undermined.” As we understand our discussions with CDE staff, their intention is to require districts offering part-time, online enrichment opportunities to students outside their district boundaries to obtain authorization to operate as an online program or multi-district authorizer as those terms are defined in C.R.S. 22-30.7-102.

We question why a student taking enrichment courses only, on a part-time basis, should be subject to the same requirements as students enrolled in full-time online academic programs? Moreover, as explained by Eric Hall, this requirement violates the Online Education Act, which limits enrollment in online schools and programs to full-time students.

We understand the Department is concerned with specific course offerings from a specific online enrichment provider. We believe that a better approach would be to prohibit state funding for students enrolled in religious courses and/or courses taught by parents. Based on feedback we have seen, the definition of “Parent-Led or Parent-Directed Instruction” is deemed too broad by those charged with implementation of the rules.

Accordingly, we urge you to delete section 5.08 from the Proposed Rules and/or clarify that students enrolled in part-time online programs (as determined by local boards) are exempt from the requirement.

**The Proposed Rules are unreasonably vague and confusing with regard to the terms and criteria for CDE oversight and funding.**

The current audit process is, by most accounts, unreasonably burdensome due, at least in part, to a lack of clearly communicated, consistent criteria for funding, particularly with regard to students taking online courses. We understand that the audit manual exceeds 100 pages and it

does not seem fair to hold district staff responsible for the information contained therein, particularly with regard to small and rural districts with limited staff capacity. We see the Proposed Rules as an opportunity to create more reasonable and consistent expectations for schools and districts with regard to required submissions and timelines for audits.

We share the charter's concerns regarding the current five year look back and urge a more limited review period of not more than two years. This is far more reasonable, especially when considering the scope of information required for funding online students.

We have highlighted places in the attached Proposed Rules where clarification of terms such as "evidence of instructional time", "appropriate supporting documentation" and/or "proof of withdrawal" would provide necessary and helpful guidance for administrators and CDE auditors.

Additionally, we would urge the following items to be specifically added to permitted evidence of instructional time in Proposed Rule 5.03(a)(1), consistent with criteria previously approved by local boards and CDE:

- Completing and submitting an assignment from home;
- Logging into an online learning platform;
- Signing an online form attesting to work completed at home;
- Engaging in any new assignment/or alternative demonstrations of learning;
- Participating in an online discussion;
- Responding to teacher emails or communication, or other ways communicated by the teacher;
- Sign-in sheets

It is important that CDE's audit processes be developed with stakeholder input so the requirements are reasonable for all schools and districts, including small and rural schools with limited staff. Accordingly, we urge the Board to revise the Proposed Rules, or direct CDE staff, to clarify online audit requirements as necessary to ensure consistency, minimize confusion and resulting administrative burdens upon implementation.

### **Conclusion**

We appreciate CDE staff and their ongoing efforts to update the current rules to address policy and practice concerns and look forward to working collaboratively to address the stated concerns.

**DEPARTMENT OF EDUCATION**

**Colorado State Board of Education**

**RULES FOR THE ADMINISTRATION OF THE PUBLIC SCHOOL FINANCE ACT OF 1994**

**1 CCR 301-39**

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

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**Statement of Basis and Purpose**

These rules are adopted pursuant to the authority in section 22-54-~~103(10) & (10.5)~~, ~~104~~, ~~108-109 (5)(c)(IV)~~, ~~120~~, ~~and~~ ~~129~~, ~~402(6)~~, C.R.S., and ~~is~~ ~~are~~ intended to be consistent with the requirements of the State Administrative Procedures Act, sections ~~24-4-101~~, et seq. ~~(the "APA")~~, C.R.S.

The purpose of these Rules is to:

~~Establish~~ establish regulations and procedures for administration of the Public School Finance Act of 1994, including ~~the (but not limited to)~~ procedures for revocation or withholding of school district accreditation for Act violations; ~~determination of district pupil membership~~ and ~~enrollment~~, and district at-risk funding; English Language Learner funding; and assignment of cost of living factors in the event of district reorganizations;

~~Assure~~ implementing funding for approved facility schools and state programs; coordinating these rules with the administration of the Exceptional Children Educational Act (article 20 of Title 22, C.R.S.); and assuring the pupil count associated with the Public School Finance Act of 1994 fairly distributes funding to school districts to provide continuing instructional services.

~~Establish regulations and procedures regarding out-of-district-placed pupils and coordinate the collection of per-pupil operating revenues with approval of facilities as on-grounds schools.~~

~~Coordinate these rules with regulations governing the administration of the Exceptional Children Educational Act (article 20 of Title 54, C.R.S.).~~

**1.00 — Definitions**

**1. — Definitions**

1.01 "Alternative teacher-pupil instruction" means the organized instruction of educational content for pupils enrolled in a brick-and-mortar public school under the supervision of a licensed educator that may take place asynchronously. The term includes any instruction not meeting the definition of direct teacher-pupil instruction, including but not limited to independent study, work study, internships, apprenticeships, blended learning, and supplemental online learning.

1.02 "Applicable count date" means the collection of per-pupil operating revenues with approval of facilities as on-grounds schools. Coordinate enrollment count date under section 3 of these rules with regulations governing or, if approved by the administration of Department, the alternative count date under section 4 of these rules. Exceptional Children Educational Act (article 20 of Title 54, C.R.S.).

~~1.005~~ 1.03 "BOCES" means a board of cooperative services pursuant to Article 5 of Title 22, C.R.S.

1.04 “Catalog of Courses Using Alternative Teacher-Pupil Instruction” means a listing of alternative teacher-pupil instruction courses that are eligible for student enrollment by a district, BOCES, innovation school, innovation zone, or charter school.

1.04 (a) The catalog of courses using alternative teacher-pupil instruction must include a listing of courses, a description of each of the courses or identification of course provider if applicable, and the equivalent amount of instructional time or credit equivalent for work study, internships, and apprenticeships, that the course will count towards determining funding eligibility. The district must provide the basis for assigning equivalency for alternative teacher-pupil instruction courses, such as identifying the brick and mortar school and associated bell schedule on which the equivalency is based. Insert: THIS REQUIREMENT MAY BE SATISFIED BY A LINK TO COURSE DESCRIPTIONS AND OTHER INFORMATION AVAILABLE ON A PROVIDER'S

1.04 (b) The equivalent amount of instructional time assigned to courses using alternative teacher-pupil instruction shall not be more than 10% greater than the instructional time applied to fully-in person courses/bell schedules used for assigning equivalency. WEBSITE

1.04 (c) Courses using alternative teacher-pupil instruction may have certain content knowledge prerequisites, but otherwise must be offered and available for all eligible public school pupils at appropriate grade levels.

1.007—05 “Commissioner” means the commissioner of education.

1.0406 “District” means any public school district organized under the laws of Colorado, except a junior college district. <sup>Text</sup> “District” includes a BOCES, innovation school, innovation zone, charter school, or other entity when said entity has legal responsibility for the applicable school calendars and student schedules.

1.0207 “Department” means the Colorado Department of Education.

2.001.08 “Direct teacher-pupil instruction” means the organized instruction of educational content for pupils enrolled in public schools under the supervision of a licensed educator that takes place synchronously when the licensed educator and the pupil are in the same physical location, such as a school building, or when the licensed educator and the pupil are in the same virtual classroom.

1.08(a) For the purpose of these rules, “synchronous” refers to instruction which occurs during scheduled times and includes real-time interactions between teacher and pupils in-person, by video, or by phone. “Asynchronous” refers to instruction which, by contrast, the teacher and the pupils engage with the educational content at different times.

1.0309 “Home-bound pupil” means a pupil who cannot receive instruction in a school setting due to a temporary or permanent condition or status.

1.04 “Homestudy 1.10 “Home school pupil” means a pupil receiving a non-public home-based educational program pursuant to Section 22-33-104.5, C.R.S.

1.11 “Licensed educator” or “licensed teacher” means a teacher with an active Colorado educator credential. A licensed teacher may also include any teacher of record when the district has a waiver from Section 22-63-201, C.R.S..

1.0512 “Local board” means the board of education of a district, or the board of a BOCES, or a charter school, board, as appropriate, innovation school, innovation zone, or other entity when said entity has legal responsibility for the applicable school calendar and student schedule

1.06 “Independent study” means a program established by a local board under the supervision of a licensed or certificated teacher, as defined by the local board and included in the student's academic

We oppose the use of a court catalog to determine funding. Instead, the course catalog should be designed to provide notice to students and families as to course options. The language around determinations of course equivalencies is not appropriate for a course catalogs and will create unnecessary confusion. Additionally, the credits available for work study, apprenticeships and internships will vary depending on the nature of the student's project or program

Any specific requirements around course equivalencies should be included in Section \*\*, to clearly define expectations for auditors and schools



~~schedule. The student may be receiving all or a portion of his or her educational instruction through independent study.~~

1.0713 “Major Religious Holiday,” for purposes of identifying a statewide pupil enrollment count, means a day or days on which approximately two (2) percent of the state’s K-12 pupil population is likely to be absent in order to observe a religious holiday. The Department will identify the percentage of ~~students~~ pupils likely to observe a religious holiday based on the most current religious demographic data available from a reliable research organization, such as the Association of Religious Data Archives or The Pew Research Center’s Forum on Religion and Public Life.

1.14 Parent led or parent directed instruction means the parent is substantially or primarily responsible for establishing the content of the required program of planned instruction and activities, selecting course curriculum, leading such instruction and activities, and/or directly evaluating student progress in the class. For example, even if there is a teacher of record communicating with the parent, it will still be parent-led or parent-directed if it meets the above definition.

4.08

1.15 “Private school pupil” means a pupil enrolled in an independent or parochial school which provides a basic academic education pursuant to Section 22-33-104(2)(b), C.R.S.

1.16 “Pupil” means ~~a person, except as otherwise provided in Section 22-2-402(7) or Articles 20 and 28 of Title 22, C.R.S., a student (1) under age 21 as of October 1 of the pupil enrollment count date or the alternative count date applicable budget year who has not met the graduation requirements of his/her the district as of the pupil enrollment count date or applicable count date, and (2) at least age five as of October 1 of the alternative count date applicable budget year.~~

1.09 —“Semester” means ~~one-half of the school year.~~

4.101.17 “Semester” means the total number of scheduled student contact days for the school year as documented by the district’s adopted board calendar, plus an additional three days (as described in section 22-32-109(1)(n)(II)(A)), divided by two.

1.18 “State Board” means the state board of education.

1.11 —“Pupil enrollment count period” means ~~the five days before and five days after the pupil enrollment count date.~~

1.12 —“Approved full-day kindergarten program” means ~~a full-day kindergarten program established under the Colorado Preschool Program Act, Section 22-28-104.~~

## 2. General

2.01 The Public School Finance Act of 1994 and ~~the Rules for the Administration of the Public School Finance Act of 1994~~ these rules shall apply to all ~~Colorado school~~ districts. The Commissioner may grant variances to any or all of these Rules ~~for the Administration of the Public School Finance Act of 1994~~ .

2.01(1) If the Department determines that a ~~school~~ district has not complied with the provisions of the Public School Finance Act of 1994 ~~or these rules~~, the Department shall notify such district in writing of the specific violation and shall state that the district’s accreditation may be revoked or withheld by the State Board for such violation.

2.01(2) Such district shall have 30 days in which to respond in writing to the Department’s notification.

2.01(~~2-53~~) The Department shall review such responses.

remove or rework consistent with stakeholder feedback

Insert after “violation”: AND SPECIFIC WAYS THE VIOLATION CAN BE REMEDIED, AS APPLICABLE,

2.01~~(2-53)~~(a) If after making such review, the Department determines that such district is in compliance ~~with the provisions of the Public School Finance Act of 1994~~, no further action is necessary.

2.01~~(2-53)~~(b) If after making such review, the Department determines that such district is still has not complied with the provisions of the Public School Finance Act of 1994 in compliance, it shall forward the notification and the district response to the State Board.

2.01~~(34)~~ When necessary, the State Board shall schedule a hearing with such district at the next available regularly scheduled State Board meeting occurring after the end of the 30-day district response time and shall notify the district of such hearing.

2.01~~(45)~~ At such hearing, the Department shall present its findings of non-compliance to the State Board, and the district shall respond to such presentation.

2.01~~(56)~~ At the regularly scheduled State Board meeting next following such presentation, the State Board shall decide if it intends to revoke or withhold such district's accreditation under section 22-2-106(1), ~~CRS, C.R.S.~~, and shall notify the district in writing of its decision.

2.01~~(67)~~ If the State Board places such district on ~~Nonnon~~-accredited status, the Commissioner shall initiate school organization planning pursuant to Article 30 of Title 22, ~~CRS, and 1 CCR 301-4 State Board of Education Rule 3.04(2)-C.R.S.~~

2.02 The Department shall prepare necessary forms and appropriate directions related thereto, which a district shall use to provide data required by the Department to meet its responsibilities in the Public School Finance Act of 1994.

2.02~~(a1)~~ A district shall submit its electronic data exchange student file, along with a signed form "certification of pupil enrollment", no later than November 10.

2.03 The Department shall make available to a district detailed procedures with standard forms and records, which a district shall use to compute its certification of pupil enrollment to the State Board pursuant to Section 22-54-112, C.R.S.

2.03~~(a1)~~ A district may request and receive approval from ~~the Research and Evaluation Unit of~~ the Department for alternative procedures for documentation which do not follow the standard procedural manual.

2.03~~(b2)~~ The Department requires districts to automate the pupil count process; nonetheless, any such computerization does not reduce or eliminate a district's obligation to provide source documents for auditing purposes.

~~2.04 — Since reporting of state data to the federal government requires an average daily attendance (ADA) figure, the Colorado ADA shall be the average daily attendance entitlements compared to the October 1 memberships for the reporting period. The resulting figure shall be used to compute the ADA figures for federal reporting purposes for Colorado for each reporting period.~~

~~2.0504~~ Computation and reporting of data shall be as outlined below.

~~2.0504 (a1)~~ A district and the Department shall compute and report mill levy data to the nearest thousandth.

~~2.0504 (b2)~~ A district and the Department shall compute and report any dollar data to the nearest cent dollar.

2.0504 (c3) A district and the Department shall compute and report any funded pupil count, pupil membership and pupil enrollment data to the nearest tenth.

~~2.06 — Pursuant to Section 22-32-109, C.R.S., a local board shall determine, prior to the end of a school year, the length of time which the schools of the district shall be in session during the next following school year, but in no event shall said schools be scheduled to have less than one thousand eighty hours of planned teacher-pupil instruction and teacher-pupil contact during the school year for secondary school pupils in high school, middle school, or junior high school or less than nine hundred ninety hours of such instruction and contact for elementary school pupils, less than four hundred fifty hours of such instruction for a half-day kindergarten program or fewer than nine hundred hours of instruction for a full-day kindergarten program. For the Colorado Preschool Program, the number of hours scheduled shall be no less than three hundred sixty hours.~~

~~2.06(1) A local board may reduce the actual hours of teacher-pupil instruction and teacher-pupil contact to no less than one thousand fifty-six hours for secondary school pupils, no less than nine hundred sixty-eight hours for elementary school pupils, no less than four hundred thirty-five hours for half-day kindergarten pupils, no fewer than eight hundred seventy hours for full-day kindergarten pupils or no less than three hundred fifty-one hours for pupils enrolled in the Colorado Preschool Program for parent-teacher conferences, staff in-service programs, and closings deemed by the board to be necessary for the health, safety, or welfare of pupils; except that not more than twenty-four hours per school year may be used for parent-teacher conferences or staff in-service programs.~~

~~2.06(2) Teacher-pupil contact and teacher-pupil instruction means the time when a pupil is actively engaged in the educational process of a district.~~

~~2.02(6)(a) — Each local board shall define "educational process," which definition may include any work-study time provided under the supervision of a certificated or licensed teacher but shall not include any time provided for lunch. Each local board, shall define "supervision of a certificated or licensed teacher."~~

~~2.02(2)(b) — Beginning with calendars adopted for the 10-11 school year, each local board shall define "educational process," which definition may include passing time and which may also include any work-study time provided under the supervision of a certified or licensed teacher but shall not include any time provided for lunch. Each local board shall define "supervision of a certified or licensed teacher." For purpose of this section "passing time" is defined as the time between two classes or between a class and lunch period.~~

2.06(3)

#### 2.05 Instructional Time for Purposes of the School Finance Act

2.05(a) To receive funding, a district must provide evidence of Instructional Time for purposes of funding each enrolled and attending pupil.

2.05(a)(1) For grades six through twelve, Instructional Time for funding each pupil may include direct teacher-pupil instruction and alternative teacher-pupil instruction for that pupil:

2.05(a)(1)(i) Alternative teacher-pupil instruction courses may not be considered for funding purposes if the course is not included in the published catalog. Beginning with calendars adopted for the 2024-25 school year and each school year thereafter, districts shall publish a catalog of courses using alternative teacher-pupil instruction (as defined in 1.15 of this rule) for any such courses they intend to provide to secondary pupils that they would also like included as

Return control to school boards to determine when a student is actively engaged in the educational process

Clarify what constitutes sufficient evidence of Instructional Time otherwise, as we have seen, different auditors impose different requirements creating unreasonable burdens for school staff, students and providers.

Tying the Course Catalog, as posted by September 1, to funding creates unreasonable financial and administrative burdens on schools and students. Limiting districts funding to those courses listed in the catalog as of September 1 means districts will not have flexibility to offer additional courses to students based on those students to students based on those students as/if they arise.

This provision is in direct conflict with a school board's local control of its instructional programs

~~instructional time. The catalog must be published on the school/district/BOCES website by September 1st of the school year.~~

~~2.05(a)(2) For grades kindergarten through five, Instructional Time for funding each pupil may include direct teacher-pupil instruction.~~

~~2.05(a)(2)(i) Alternative teacher-pupil instruction time may be used for homebound students, as outlined in 5.03(4).~~

~~2.05(a)(3) For all grades, kindergarten through twelve:~~

~~2.05(a)(3)(I) Passing between two on-site classes, and between an on-site class and lunch, may be included as instructional time which counts towards funding eligibility. Each passing that can be considered as instructional time which counts towards determining funding eligibility shall not exceed 7 minutes.~~

~~2.05(a)(3)(II) Time provided for breakfast or lunch may not be included as instructional time for purposes of determining funding eligibility.~~

~~2.05(a)(3)(III) A district may include time for independent study and/or asynchronous learning that occurs off-site when a district conducts remote learning sporadically in response to public health and safety orders and precautions as instructional time for purposes of determining funding eligibility.~~

~~2.05(a)(3)(IV) Instructional time for purposes of determining funding eligibility does not include parent-led or parent-directed instruction.~~

~~2.05(a)(3)(V) Any specialized programming paid for with public funds and made available to part-time pupils shall also be available for participation by any other public school pupil within the same district.~~

~~2.05(a)(3)(VI) In no instance shall a district submit a pupil for funding if the instructional time used to qualify a pupil for funding is provided in an environment that requires participation in a tuition-based non-public school.~~

~~2.05(b) A district must comply with Section 22-32-109, C.R.S. regarding planned and actual hours for "teacher-pupil instruction and teacher-pupil contact." The Commissioner issues additional guidance regarding the reporting of "teacher-pupil instruction and teacher-pupil contact" for purposes of Section 22-32-109(1)(n), C.R.S. In the Commissioner's guidance, Instructional Time for purposes of funding under the School Finance Act may be the same or different from "teacher-pupil instruction and teacher-pupil contact" for purposes of planned and actual hours in compliance with Section 22-32-109(1)(n).~~

~~2.05 (b)(1) Individual pupils may elect to enroll in fewer hours of instructional time without affecting the satisfaction of this school calendar-planned and actual hours of instruction requirement as long as the opportunity to enroll for the minimum hours each school year is provided to the pupils. A local board may meet the required minimum hours for each school year by contracting for educational services from another entity.~~

~~2.06(4) Each local board shall establish the definition of "middle school" for purposes of the one-thousand-eighty-hour requirement.~~

~~2.07 — Repealed.~~

~~2.08 — Repealed.~~

Prohibiting alternative instruction in elementary schools is a blatant violation of local control and unnecessarily restrictive, especially in light of the broad definition of alternative instruction

This language is confusing and seems to grant broad power to the commissioner without explanation or guardrails

~~2.09 — In no case shall a school be in session for fewer than one hundred sixty days without the specific prior approval of the Commissioner of Education.~~

### **3.00 Pupil Enrollment Count Date**

3.01 The Department shall identify the pupil enrollment count date by no later than July 1 of each year. The pupil enrollment count date is October 1 of each year, except as otherwise provided below.

3.01(a) In any year in which October 1 is a Saturday, a Sunday, or any other day on which school is not in session, except as described in section 3.01 (2) of these rules, the pupil enrollment count date is the Monday following that Saturday, Sunday, or other day.

3.01(b) In any year in which a day of a Major Religious Holiday occurs upon October 1, or, in years in which October 1 falls on a Saturday, Sunday, or other day on which school is not in session as described in section 3.01 (1) of these rules, or upon the Monday directly following October 1, the pupil enrollment count day is the first school day immediately following the conclusion of the holiday.

3.01(c) Determination of the pupil enrollment count date shall not be affected by a district's decision to not have a school day on the pupil enrollment count date.

3.02 A district shall use the pupil enrollment count date unless an alternative count date is approved by the Department.

~~3.03 — A district shall count its pupils enrolled and in attendance as of the pupil enrollment count date, and must be able to provide evidence of actual attendance of such pupils prior to said date, unless the pupil is new to the state or has proof of withdrawal from the prior in-state district at the time of enrollment, if the pupil enrolls during the pupil enrollment count period.~~

~~03.04 — A district also shall keep an attendance record indicating a pupil's presence or absence each day.~~

~~3.05~~ 3.03 The Department may accept amended pupil enrollment count date pupil data, with appropriate supporting documentation, as provided by a district, unless the pupil enrollment count date pupil data has been audited by the Department.

~~3.04 — The applicable count period is defined as the five school days preceding the applicable count date, the applicable count date, and the five school days following the applicable count date as determined by the district's adopted calendar.~~

~~3.05~~ 06 In no instance shall a district solicit ~~students~~ pupils from other districts for the sole purpose of attendance during the applicable count period.

~~3.07~~ 06 In no instance shall a district solicit pupils from the ~~homestudy~~ home school population solely for purposes of attendance through the ~~pupil enrollment~~ applicable count period.

### **4.00 Alternative Count Date**

4.01 As needed, a district ~~shall~~ may submit to the Department a proposal for an alternative count date or dates. The Department ~~shall~~ may approve the establishment of district alternative count date(s) as appropriate prior to a district's proposed alternative count date(s). Such alternative count date(s) shall be set not more than forty-five (45) calendar days after the first school day occurring after the pupil enrollment count date.

4.02 A district may request the establishment of an alternative count date in appropriate circumstances, including but not limited to providing maximum flexibility in the operation and scheduling

of alternative program school calendars and of year-round calendars, in circumstances when pupils will be on authorized breaks on the pupil enrollment count date within the applicable budget year, or for other reasons as authorized in statute.

4.02(a) A program designed to return dropout pupils to a school program leading to the completion of the twelfth grade is eligible for an alternative count date.

4.02(b) A program not in session for at least the entire month prior to the pupil enrollment count date is eligible for an alternative count date.

~~4.03 Prior to the alternative count date, a district shall estimate and report on the Form "Certification of Pupil Enrollment" the number of pupils to be counted on its alternative count date. A district shall conduct another count on the alternative count date and report the findings to the Department, which will replace the estimated alternative count date data, and must report a revised form "Certification of Pupil Enrollment."~~

4.04 The count on the alternative count date will be conducted in the same manner as the count on the pupil enrollment count date.

~~4.05 A district shall count its pupils enrolled and in attendance as of the alternative count date.~~

~~4.06 A district also shall keep an attendance record indicating a pupil's presence or absence each day.~~

4.0705 The Department may accept amended alternative count date pupil data, with appropriate supporting documentation, as provided by a district, unless the alternative count date pupil data has been audited by the Department.

#### 5.00 Determination of Membership and ~~of Funded Pupil Count Enrollment~~

5.01 A district's pupil membership and funded pupil count shall include only pupils enrolled in the district and in attendance in the district or educational program with which the district has contracted with to provide instructional services.

5.01(a) No pupil shall be counted in ~~membership a district's funded pupil count~~ more than one full-time equivalent. A pupil in membership in two or more districts or in two or more eligible educational entities shall not be counted in ~~membership the state's funded pupil count~~ more than one full-time equivalent in total.

5.01(b) A pupil included in a district's full-time membership shall equal one full-time equivalent (1.0) ~~for purposes of the district's funded pupil count~~, and a pupil included in a district's part-time membership shall equal one-half of one full-time equivalent (0.5) ~~for purposes of the district's funded pupil count~~.

~~5.01(c) Following the November 10 data submission (as described in 2.02(1) of this section), pupils counted in membership by multiple districts, such that the pupil exceeds one full-time equivalent in the state's funded pupil count will be included in the state's duplicate count process as determined by the Department. During the duplicate count process, the Department will evaluate appropriate documentation submitted by each district to determine which district may include the pupil in membership.~~

~~5.01(d) A pupil that is expelled but that is (1) required to resume attendance within 30 calendar days after the applicable count date, (2) receiving educational services under an Individual Educational Plan (IEP), or (3) receiving educational services under Section 22-33-203(2)(c), C.R.S., is enrolled and in attendance for purpose of these Rules.~~

5.02 A pupil shall be "enrolled" ~~during the school year if such pupil attends school, a public school, or educational program with which the district has contracted with to provide instructional services, at any time in the school year of the pupil enrollment count date or of the alternative count date on or prior to the applicable count date, pupil enrollment count date or the alternative count date in a district which has met the minimum hours of opportunity requirement in Section 22-32-109, C.R.S., or which purchases comparable instructional services for such pupil.~~

5.02(a) Enrollment must be evidenced by the receiving district with official registration, entry of pupil, and official individual class schedule dated on or before the ~~pupil enrollment~~ applicable count date, ~~and as well as~~ the date the pupil first attended on or before the ~~pupil enrollment~~ applicable count date.

5.02(b) A district shall record withdrawals and transfers as of the last date of attendance prior to the date the pupil or the pupil's parent or guardian gives oral or written notification of the withdrawal or transfer.

5.02(c) For transfers between schools of the district, a district shall ensure the transferring pupils are not counted more than once in attendance on the applicable count date.

5.03 A pupil shall be in "attendance" if one or more of the following apply.

5.03(a) The pupil attends school for all or any portion of the ~~pupil enrollment count date or of the alternative count date, except as provided below,~~ applicable count date.

5.03(a)(1a) ~~A. For pupils exclusively enrolled in alternative teacher-pupil instruction (as defined in 1.15 of this rule), the district must provide attendance verification based upon direct teacher-pupil instruction, in-person educational activities, or evidence of participation in online synchronous and asynchronous internet-based educational activities. Districts may obtain pre-approval from the Department to include other forms of attendance verification.~~

5.03(b) ~~The pupil is not in attendance on the applicable count date, for any reason but has attended school with the reporting district at some time prior to the applicable count date during the current school year, has not withdrawn or transferred from the district, and has resumed attendance within 30 calendar days after the applicable count date.~~

5.03(c) ~~The pupil is truant, and the district has taken legal action as outlined in Article 33 of Title 22, C.R.S., to compel the pupil's attendance. A district shall document that it has notified the pupil's parent or guardian of its request for action by the court or of its directive to its attorney to file a request with the court. A district shall also document that it has made such a request of the court within 10 school days of the applicable count date. Nothing in this section 5.03(4) modifies the rules for counting dropouts or attendance under 1 CCR 301-1 and 1 CCR 301-78.~~

5.03(d) ~~The pupil is home-bound but is enrolled and is receiving direct teacher-pupil instruction and/or alternative teacher-pupil instruction on a regular basis.~~

5.03(d)(1) ~~For purposes of applying sections 5.05 and 5.06 of these Rules, the district shall utilize the pupil's home-bound schedule if the student has been receiving home-bound services since the start of the school year, or the pupil's schedule that was in place prior to beginning home-bound services if the pupil established attendance using that schedule during the current school year.~~

5.04 ~~Pupils that first enroll or first attend on or after the applicable count date but within the applicable count period may be included in a district's pupil membership only if one of the following exceptions applies~~

5.04(a) The pupil is (1) new to the state and (2) enrolls and attends on the applicable count day.

5.04(b) The pupil (1) transfers from another in-state district who newly enrolls and attends on the pupil enrollment count date or the alternative count date or in the five school days preceding the pupil enrollment count date or the alternative count date shall be in attendance for the receiving district. The pupil must show, (2) shows proof of withdrawal from the prior district at the time of enrollment in the receiving district, and (3) enrolls and attends on the applicable count day. If the pupil returns to the prior district within 30 days after the prior district's applicable count day, that district may appeal to the Department for the purposes of determining eligibility to count the pupil.

5.04(c) The pupil transfers after the applicable count date from one district to a district with an approved alternative count date, and the receiving district provides documentation that the pupil does not meet membership criteria in the former district as of the pupil enrollment count date.

5.05 A district shall count a pupil in full-time funded pupil count, if (1) the pupil is enrolled and in attendance as of the applicable count day pursuant to these Rules, and (2) the pupil has a schedule of courses that provides at least 360 hours of Instructional Time (as defined in these Rules) in the semester of the applicable count date.

5.05(a) A pupil receiving services under an IEP which explicitly states the pupil is unable to benefit from a full-time program of services and describes how the pupil's disability affects their involvement, progress, and participation in appropriate activities such that the student would not be able to meet the full-time scheduling requirement, shall be deemed to meet the requirements of this section 5.05.

5.05(b) A pupil who completes one school year of enrollment in a half-day kindergarten educational program and does not advance to first grade, pursuant to Section 22-7-1207, C.R.S., is counted as a full-day pupil for the second year in which the pupil is enrolled in the half-day kindergarten educational program.

5.06 A district shall count a pupil in part-time funded pupil count, if (1) the pupil is enrolled and in attendance as of the applicable count day pursuant to these Rules, and (2) the pupil has a schedule that provides at least 90 hours but less than 360 hours of Instructional Time (as defined in these Rules) in the semester of the applicable count date.

5.06(a) A district shall obtain documentation which evidences the reasons a pupil is enrolled part-time and confirms how the pupil is compliant with the Compulsory school attendance requirements of Section 22-33-104, C.R.S.

5.06(b)(1) This documentation may include the written notification of the intent to homeschool pursuant to Section 22-33-104.5(3)(e), C.R.S.

5.06(c) For a pupil who is only enrolled and attending a part-time program, a district shall count such pupil at most in part-time funded pupil count regardless of the pupil's actual class schedule on the applicable count date.

5.06(d) A district may include home school pupils enrolled and attending a district educational program who meet the requirements of these Rules. A home school pupil is not eligible to be counted for more than a part-time funded pupil count (0.5 FTE).

5.06(e) A district may include a private school pupil enrolled and attending a district educational program who meet the requirements of these Rules. A private school pupil is not eligible to be counted for more than a part-time funded pupil count (0.5 FTE).



~~5.07 For pupils exclusively enrolled in alternative teacher-pupil instruction (as defined in 1.15 of this rule), the district must verify and document student residency in the State of Colorado during the current school year prior to the pupil enrollment count date.~~

~~5.03(1)(b)(i) The receiving district shall notify in writing, with a copy to the Department, the other district of the pupil's new enrollment within 15 calendar days after the pupil enrollment count date or the alternative count date. If the pupil returns to the prior district during the count period, the district may appeal to the Department for the purposes of determining eligibility to count the pupil.~~

~~5.03(1)(c)(ii) This Rule is not intended to apply to situations in which a pupil transfers from an out-of-state district, from an in-district school, or from a private or independent school.~~

~~5.03(2) The pupil is absent on the pupil enrollment count date or the alternative count date but has attended school at some time during the five school days prior to the pupil enrollment count date or the alternative count date, has not withdrawn or transferred from the school as of the start of school on the pupil enrollment count date or the alternative count date, and has resumed attendance within 30 calendar days after the pupil enrollment count date or the alternative count date. This Rule also is intended to allow a district to count pupils who have no classes scheduled on the pupil enrollment count date or on the alternative count date.~~

~~5.03(3) The pupil is absent on the pupil enrollment count date or on the alternative count date, does not attend school on any of the five school days either prior to or following the pupil enrollment count date or alternative count date, and returns to school within 30 calendar days after the pupil enrollment count date or the alternative count date, and the district has on file the pupil's parent's or guardian's written documentation of intent to return the pupil to school within 30 calendar days after the pupil enrollment count date or the alternative count date and to not enroll the pupil in another school.~~

~~5.03(3)(a) The parent or guardian shall sign and date this documentation within 30 calendar days after the pupil enrollment count date or the alternative count date.~~

~~5.03(3)(b) This Rule is intended to allow a district to count a pupil who is on vacation or who has an illness or an unusual family situation which precludes school attendance.~~

~~5.03(4) The pupil is absent on the pupil enrollment count date or the alternative count date, is in attendance at some time prior to the five school days prior to the pupil enrollment count date or the alternative count date, is not in attendance at any time during the five school days immediately prior to the pupil enrollment count date or the alternative count date, and has resumed attendance at some time during the five school days following the pupil enrollment count date or the alternative count date.~~

~~5.03(4)(a) This Rule is intended to allow districts five school days after the pupil enrollment count date or the alternative count date before requesting the written documentation from a pupil's parent or guardian as required in section 5.03(3) above.~~

~~5.03(5) The pupil transfers after the pupil enrollment count date or the alternative applicable count date from one district to a district with an approved alternative count date, and the receiving district provides documentation that the pupil does not meet membership criteria in the former district as of the pupil enrollment count date.~~

~~5.03(5)(a) This Rule does not apply to pupils transferring to a district from out-of-state, or from a private school.~~

~~5.03(6) The pupil has reached at least age 16 as of the pupil enrollment count date or the alternative count date, does not attend any school in either the five school days preceding or following the pupil enrollment count date or the alternative count date, attends school at some time during the current school year prior to the pupil enrollment count date or the alternative count date, and resumes attendance within~~

~~30 calendar days after the pupil enrollment count date or the alternative count date, and the district has on file the pupil's parent's or guardian's written documentation of intent to return the pupil to school within 30 calendar days after the pupil enrollment count date or the alternative count date and to not enroll the pupil in another school.~~

~~5.03(6)(a) — The parent or guardian shall sign and date the documentation within 30 calendar days after the pupil enrollment count date or the alternative count date.~~

~~5.03(7) The pupil is on suspension (either "in school" or "out of school") from school attendance on the pupil enrollment count date or the alternative count date but returns from suspension and resumes attendance within 30 calendar days after the pupil enrollment count date or the alternative count date.~~

~~5.03(8) The pupil is expelled from school prior to the pupil enrollment count date or the alternative count date but is receiving educational services under an Individual Educational Plan (IEP) in an alternate setting as of the pupil enrollment count date or the alternative count date or is required to resume attendance within 30 calendar days after the pupil enrollment count date or the alternative count date.~~

~~5.03(9) The pupil attends school on the pupil enrollment count date or the alternative count date then withdraws or transfers on or after the pupil enrollment count date or the alternative count date.~~

~~5.03(9)(a) — A district shall not include in attendance a pupil who withdraws or transfers prior to the pupil enrollment count date or the alternative count date.~~

~~5.03(9)(b) — A district shall record withdrawals and transfers as of the last date of attendance prior to the date the pupil or the pupil's parent or guardian gives oral or written notification of the withdrawal or transfer.~~

~~5.03(9)(c) — A district shall examine records of transfers between schools of the district to ensure the transferring pupils are not counted more than once in attendance on the pupil enrollment count date or on the alternative count date.~~

~~5.03(9)(d) — A district shall establish in its central district office a listing of pupils who have transferred between schools within the district.~~

~~5.03(10) — The pupil is truant, and the district has taken legal action as outlined in Article 33 of Title 54, C.R.S., to compel the pupil's attendance.~~

~~5.03(10)(a) — The pupil is truant if the pupil is under age 16 as of the pupil enrollment count date or the alternative count date, attends school at some time during the current school year preceding the pupil enrollment count date or the alternative count date, is absent on the pupil enrollment count date or the alternative count date and is absent during the five school days immediately preceding or following the pupil enrollment count date or the alternative count date, has not transferred or withdrawn prior to the pupil enrollment count date or the alternative count date, and has not provided written notice from the pupil's parent or guardian that the pupil will return to the school without enrolling in another school.~~

~~5.03(10)(b) — A district shall document that it has notified the pupil's parent or guardian of its request for action by the court or of its intent to request action by the court as evidenced by its directive to its attorney to file a request with the court.~~

~~5.03(10)(b)(1) A district shall request such action no later than ten school days following the pupil enrollment count date or the alternative count date.~~

~~5.03(10)(b)(2) The request to the court shall include appropriate and available information as requested of the district by the court for purposes of locating the pupil and the pupil's parent(s) or guardian.~~

~~5.03(10)(b)(3) This Rule is not intended to modify the procedure for counting pupils who are dropouts.~~

~~5.04 — A district shall count a pupil in full-time membership, if all of the following apply.~~

~~5.04(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.04(2) The pupil is enrolled as of the pupil enrollment count date or the alternative count date in any grade of the grade 1 through grade 12 group or in an approved full-day kindergarten program.~~

~~5.04(3) The pupil has a schedule as of the pupil enrollment count date or the alternative count date which provides at least 360 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date. For purposes of determining the number of hours of teacher-pupil instruction and teacher-pupil contact:~~

~~5.04(3)(a) — A district shall not include the actual time instruction is suspended for lunch period but may include time for parent-teacher conferences and for staff in-service programs, subject to the limitations in Section 22-32-109, C.R.S.~~

~~5.04(3)(b) — For a scheduled independent study, a district shall include only the time of actual teacher-pupil instruction and teacher-pupil contact. Except in cases where districts conduct remote learning due to public health and safety orders and precautions as described below, teacher-pupil instruction and teacher-pupil contact during scheduled independent study must occur on-site under the supervision of a certificated or licensed teacher as determined by the local board.~~

~~5.04(3)(c) — For a workstudy program, a district shall include only the time of instruction and contact provided under the supervision of a certificated or licensed teacher as determined by the local board.~~

~~5.04(3)(d) — For night school classes, a district shall include time only to the extent that it would be included for a day school class.~~

~~5.04(3)(e) — For independent learning that occurs off-site when a district conducts remote learning due to public health and safety orders and precautions, a district may include time in accordance with the local board's policy and definition of educational process as it relates to these remote learning situations.~~

~~5.05 — A district shall count a pupil in full-time membership, if all of the following apply.~~

~~5.05(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.05(2) The pupil would be enrolled as of the pupil enrollment count date or the alternative count date, but for the pupil's disabling condition(s), in any grade of the grade 1 through grade 12 group or in an approved full-day kindergarten program.~~

~~5.05(2)(a) — The pupil must reach age 6 on or before October 1 to be included in grade 1 enrollment or age 5 on or before October 1 to be included in full-day kindergarten enrollment.~~

~~5.05(2)(b) — A pupil who has not yet reached age 21 as of October 1 or a pupil who reaches age 21 during the semester of the pupil enrollment count date or the alternative count date, and who is receiving services under an Individual Education Plan (IEP) shall satisfy the requirements of section 5.05(2). 5.05(3)~~

~~— The pupil has an Individual Education Plan (IEP) schedule as of the pupil enrollment count date or the alternative count date which provides at least 360 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date. 5.05(3)(a)~~

~~— The pupil receiving services under an IEP but unable to benefit from a full-time program of services shall be deemed to meet the requirements of section 5.05(3).~~

~~5.06 — A district shall count a pupil in part-time membership, if all of the following apply.~~

~~5.06(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.06(2) The pupil is enrolled as of the pupil enrollment count date or the alternative count date in any grade of the grade 1 through grade 12 group.~~

~~5.06(3) The pupil has a schedule as of the pupil enrollment count date or the alternative count date which provides at least 90 hours but less than 360 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date. For purposes of determining the number of hours of teacher-pupil instruction and teacher-pupil contact:~~

~~5.06(3)(a) — A district shall not include the actual time~~

~~instruction is suspended for lunch period but may include time for parent-teacher conferences and for staff in-service programs, subject to the limitations in Section 22-32-109, C.R.S~~

~~.5.06(3)(b) — For a scheduled independent study, a district shall include only the time of actual teacher-pupil instruction and teacher-pupil contact. Except in cases where districts conduct remote learning due to public health and safety orders and precautions as described below, teacher-pupil instruction and teacher-pupil contact during scheduled independent study must occur on-site under the supervision of a certificated or licensed teacher as determined by the local board.~~

~~5.06(3)(c) — For a work-study program, a district shall include only the time of instruction and contact provided under the supervision of a certificated or licensed teacher as determined by the local board.~~

~~5.06(3)(d) — For night school classes, a district shall include time only to the extent that it would be included for a day school class.~~

~~5.06(3)(e) — For a pupil who is only enrolled and attending a part-time program, a district shall count such pupil at most in part-time membership regardless of the pupil's actual class schedule on the pupil enrollment count date or the alternative count date.~~

~~5.06(3)(f) — For independent learning that occurs off-site when a district, BOCES, or charter school conducts remote learning due to public health and safety orders and precautions, local board may include time in accordance with the local board's policy and definition of educational process as it relates to these remote learning situations.~~

~~5.07 — A district shall count a pupil in part-time membership, if all of the following apply.~~

~~5.07(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.07(2) The pupil is enrolled as of the pupil enrollment count date or the alternative count date in any grade of the grade 1 through grade 12 group.~~

~~5.07(2)(a) — The pupil must reach age 6 on or before October 1 to be included in grade 1 enrollment.~~

~~5.07(2)(a)(I) — The pupil must reach age 5 on or before October 1 to be included in kindergarten enrollment.~~

~~5.07(2)(a)(II) — The pupil must reach age 3, pursuant to 22-28-104(1)(a.5), C.R.S., or age 4 on or before October 1 to be included in Colorado Preschool Program.~~

~~5.07(2)(b) — A pupil who has not yet reached age 21 as of October 1 or a pupil who reaches age 21 during the semester of the pupil enrollment count date or the alternative count date, and who is receiving services under an Individual Education Plan (IEP) shall satisfy the requirements of section 5.07(2).~~

~~5.07(3) The pupil has an Individual Education Plan (IEP) schedule as of the pupil enrollment count date or the alternative count date which provides at least 90 hours but less than 360 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date.~~

~~5.08 — A district shall count a pupil in part-time membership, if all of the following apply.~~

~~5.08(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.08(2) The pupil is enrolled in kindergarten.~~

~~5.08(2)(a) — This rule does not apply for any pupil enrolled in an official full-day kindergarten program established by law.~~

~~5.08(3) The pupil has a schedule as of the pupil enrollment count date or the alternative count date which provides at least 90 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date. For purposes of determining the number of hours of teacher-pupil instruction and teacher-pupil contact, a district shall not include the actual time instruction is suspended for lunch period but may include time for parent-teacher conferences and for staff in-service programs, subject to the limitations in Section 22-32-109, C.R.S.~~

~~5.08(3)(a) — Regardless of the amount of hours included in the pupil's schedule, a district shall count the pupil meeting the requirements of this Rule section 5.08 only in part-time membership.~~

~~5.09 — A district shall count a pupil in part-time membership, if all of the following apply.~~

~~5.09(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.09(2) The pupil is enrolled in kindergarten.~~

~~5.09(2)(a) — This rule does not apply for any pupil enrolled in an official full-day kindergarten program established by law.~~

~~5.09(3) The pupil has an Individual Education Plan (IEP) schedule as of the pupil enrollment count date or the alternative count date which provides at least 90 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date.~~

~~5.10 — A district shall count a pupil in part-time membership, if all of the following apply.~~

~~5.10(1) The pupil is enrolled and in attendance pursuant to section 5.02 and R-5.03, respectively.~~

~~5.10(2) The pupil is enrolled in and attending a district-~~

~~preschool program as defined in and established pursuant to Article 28 of Title 54, C.R.S.~~

~~5.10(2)(a) — A pupil cannot be enrolled in and attend a preschool program in more than one district and is not eligible to be counted for more than .5 FTE. The resident district will be the prevailing district for funding. The non-resident district may charge tuition to the parent.~~

~~5.10(3) The pupil has a schedule as of the pupil enrollment count date or the alternative count date which provides at least 90 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date.~~

~~5.10(3)(a) — Regardless of the amount of hours included in the pupil's schedule, a district shall count the pupil meeting the requirements of this Rule section 5.10 only in part-time membership.~~

~~5.10(4) The pupil has reached age 3 or 4 on or before October 1.~~

~~5.11 — A district shall count a pupil in part-time membership, if all of the following apply.~~

~~5.11(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.11(2) The pupil is a three- or four-year-old with a disability and is receiving an educational program under Article 20 of Title 54, C.R.S., or the pupil has reached age 5 by October 1, is determined to have a disability, and would be in kindergarten but for the disabling condition, or the pupil will reach age 3 during the semester of the pupil enrollment count date and has a disability.~~

~~5.11(3) The pupil has an Individual Education Plan (IEP) schedule as of the pupil enrollment count date or the alternative count date which provides at least 90 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date.~~

~~5.12 — A district may count a home-bound pupil in membership, as outlined below, if all of the following apply.~~

~~5.12(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.12(2) The pupil is receiving instruction, including but not limited to instruction delivered using technology under the supervision of a certificated or licensed teacher, as determined by the local board on a regular basis.~~

~~5.12(3) If prior to becoming home-bound, the pupil had a schedule as of the pupil enrollment count date or the alternative count date which would have provided at least 360 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date, then a district shall count the pupil in full-time membership. For purposes of determining the number of hours of teacher-pupil instruction and teacher-pupil contact:~~

~~5.12(3)(a) — A district shall not include the actual time instruction is suspended for lunch period but may include time for parent-teacher conferences and for staff in-service programs, subject to the limitations in Section 22-32-109, C.R.S.~~

~~5.12(3)(b) — For a scheduled independent study, a district shall include only the time of actual teacher-pupil instruction and teacher-pupil contact. Except in cases where districts conduct remote learning due to public health and safety orders and precautions as described below, teacher-pupil instruction and teacher-pupil contact during scheduled independent study must occur on-site under the supervision of a certificated or licensed teacher as determined by the local board.~~

~~5.12(3)(c) — For a work-study program, a district shall include only the time of instruction and contact provided under the supervision of a certificated or licensed teacher as determined by the local board.~~

~~5.12(3)(d) — For night school classes, a district shall include time only to the extent that it would be included for a day school class.~~

~~5.12(3)(e) — For independent learning that occurs off-site when a local board conducts remote learning due to public health and safety orders and precautions, a district may include time in accordance with the local board's policy and definition of educational process as it relates to these remote learning situations.~~

~~5.12(4) If prior to becoming home-bound, the pupil had a schedule as of the pupil enrollment count date or the alternative count date which would have provided at least 90 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date, then a district shall count the pupil in part-time membership. For purposes of determining the number of hours of teacher-pupil instruction and teacher-pupil contact:~~

~~5.12(4)(a) — A district shall not include the actual time instruction is suspended for lunch period but may include time for parent-teacher conferences and for staff in-service programs, subject to the limitations in Section 22-32-109, C.R.S.~~

~~5.12(4)(b) — For a scheduled independent study, a district shall include only the time of actual teacher-pupil instruction and teacher-pupil contact. Except in cases where local boards conduct remote learning due to public health and safety orders and precautions as described below, teacher-pupil instruction and teacher-pupil contact during scheduled independent study must occur on-site under the supervision of a certificated or licensed teacher as determined by the local board.~~

~~5.12(4)(c) — For a work-study program, a district shall include only the time of instruction and contact provided under the supervision of a certificated or licensed teacher as determined by the local board.~~

~~5.12(4)(d) — For night school classes, a district shall include time only to the extent that it would be included for a day school class.~~

~~5.12(4)(e) — For independent learning that occurs off-site when a local board conducts remote learning due to public health and safety orders and precautions, a district may include time in accordance with the local board's policy and definition of educational process as it relates to these remote learning situations.~~

~~5.12(4)(f) — For a pupil who is only enrolled~~

~~5.13 — A district may count a home-study pupil in part-time membership, if all of the following apply.~~

~~5.13(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03 respectively.~~

~~5.13(2) The pupil also is enrolled and is attending a district educational program which provides at least 90 hours of teacher-pupil instruction and teacher-pupil contact in the semester of the pupil enrollment count date or the alternative count date. For purposes of determining the number of hours of teacher-pupil instruction and teacher-pupil contact, a district shall not include the actual time instruction is suspended for lunch period but may include time for parent-teacher conferences and for staff in-service programs, subject to the limitations in Section 22-32-109, C.R.S.~~

~~5.08 Pupils exclusively enrolled in online classes, but are not enrolled in an online school, must be enrolled in an online program.~~

~~5.09 For pupils enrolled in and attending a part-time program, a district shall count such pupil at most in part-time membership regardless of the pupil's class schedule on the pupil enrollment count date or the alternative count date.~~

~~5.14 — A district may count a pupil enrolled in one or more courses offered by an institution of higher education, for a pupil participating in Early College pursuant to Section 22-35-103(10), C.R.S., in membership, as outlined below.~~

~~5.14(1) The pupil is enrolled and in attendance pursuant to section 5.02 and 5.03, respectively.~~

~~5.14(1)(a) — 5.09 (a) A pupil may meet the attendance requirements of sections 5.03 and 5.04 by attending either the district school or the institution of higher~~

Delete 5.08 or clarify that this rule applies to full-time students, not part-time students. The Online Education Act limits enrollment in online schools, online program and multi-district authorizers to full-time students

education. ~~A district shall document the attendance as of the applicable count date of all pupils included in its pupil membership who are enrolled in secondary courses and shall provide evidence of tuition payment for courses at institutions of higher learning, on the official count date or the alternative count date.~~

~~5.14(2) If 5.09 (b) Pupils enrolled only in courses offered by an institution of higher education may be counted in full-time funded pupil count if the number of semester credit hours for the courses in which the pupil is enrolled on the official count date or the alternative applicable count date is equivalent to a full-time pupil credit load as defined for the institution of higher education, or is equal to at least twelve seven semester credit hours, then a district shall count the pupil in full-time membership.~~

~~5.0914(c3) Pupils enrolled only in courses offered by an institution of higher education may be counted in part-time funded pupil count if — If the number of semester credit hours for the courses in which the pupil is enrolled on the official count date or the alternative applicable count date is less than a full-time pupil credit load as defined for the institution of higher education, or is less than twelve seven semester credit hours, but is at least three semester credit hours, then a district shall count the pupil in part-time membership.~~

~~5.0914(d4) — If a pupil is attending. Pupils enrolled in both courses offered by at the district and courses offered by an institution of higher education may be counted in full-time funded pupil count learning and if the sum of the instructional hours of teacher-pupil instruction and teacher-pupil contact in the district's in the district's educational program is at least 90 hours and the credit hours for the institution's institution of higher education's courses is at least 3 semester credit hours, then a district shall count the pupil in full-time membership.~~

~~5.0914(e5) If a pupil is enrolled in classes through the district only, sections 5.05 and has at least 360 hours 5.06 of these Rules apply pupil-teacher contact time then a district shall count the student in full-time membership; if the number of pupil-teacher contact times is at least 90 hours, but less than 360 hours, then the district shall count the student in part-time membership.~~

~~5.0914(f6) A district shall keep at its central district office a record of pupils included in its pupil membership who are enrolled at institutions of higher learning as of the official applicable count date or, as well as a record of the class schedules of such pupils, alternative count date.~~

~~5.14(7) A district shall keep at its central district office a record of the class schedules of all pupils included in its pupil membership who are enrolled at institutions of higher learning as of the official count date or the alternative count date.~~

~~5.14(8) A district shall document the attendance as of the official count date or the alternative count date of all pupils included in its pupil membership who are enrolled at institutions of higher learning.~~

~~105.15 A district's pupil enrollment shall be the membership of the district as of the pupil enrollment count date or the alternative applicable count date and any adjustments for the following as applicable.~~

~~5.45(10) (a) A pupil enrolled in a public school and receiving education services from another entity through a purchase agreement may be included in the district's enrollment. The district shall provide evidence of payment for the entire cost of services used to determine funding eligibility. Documentation from the educational provider must evidence funding criteria have been met, including contract, provider calendar, provider bell schedule, provider attendance, provider schedule. -~~

~~5.10 (b) A pupil receiving services from a district under Section 22-32-141, C.R.S., on the applicable count date may be included in the district's pupil enrollment. Pupils receiving services from a district under Section 22-32-141, C.R.S., within 30 days after the applicable count date~~



may be included in the district's pupil enrollment if the pupil is not included in any other district's pupil enrollment.

5.11 In the event a pupil meets the funding criteria at multiple districts, the Department will determine which district is eligible for funding. The following duplicate count process criteria will be considered in determining which district is eligible to submit the pupil for funding:

5.11 (a) If one district is using the pupil enrollment count date and another is using an approved alternative count date, the district using the pupil enrollment count date is eligible to submit the pupil for funding.

5.11 (b) If a pupil transfers on the pupil enrollment count date and meets the funding requirements at multiple districts on the pupil enrollment count date, the receiving district is eligible to submit the pupil for funding.

5.11 (c) If a pupil transfers between two districts with approved alternative count dates and meets the funding requirements at both districts on their respective approved alternative count dates, the receiving district is eligible to include the pupil for funding.

5.11 (d) If a pupil is enrolled part-time at two Colorado public schools (and is not a home-school or private school pupil), both reporting districts may be eligible to submit the pupil for a maximum of part-time funding, pending a review of documentation to confirm the pupil's eligibility.

5.11 (e) If a home-school or private school pupil is simultaneously enrolled and receiving educational services at two different districts, and the pupil meets the part-time funding criteria at both, the district of primary residence is allowed to submit the pupil for funding.

5.11 (f) If a pupil transfers from one Colorado public school district to another, after the pupil enrollment count date but within the count period, the pupil is eligible for funding at the receiving district only if the pupil did not meet the funding criteria at the sending district and the pupil established attendance during the current year in a Colorado public school prior to the pupil enrollment count date.

~~5.15(2) A pupil included in the pupil membership of an eligible facility pursuant to section 16.00.~~

~~5.15(2)(a) — A pupil who reaches age 21 during the semester of the pupil enrollment count date or the alternative count date, who is in placement in an eligible facility as of the pupil enrollment count date, and whose district of residence and district of attendance are not the same shall be counted by the district of residence as one pupil on the roll of out-of-district-placed pupils.~~

~~5.15(3) A pupil for whom a district either pays or receives any amount of tuition.~~

~~5.15(3)(a) — A pupil for whom a district receives maximum tuition shall be included only in the pupil enrollment of the district which agrees to pay the tuition. In the event an individual and not a school district is to pay the tuition, no district shall include the pupil in its pupil enrollment.~~

~~5.15(4) A pupil enrolled in a less-than-full-time program.~~

~~5.15(5) Replacement of estimates with actual count figures for programs having alternative count dates.~~

~~5.16 — Pupils eligible to be counted in detention centers~~

~~5.16(1) Students in short-term detention centers on the pupil enrollment count date are eligible to be counted by the district of residence if they meet the following criteria:~~

~~5.16(1)(a) — The pupil was in attendance in the month preceding the count date, has not withdrawn from the district of residence, and the resident district received notification from the district in which the detention center is located verifying the pupil was in the detention center as of the pupil enrollment count day.~~

~~5.16(1)(b) — Students not in attendance in the month preceding the count date are eligible to be counted if the district of residence is also the district where the detention center is located. The district must enroll and establish a schedule with intent to have the pupil attend district schools after release from the detention center.~~

~~5.16(1)(c) — The district where the detention center is located (district of attendance) may count a pupil that is not eligible to be counted by the district of residence. The district of attendance must receive written verification from the district of residence stating that the pupil was not eligible to be counted by the district of residence. The district of attendance must provide the educational program at the detention center.~~

~~5.16(1)(d) — Detention center pupils are not considered facility placed students.~~

~~5.17 — Pupils enrolled in on-line programs~~

~~5.17(1) A pupil enrolled in an on-line program during the 2001-02 school year and who is enrolled and participates in any such on-line program on October 1 within the applicable budget year shall be counted in the "pupil enrollment" of the district and the district shall receive the district's per pupil revenue for the pupil, section 22-54-103(10)(a)(ii), C.R.S.~~

~~5.17(2) A pupil enrolled in an on-line program within the applicable budget year that was enrolled in a public school in the immediately preceding school year, shall be counted in the "on-line" pupil count and the district shall receive the minimum per pupil funding amount for the pupil.~~

~~5.17(3) Repealed May 10, 2007~~

~~5.18 — Fifth-year programs Repealed May 10, 2007~~

~~5.18(1) Repealed May 10, 2007~~

#### **6.00 — District Pupils Eligible for Free Lunch**

~~6.01 — "District pupils eligible for free lunch" means the number of pupils included in the district pupil enrollment pursuant to section 5.15 who are eligible for free lunch pursuant to the provisions of the federal "National School Lunch Act; 42 U.S.C. 1751, et. seq., and of the federal "Child Nutrition Act; 42 U.S.C. 1771, et. seq., which were in effect on July 1, 1994.~~

~~6.02 — A district shall report to~~

#### **6. At-Risk Pupils and English Language Learners Free and Reduced Lunch Eligibility**

~~6.01 Pursuant to Section 22-54-103(1.5)(d), C.R.S., pupils must be identified by a district as eligible for free or reduced lunch as of the applicable count date (or within 30 days thereafter, for pupils not in attendance on the applicable count date).~~

~~6.0302 As evidence of a pupil's qualification for inclusion as a district pupil eligible for free or reduced lunch, a district shall use one of the following items for each pupil claimed as a district pupil eligible for free lunch and shall retain records thereof in its child nutrition/school food service office.~~

~~6.0302 (a4)~~ The pupil's current year "application for free or reduced price school meals," which application shall be for the school year of the ~~pupil enrollment count date or the alternative applicable~~ count date and shall be approved within 30 calendar days after the ~~pupil enrollment applicable~~ count date ~~or the alternative count date.~~

~~6.02(b) 03(4)(a)~~ Absent the current year application, a district may submit the pupil's prior year application, which application shall be valid evidence ~~for a maximum of 30 school days into through the applicable count date of~~ the current year.

~~6.0302 (c)~~ A copy of the direct certification listing as of the ~~pupil enrollment count date or the alternative applicable~~ count date which includes the pupil's name.

~~6.0302 (d)~~ For a district with a school or schools operating under a federal Special Assistance Certification and Reimbursement Alternative (~~7 CFR 245.9~~), evidence of the pupil's inclusion on the district's base year count and further evidence that such pupil remains included in the district's pupil enrollment pursuant ~~to section 5.15. This method shall not be available if a district alters the boundaries of the participating schools.~~

~~6.03(3)(a)~~ A district operating under a federal Special Assistance certification and Reimbursement Alternative (7 CFR 245.9) must notify the Research and Evaluation Unit of the Department at least 30 calendar days prior to the pupil enrollment count date of its intention to document eligible pupils at specific schools pursuant to section 6.03(3).

~~6.03(3)(b)~~ If a district alters the boundaries of a school operating under a federal Special Assistance Certification and Reimbursement Alternative (7 CFR 245.9), the district no longer may document eligible pupils at such school pursuant to Rule section 6.03(3).

~~6.04~~ A district shall retain in its child nutrition/school food service office the records of the applications for free or reduced price school meals and the records of direct certification listings required pursuant to section 6.03.

~~6.50~~

~~6.03~~ Pursuant to Section 22-54-103(6.5)(a), C.R.S., pupils who are English Language Learners are identified with a Language Proficiency of Non-English Proficient or Limited-English Proficient as of the applicable count date and are within the five-year services window defined in English Language Proficiency Act (ELPA).

## **7. Cost of Living Factor – newly organized districts**

~~6.57.01~~ A district shall annually cause a schedule to be placed in the annual audit report of its financial statements which follows the required practices of the Department's Financial Policies and Procedures Handbook as adopted by the State Board.

~~7.01~~ Except in the event of a deconsolidation as described in ~~section~~Section 22-30-102(2)(a), ~~CRS~~C.R.S., resulting in a newly organized district, the Department shall assign a cost of living factor for purposes of the Public School Finance Act of 1994 to a new district organized pursuant to Article 30 of Title 22, C.R.S.

~~6.51(1)~~ Such cost of living factor shall be valid until the staff of the legislative council certifies a cost of living factor for such district pursuant to section 22-54-104(5), C.R.S.

~~6.527.02~~ In determining a cost of living factor to assign, the Department shall review materials used in the most recent cost of living analysis conducted by the staff of the legislative council for those districts affected by the reorganization. ~~The Department shall also consult with representatives of the~~

~~affected school districts and with other parties as necessary. Such cost of living factor shall be valid until the staff of the legislative council certifies a cost of living factor for such district pursuant to Section 22-54-104(5), C.R.S.~~

~~6.53 — In determining a cost of living factor to assign, the Department shall consult with representatives of the affected school districts and with other parties as necessary.~~

~~6.54~~

~~7.03~~ In the event of a consolidation of existing districts and a cost of living factor assigned by the Department which is less than the cost of living factor previously applicable to the district prior to consolidation, the Department's assignment shall be attributable to matters other than the mere consolidation of the districts.

~~6.55~~ 7.04 The Department shall assign such cost of living factor at least 30 days prior to the start of the newly organized district's budget year and shall certify such factor to the district in writing.

## ~~7.00 — District Annual Audit Reports of Financial Statements~~

### ~~8. Department Audits of Districts~~

~~7~~

~~8.01~~ A district ~~The Department shall annually cause a schedule to be placed in~~ ~~perform audits of pupil enrollment count data to be placed in~~ ~~ensure the annual audit report of its financial statements which follows the required practices~~ ~~accuracy of the Department's Financial Policies and Procedures Handbook as adopted by the State Board.~~ The Department shall annually perform audits of pupil enrollment count data to be placed in ensure the annual audit report of its financial statements which follows the required practices accuracy of the Department's Financial Policies and Procedures Handbook as adopted by the State Board.

~~7.02~~ A district shall submit to the Department the annual audit report of its financial statements within six months next following the fiscal year audited.

~~7.03~~ Since the State Board has determined that the timely filing of the annual audit report is the legal obligation of the district and that the information used to determine funding contained therein including the auditor's opinions has a time value, the Department will identify for the State Board any district that fails to file such a report in a timely manner as provided in statute and in these Rules.

~~8.04~~ 8.02 Each district and ~~eligible~~ ~~approved~~ facility ~~pursuant to section 14.03~~ ~~school~~ shall retain complete documentation supporting any certification made to the Department or any other data given to the Department for purposes of administering the Public School Finance Act of 1994 until audited by the Department or until five years from the certification due date whichever comes first. ~~The Department encourages a district to retain all required documentation in a central location.~~ The Department encourages a district to retain all required documentation in a central location.

~~8.03~~ In addition to satisfying section 8.02 of these rules for its own pupils (if any), ~~a .01(1)A BOCES participating in the provision of educational~~ ~~providing~~ services ~~on behalf of a~~ ~~district~~ ~~pupils,~~ ~~charter school, or BOCES~~ shall ensure that its documentation is sufficient to allow ~~asuch~~ ~~district,~~ ~~charter school, or BOCES~~ to meet the requirement in section ~~8.04.~~ 8.02 ~~The Department encourages a district to retain all required documentation in a central location until audited by the Department or until five years from the certification due date whichever comes first.~~ The Department encourages a district to retain all required documentation in a central location until audited by the Department or until five years from the certification due date whichever comes first.

~~8.03 — Repealed.~~

8.04 If the Department determines that a district or an ~~eligible~~ ~~approved~~ facility ~~school~~ has received payment of funds greater than the amount to which the district or ~~eligible~~ ~~approved~~ facility ~~school~~ is entitled, the district or ~~eligible~~ ~~approved~~ facility ~~school~~ shall be responsible for repayment to the Department within 30 calendar days from the date of said determination.

8.04(a) Audit repayments outstanding after 30 calendar days shall be assessed interest at a rate consistent with Section 5-12-101, C.R.S., beginning from the final settlement date of the audit, as provided in Section 22-2-113(1)(g), C.R.S.

8.04(b) A district or an eligible approved facility school that refuses to pay a determined repayment amount may have its current and future payments or reimbursements withheld until the full amount of the repayment, plus applicable interest, is recovered.

~~8.04(3) If necessary, the Department may adjust future payments to a district or an eligible facility to fully recover outstanding audit repayments plus applicable interest.~~

8.05 If the Department determines that a district or an eligible facility has not received full payment of funds to which it is entitled, the Department shall be responsible for payment to the district or eligible facility.

8.06 A district or an eligible facility may appeal any audit finding in writing to the Commissioner within 30 calendar days. ~~8.06(1)~~ The Commissioner shall rule within 30 calendar days of receipt of a written appeal. The ruling shall be in writing and shall either uphold, modify, or overturn the appealed audit finding(s). ~~8.06(2)~~ The Commissioner's ruling shall be final, and no additional administrative appeals shall be provided.

#### ~~9.00 Business Incentive Agreements~~

~~9.01 A district which negotiates an incentive payment or credit pursuant to Section 22-32-110(1)(ff), C.R.S., or pursuant to Section 22-32-110(1)(gg), C.R.S., shall submit a copy of the agreement to the Public School Finance Unit of the Department.~~

~~9.01(1) A school district board of education shall not enter into an agreement to provide an incentive payment or credit unless the Colorado Economic Development Commission (EDC) has reviewed the agreement. A letter from EDC indicating that the required review has been conducted must also be submitted to the department.~~

~~9.02 Annually, a district shall obtain certification from the county assessor of the amount of the assessed valuation of the property covered by the agreement by January 15 of each fiscal year.~~

~~9.03 The Department shall make any necessary adjustment to a district's state share of total program pursuant to Section 22-54-106, C.R.S., prior to June 30 of each fiscal year.~~

~~9.03(1) Adjustments will be made only for investments occurring within or after the calendar year in which an agreement is signed.~~

~~9.03(2) For compliance with Section 22-54-106(8)(a)(II), C.R.S., the Department annually may calculate the state share payments using the applicable mill levies certified in the current fiscal year.~~

~~9.04 Annually, a district shall certify to the Department the district's compliance with the terms of its agreement(s), including payment of any incentive payment or credit.~~

#### 10.00 State Average Per Pupil Operating Revenues

10.01 The Department shall certify the state average per pupil operating revenues pursuant to Section 22-54-103, C.R.S., by June 15 next preceding the fiscal year.

10.01(1) The certified state average per pupil operating revenues shall figure may be subject to minor correction and audit changes; agreements between districts and other entities to pay the state average need not be adjusted to the revised figure.

~~41.0010.~~      **Buyout of Categorical Programs**

~~41.01~~      The Department shall certify to those districts required to levy additional mills pursuant to Section 22-54-107, C.R.S., the amount of categorical program funding which is subject to buyout requirements.

~~41.02~~      The Department shall use the best available data, including estimated amounts if actual figures are unknown.

~~41.03~~      ~~The Department shall prorate each categorical program buyout requirement if a district's additional revenues available pursuant to Section 22-54-107, C.R.S., are insufficient to fully buy out the programs.~~

~~42.00~~

**11.      Timely Payment of School District Obligations**

~~12.01~~      ~~If a district has issued general obligation bonds on or after July 1, 1991, pursuant to Articles 42 or 43 of Title 54, C.R.S., or has entered into a lease agreement or installment purchase agreement pursuant to Section 22-32-127, C.R.S., or to Section 22-45-103(1)(c),~~

~~11.01~~      ~~If a district has bonds or other obligations described in Section 22-41-110, C.R.S., and does not have adequate funds to pay principal and interest payments due, such district shall notify the Department in writing of its inability to pay no later than 20 calendar days prior to the payment due date.~~

~~43.0012.~~      **Authorization of Additional Local Revenues**

~~4312.01~~      If a district holds an election pursuant to Article X, Section 20 of the state constitution, ~~Section~~section 22-40-102, C.R.S., Section 22-42-102, C.R.S., or Sections 22-54-~~107.5 through~~ -108-~~7,~~ C.R.S., the president of the local board of education of the district or a designee shall provide to the ~~Public School Finance Unit of the~~ Department no later than ten business days after the election: (1) a copy of the official ballot question language as certified to the county clerk for a coordinated election or a copy of the official ballot marked with the word "sample;" and (2) the number of votes cast for the question and the number of votes cast against the question.

~~4312.02~~      When a local board of education decides not to raise any or all of the amount approved at an election pursuant to ~~Section~~section 22-54-108, C.R.S., the amount approved shall not be reduced and shall be available for the local board to include in determining the general fund levy in any future fiscal years.

~~14.00~~ **Pupils Publicly Placed Outside the District of Residence Definitions**

14.01 "Approved Facility School", as defined in section 22-2-402(1), C.R.S., means an educational program that is operated by a facility to provide educational services to students placed in the facility and that, pursuant to section 22-2-407(2), C.R.S., has been placed on the list of facility schools that are approved to receive reimbursement for providing educational services to students placed in a facility.

14.02 "State Program" means, the Colorado School for the Deaf and the Blind, Colorado Mental Health Institute at Fort Logan, and the Colorado Mental Health Institute at Pueblo.

14.03 "Pupil in Public Placement or Pupil Publicly Placed" means a pupil placed in a facility by a court order or other action by a public entity in Colorado or the pupil has been determined to be homeless as defined in 22-1-102.5, C.R.S..

**Commented [MB1]:** The remaining sections 14-19 will also be updated to reflect updated approach to facility school funding and placements, per S.B. 23-219. Those changes are not reflected in this redline.

14.04 "Pupil Enrollment" means the number of students receiving educational services at the approved facility school or state program on the pupil enrollment count date of the applicable budget year or on the school day nearest said date.

**15.00 Pupils Publicly Placed Outside the District of Residence-General**

15.01 The Department shall provide instructions including appropriate definitions of terms for use by approved facility school or state program personnel in preparing certifications required under these rules and related statutes.

**16.00 Pupils Publicly Placed Outside the District of Residence-Determining Pupil Enrollment at an Approved Facility School or State Program**

16.01 To determine its pupil enrollment, an approved facility school or state program shall count as of the pupil enrollment count date specified in section 3.00 each of its Colorado resident, publicly-placed pupils being served who is under age 21 as of the pupil enrollment count date and who has not met graduation requirements as of the pupil enrollment count date.

16.02 No later than October 5, an approved facility school or a state program shall report to the Department the full name (first, middle, last), gender, date of birth, parent/guardian resident address, district of residence, state assigned student identification number (SASID), and whether the student was publicly placed for each pupil included in its pupil enrollment in order to receive education program funding.

**17.00 Pupils Publicly Placed Outside the District of Residence-Monthly Reporting to CDE for Reimbursement**

17.01 On or before the fifteenth day of each month, an approved facility school or a state program shall report to the Department using the format required by the department its number of pupils served during the prior calendar month and the corresponding full-time equivalent membership of such pupils determined by the number of instructional days served.

17.01(1) An approved facility school's or a state program's attendance report received after the fifteenth day of the month shall be deemed late.

17.01(2) The Department may accept amended monthly reports from an approved facility school or a state program prior to making that month's reimbursement payment pursuant to section 19.00.

17.02 An approved facility school or a state program shall report a maximum of one and one third full-time equivalent for each pupil in a school year.

**18.00 Pupils Publicly Placed Outside the District of Residence-Determining Full-time Equivalent Membership**

18.01 The first day of attendance following a pupil's enrollment in the educational program of an approved facility school or a state program establishes the first day of the pupil's full-time equivalent membership in an educational program.

18.02 Membership in an educational program continues until the pupil withdraws and the pupil's name no longer appears on the roster of the approved facility school or state program, or until terminated automatically after five continuous calendar days beginning on the pupil's first day of non-authorized absence from the educational program.

18.02(1) Non-authorized absences are time away from the educational program for any reason other than, but not limited to, pre-approved vacations, sickness, hospitalization, pre-approved therapeutic leave, and sentencing to a detention center.

18.03 Full-time equivalent membership is determined as follows: Total instructional days in membership divided by total instructional calendar days in reporting period (usually a month) equals full-time equivalent membership.

18.04 Pupil means a child or youth who has attained three years of age on or before August 1 and who is under twenty-one years of age.

18.05 If the pupil returns on or before the fifth educational calendar day after the first day of non-authorized absence from the educational program, an approved facility school or a state program may include the days the pupil was absent in its calculation of total educational calendar days in membership.

18.06 If the pupil returns after the fifth calendar day after the first day of non-authorized absences from the educational program, an approved facility school or a state program may include only those days preceding and including the last day of actual attendance in the educational program in its calculation of total calendar days in membership.

18.07 For authorized pupil absences, an approved facility school or a state program may include the actual number of instructional days the pupil was absent, up to a maximum of ten, in its calculation of total educational calendar days in membership.

18.08 When a pupil reaches age 21, an approved facility school or a state program may include such pupil in its monthly report of pupils served and in its calculation of full-time equivalent membership only through the end of the semester in which the pupil reaches age 21.

18.09 An approved facility school or a state program shall retain documentation of pupil names, birthdates, addresses, SASID, dates of admission, schedules, records of attendance, dates of discharge, and placement information until audited by the Department or until five years from the date it submits its monthly reports to the Department pursuant to section 17.00.

#### **19.00 Pupils Publicly Placed Outside the District of Residence-Monthly CDE Reimbursement Payments**

19.01 On or before the fifteenth day of the month following the month in which an approved facility school or a state program is required to report its numbers of pupils served and its full-time equivalent membership pursuant to section 17.00, the Department shall pay the facility a proportional amount of the state average per pupil revenues based on the approved facility school's or state program's reported full-time equivalent membership determined by the number of instructional days served.

19.01(1) An approved facility school or a state program which operates an educational program shall receive a daily rate of one and one-third times the state average per pupil revenue for each full-time equivalent membership reported. The number of instructional days may range from 176 days to 235 days per year, depending on whether the approved facility school or state program provides a nine, ten, eleven or twelve month educational program.

19.01(2) The Department may prorate its reimbursement payments if deemed necessary to accommodate a projected revenue shortfall.

19.02 The Department shall pay an approved facility school or a state program a maximum of one and one-third times the state average per pupil revenues for each full-time equivalent membership for a school year.



19.03 The Department is authorized to hold late reports pursuant to section 17.01(1) and to hold any approved facility school's or state program's adjustment to its full-time membership information previously reported until the end of the fiscal year, at which time adjusted reimbursement payments may be made.

19.04 An approved facility school or a state program annually shall submit its school year calendar to the Department on or before May 1st.

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**Editor's Notes**

**History**

Section 2254-R-5.00 eff. 05/10/2007.

Entire rule eff. 09/30/2007.

Sections 2254-R-1.00, 14.00 – 20.00 emer. rule eff. 09/11/2008.

Sections 2254-R-1.00; 14.00 – 20.00 eff. 11/30/2008.

Sections SB&P, 2254-R-14.00 through 19.00 emer. rule eff. 06/10/2009; expired 09/10/2009. Section 2254-R-20.00 emer. rule repealed eff. 06/10/2009; expired 09/10/2009.

Sections SB&P, 2254-R-2.00, 2254-R-14.00 through 19.00 eff. 09/30/2009. Section 2254-R-20.00 repealed eff. 09/30/2009.

Entire rule emer. rule eff. 07/30/2012; expired 10/10/2012.

Entire rule eff. 12/30/2012.

Entire rule eff. 10/30/2020.

**Annotations**

Rule 2254-R-5.19(3) (adopted 08/08/2007) was not extended by Senate Bill 08-075 and therefore expired 05/15/2008.

Rules 2254-R-14.01(1), 14.03, 14.04, 14.06, 14.07(3), 14.07(5), 14.08, 16.01(1), 16.01(1.01), 16.01(1.02), 16.02, 16.02(1), 17.02, 19.01(2), 20.00 (adopted 10/01/2008) were not extended by House Bill 09-1292 and therefore expired 05/15/2009.