

DEPARTMENT OF EDUCATION

Colorado State Board of Education

RULES FOR THE DEVELOPMENT, EXPANSION, IMPLEMENTATION, AND MANAGEMENT OF THE REGIONAL SERVICE AREAS

1 CCR 301-76

Authority: Article IX, Section 1, Colorado Constitution, 22-2-106(1)(a) and (c); 22-2-107(1)(c); 22-7-409(1.5); and Article 5.5 of Title 22 of the Colorado Revised Statutes (C.R.S.).

1.00 Statement of Basis and Purpose.

The statutory basis for these rules is found in 22-2-106(1)(a) and (c), State Board Duties; 22-2-107(1)(c), State Board Powers; and Article 5.5 of Title 22, Regional Service Areas Act, C.R.S.

The Regional Service Area Act, Article 5.5 of Title 22, C.R.S., requires the State Board of Education to promulgate rules pursuant to the “State Administrative Procedure Act”, Article 4 of Title 24, C.R.S., for the development, expansion, implementation, and management of the regional service areas.

Revisions to section 2.02 (3) of these rules are made to incorporate new statutory requirements established by H.B. 12-1090 (concerning the annual count date for establishing total pupil enrollment of each public school) in section 22-54-103 (10.5) (a), C.R.S.

2.00 Definitions.

- 2.00(1) Administrative Unit: A school district, a Board of Cooperative Services, or the State Charter School Institute, that is providing educational services to exceptional children.
- 2.00(2) Board: The Board of Education of a school district.
- 2.00(3) Board of Cooperative Services or BOCES: A Board of Cooperative Services created and operating pursuant to Article 5 of Title 22.
- 2.00(4) Department: The Department of Education created and exists pursuant to section 24-1-115, C.R.S.
- 2.00(5) Postsecondary Institution: A community or technical college, a junior college, or a state-supported institution of higher education.
- 2.00(6) Regional Service Area: One of twelve regional service areas created pursuant to section 22-5.5-104, C.R.S.
- 2.00(7) Regional Service Council: The governing body of a regional service area plan, which governing body is established pursuant to section 22-5.5-105, C.R.S.
- 2.00(8) School District: A school district existing pursuant to law.
- 2.00(9) State Board: The State Board of Education created and exists pursuant to Section 1 of Article IX of the State Constitution.

2.01 Regional Service Areas Development and Expansion Procedures.

On or before December 1, 2008, the State Board, in consultation with the Department, school districts, and boards of cooperative services, shall divide the state into twelve regional service areas throughout the state. Each regional service area shall consist of at least two school districts and one or more boards of cooperative services.

2.01(1) **Regional Service Areas Organization** . Following the creation of the twelve regional service areas by the State Board, but on or before June 30, 2009, individuals in a regional service area may organize a regional service area. Participants in a regional service area may include, but need not be limited to, representatives from school districts, boards of cooperative services, administrative units, early childhood councils, postsecondary institutions, business and industry, other education agencies in the regional service area, teachers, and parents. A regional service area plan shall be governed by no more than one regional service council.

2.01(1)(a) Participation by school districts or boards of cooperative services in a regional service area is voluntary.

2.01(1)(b) Participation in a regional service area will not divide an existing BOCES.

2.01(1)(c) All school districts in a region are contiguous and take into account geographic barriers and distance (e.g., mountain passes).

2.01(2) **Regional Service Council**. Each plan for a regional service area shall be administered by a locally appointed regional service council. The regional service council shall have the authority to set terms of office, organize, have meetings, and accept moneys and shall be accountable for funding and programs. The regional council, representing the following entities within the regional service area and composed of a minimum of five members, as follows:

2.01(2)(a) Each participating board of cooperative services shall appoint at least one council member. A board of cooperative services that has more than five member districts shall appoint an additional council member. The terms shall run coterminously with the council member's term on his or her board.

2.01(2)(b) Each board of cooperative services superintendent advisory council within a regional service area shall appoint two superintendents or their designees to serve on the regional service council. A superintendent advisory council that has more than five members shall appoint an additional superintendent or his or her designee to the regional service council. The superintendents or their designees shall each represent a participating school district.

2.01(2)(c) Each school district that chooses to participate in the regional service area and that is not a member of a board of cooperative services within the regional service area shall appoint one board member, superintendent, or designee to the regional service council. The terms shall run coterminously with the council member's term on his or her board, if applicable.

2.01(2)(d) The regional service council, within ninety days after its initial formation and each time the regional service council reorganizes thereafter, shall appoint one council member representing business and industry and one council member representing each existing early childhood council from within the regional service area.

2.01(2)(e) Each four-year institution of higher education, each community college, and each technical college within the regional service area may appoint a trustee or advisory

council member, or the president of the institution or his or her designee, to serve on the regional service council.

2.01(2)(f) The Department of Education Regional Manager for the regional service area and the executive director for any board of cooperative services in the regional service area shall serve as ex-officio, nonvoting members of the regional service council.

2.01(3) **Regional Service Areas Funding Plan.** To receive funding, the regional service council on behalf of each regional service area shall submit a plan to the State Board for approval, as a prerequisite to the receipt of state moneys, on or before June 30, 2009. On or before August 1, 2009, the State Board shall notify each regional service council that submitted a plan for a regional service area of its approval or rejection. The plan shall address the needs of large and small school districts within the regional service area and focus on increasing effectiveness and efficiencies in providing education and services throughout the region. The plan shall include, at a minimum:

2.01(3)(a) A list of representatives from various educational agencies and business and industry in the regional service area;

2.01(3)(b) A description of how the regional service area intends to use and develop state, regional, and local expertise;

2.01(3)(c) An outline of available funding sources, including local and regional contributions, federal moneys, and any available state resources;

2.01(3)(d) A description of how the agencies within the regional service area will coordinate and collaborate to enhance effectiveness and efficiencies among and between regional service areas;

2.01(3)(e) A strategy to address the needs of participating school districts within the regional service area;

2.01(3)(f) A budget outlining projected expenditures by the regional service area; and

2.01(3)(g) Accountability criteria associated with the plan, including but not limited to:

2.01(3)(g)(I) Evaluation of alignment with established state priorities;

2.01(3)(g)(II) Rationale for selection of priorities based upon regional needs assessment data;

2.01(3)(g)(III) Goals that are specific, measurable, achievable, and realistic, all within an established timeframe;

2.01(3)(g)(IV) Specific outcomes demonstrated with effectiveness and efficiencies;

2.01(3)(g)(V) An evaluation process and criteria; and

2.01(3)(g)(VI) Budget alignment with priorities and activities.

2.02 Implementation Procedures.

2.02(1) **Development Grant.** On or before June 30, 2009, a regional service council may apply to the State Board on behalf of a regional service area for a one-time grant of up to ten thousand dollars for direct reimbursement of expenses related to the development of the plan for the regional

service area. The State Board shall provide an applying regional service council with the one-time grant for reimbursement of expenses related to the development of the plan no later than thirty days following the submission of the grant application.

- 2.02(2) **Regional Service Area Grant.** If the plan for a regional service area is approved by the State Board pursuant to section 22-5.5-105, C.R.S., on or after July 1, 2009, and annually thereafter, the State Board shall award to the regional service area a grant of up to fifty thousand dollars, subject to available appropriations by the general assembly. If available moneys are insufficient to award each eligible regional service area a full fifty-thousand-dollar grant, the state board shall reduce proportionately all grant awards for eligible regional service areas for that year. A regional service council may choose not to accept funding on behalf of the regional service area if the prorated amount is insufficient to allow the regional service area to function effectively.
- 2.02(3) **Per-Pupil Allocation.** In addition to the Development and Regional Service Area Grants, on or after July 1, 2009, and annually thereafter, the Department shall, subject to available appropriation, allocate to each eligible regional service area an amount equal to up to fifty cents per pupil based on the pupil enrollment for each school district in the regional service area as of ~~October 1~~ the pupil enrollment count date, defined in section 22-54-103 (10.5) (a), C.R.S., of the previous year.
- 2.02(4) **Continued Funding.** Funding for a regional service area after the first grant is contingent upon the successful implementation of the regional service area's plan, as evaluated by the State Board and the Department. The State Board shall annually notify each regional service council on or before August 1 regarding whether the regional service area will receive moneys pursuant to 22-5.5.-106 (2) and (3), C.R.S., in the coming year and the amounts.
- 2.02(5) **Grant Management and Fiscal Oversight.** A regional service council may use a maximum of ten percent of the amount annually received by the regional service area for grant management and fiscal oversight. For regions with a total pupil enrollment of less than fifteen thousand students, the regional service council may use up to twenty percent of the amount annually received by the regional service area for grant management and fiscal oversight.
- 2.02(6) **Budget Reporting.** Each regional service council that receives funding on behalf of a regional service area shall submit to the Department a revised annual budget on or before March 1, 2010, and on or before March 1 each year thereafter. If a regional service council expects to exceed by more than ten percent the projected expenditures specified in the budget included in the original plan submitted to the State Board, the regional service council shall first seek prior written approval for the expenditure from the Department and may only expend beyond the ten percent after having secured prior written approval from the Department.
- 2.02(7) **Gifts, Grants, and Donations.** Each regional service council is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of Article 5.5. of Title 22, C.R.S., except that a gift, grant, or donation shall not be accepted if the conditions attached to the gift, grant, or donation require its expenditure in a manner contrary to law. Any gifts, grants, or donations received by a regional service council shall be submitted directly to the Board of Cooperative Services that is acting as the regional service council's fiscal agent.
- 2.02(8) **Fiscal Agent.** Each regional service shall select one Board of Cooperative Services in the regional service area to act as its fiscal agent to receive the moneys from the State Treasurer or any gifts, grants, or donations accepted pursuant to 22-5.5-106 (6.5), C.R.S.

2.03 Management Procedures.

- 2.03(1) **Programs and Services.** A regional service area may provide any of the following services and programs, including but not limited to:

- 2.03(1)(a) Data and assessment centers;
- 2.03(1)(b) Shared financial services among school districts and boards of cooperative services;
- 2.03(1)(c) Cooperative purchases;
- 2.03(1)(d) Technology infrastructure and support;
- 2.03(1)(e) Distance, on-line learning, and other alternative learning opportunities for students;
- 2.03(1)(f) Precollegiate programs, counseling, and dropout prevention;
- 2.03(1)(g) Capital construction planning assistance;
- 2.03(1)(h) Curriculum and instructional expertise and support;
- 2.03(1)(i) Professional development for teachers and administrators;
- 2.03(1)(j) Regional and state initiatives;
- 2.03(1)(k) Shared administration and support services for school districts;
- 2.03(1)(l) Early childhood and preschool programs; and
- 2.03(1)(m) Postsecondary partnerships and services to support student transitions into postsecondary schools.

2.03(2) **Reporting Requirements.** On or before July 1 of the year following the approval of a regional service area's plan pursuant to section 22-5.5-105, C.R.S., and on or before January 1 each year thereafter, the regional service council shall submit a written report on behalf of the regional service area to the State Board and the Department summarizing its activities for the calendar year, especially those activities related to the measurable goals and objectives outlined in the plan, a summary of any efficiencies or improved effectiveness achieved at the district or regional level by the regional service area, and any proposed amendments to the plan originally submitted to the State Board.