



DEPARTMENT OF EDUCATION

Facility Schools Board

RULES FOR THE ADMINISTRATION OF THE FACILITY SCHOOLS ACT

1 CCR 304-1

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

Statutory Authority: Sections § 22-2-406 and § 22-2-407, C.R.S.

222-R-1.00 STATEMENT OF BASIS AND PURPOSE

1.01 The statutory authority for the promulgation of these rules is found in Article 2 of Title 22, C.R.S. sections 406 and 407.

1.01(1) Section 22-2-406 C.R.S. requires the Facility Schools Board to promulgate rules to establish procedures by which a student who participates in an Approved Facility School may apply to receive a high school diploma awarded by the Facility Schools Board. The Facility Schools Board is also required to establish by rule the graduation requirements that a student receiving educational services through an Approved Facility School shall meet to be awarded the facility school's high school diploma. The Facility Schools Board shall also promulgate rules for the creation and maintenance of a list of schools that are authorized to operate as specialized day schools and are approved as facility schools to receive reimbursement for providing educational services to students placed in the specialized day school.

1.01(2) Section 22-2-407, C.R.S. requires the Facility Schools Board to promulgate rules for the creation and maintenance of a list of Approved Facility Schools to receive reimbursement for providing educational services to students placed in the facility. The rules shall include: the procedures by which a facility school may apply for approval; the information that each facility school shall provide in the application; the reporting requirements for Approved Facility Schools; the criteria that a facility school shall meet to be placed on the list of Approved Facility Schools; requirements for maintenance of the school approval; and any additional rules as may be necessary for the implementation of the approval process.

222-R-2.00 DEFINITIONS

2.01 Approved Facility School. "Approved Facility School" means an educational program that is operated by a facility to provide educational services to students placed in the facility and that 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.

2.02 Eligible Facility. "Eligible Facility" means a day treatment center, residential child care facility, or other facility licensed by the Department of Human Services pursuant to § 26-6-905, C.R.S. or hospital licensed by the Department of Public Health and Environment pursuant to § 25-1.5-103, C.R.S., or a Specialized Day School authorized by the Office.

- 2.03 Facility Schools Board. "Facility Schools Board" means the seven-member board established pursuant to § 22-2-404, C.R.S. to adopt curriculum standards and accountability measures, and promulgate rules regarding graduation requirements and procedures for the approval process of facility schools. The Facility Schools Board is also charged with issuing high school diplomas for those students who have met graduation requirements established by the board. It may also make recommendations regarding other pertinent issues related to Approved Facility Schools in accordance with § 22-2-406 (2), C.R.S.
- 2.04 Office of Facility Schools. "Office" means the Office of Facility Schools created within the Colorado Department of Education pursuant to § 22-2-403, C.R.S.
- 2.05 Public Entity. "Public entity" means a public entity responsible for referring students to or placing students in out-of-home, day treatment, residential treatment, hospital, and specialized day school placements with providers.
- 2.06 Specialized Day School. "Specialized Day School" means a school that serves students who are referred to or placed by a Public Entity or placed in a specialized day school by a hospital, health-care provider, behavioral health provider, case management service, court, division of youth services, school district, county department of human or social services, or other state agency because the students' behavioral and educational needs are beyond the capacity of the students' current educational placement due to the severity of the students' needs or the requirement for highly specialized programming.
- 2.07 State Board of Education. "State Board of Education" or "State Board" means the State Board of Education created and existing pursuant to section 1 of article IX of the state constitution.
- 2.08 Least Restrictive Environment. Least Restrictive Environment ("LRE") pursuant to 22-20-103(18) C.R.S., means that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who do not have disabilities; and special classes, separate schooling, or other removal of children with disabilities from the general educational environment occurs only if the nature and severity of the disability is such that education in general classes with the use of supplementary aids and services cannot be satisfactorily achieved.

222-R-3.00 ADMINISTRATION

3.01 Authorization as a Specialized Day School

3.01(1) An applicant seeking authorization as a specialized day school must submit the following documentation to the Office:

3.01(1)(a) Proof of successful health, fire, and safety inspections, as evidenced by a letter or certificate issued by the applicable inspection entity. The applicant is responsible for contacting the applicable inspection entity to arrange for inspections.

3.01(1)(b) City and county zoning approval to operate the specialized day school, as required by applicable city and county regulations, evidenced by a letter or certificate issued by the applicable zoning entity. The applicant is responsible for contacting and partnering with the applicable zoning entity to arrange for zoning approval.

3.01(1)(c) For any employee not licensed pursuant to Article 60.5 of Title 22, confirmation of a Colorado Bureau of Investigation (CBI), Federal Bureau of Investigation (FBI), and registered sex offender background check procured through a process developed between the eligible facility and CBI.

3.01(1)(d) Records demonstrating that the applicant has a written policy for tracking and reporting incidents including but not limited to, emergency calls (medical or law enforcement), physical managements, injuries, threats to self or others, safety concerns, and

missed medications. Such a policy shall specify where reports are to be made (e.g., the county department of human services and school districts, when applicable) and follow all state and federal mandatory child abuse reporting requirements.

3.01(1)(e) Records demonstrating that all educational staff are licensed by the Colorado Department of Education pursuant to Article 60.5 of Title 22 of the Colorado Revised Statutes.

3.01(2) The Office will conduct an onsite visit to evaluate the physical site and inspect documentation related to the requirements of section 3.01(1) of these rules, above.

3.01(3) The Office will have 30 days to review the completed application and conduct a site visit. If all requirements have been met and demonstrated, the Office will present its findings to the Facility Schools Board for review at the next regularly scheduled meeting. Following its presentation to the Facility Schools Board, the Office will formally authorize the facility as a specialized day school and provide written notice of authorization within 30 days following the Facility Schools Board meeting.

3.01(4) Renewal of Specialized Day School Authorization. After initial authorization, the Office shall periodically review each specialized day school to determine whether it continues to maintain records demonstrating compliance in the areas described in section 3.01(1) of these rules. Specialized day schools must keep relevant documentation on file available for inspection.

3.02 Minimum Standards for Approved Facility Schools

3.02(1) Criteria for Approved Facility Schools

The purpose of the facility school approval process is to allow an Eligible Facility to receive public education funding for educational services provided to students.

3.02(2) To qualify as an Approved Facility School program, an Eligible Facility shall meet the following criteria:

3.02(2)(a) Prior licensing by appropriate state agencies:

An Eligible Facility must be licensed by the Colorado Department of Human Services as a Residential Child Care Facility, Day Treatment program or other facility; or must be licensed as a hospital by the Colorado Department of Public Health and Environment; or must be authorized by the Office as a Specialized Day School.

3.02(2)(c) Employment of Sufficient Qualified Staff

To qualify for approval, the Eligible Facility shall employ sufficient qualified administrative, instructional and support staff to plan for and provide services for all children including those who are determined to have a disability;

3.02(2)(d) Employment of Special Education Director

To qualify for approval, each Eligible Facility shall employ or contract in writing, on at least a part-time basis, with a Director of Special Education who meets the qualification standards established by ECEA Rules, 1 CCR 301-8, Section 3.04(1)(d) and any other relevant rules promulgated by the State Board of Education;

3.02(2)(e) Implementation of a Comprehensive Plan for Provision of Special Education

To qualify for approval, each Eligible Facility shall develop and implement a comprehensive plan approved by the Eligible Facility's governing body, which must include educational policies and procedures, a description of the purpose,

vision and mission of the Eligible Facility, a description of the population to be served, demonstration of appropriately qualified education staff if serving students with disabilities, policies to ensure Least Restrictive Environment requirements are met in placing any students, and a description of the curriculum that will be implemented;

3.02(2)(f) To qualify for approval, an Eligible Facility shall agree in writing to implement the Individual Career and Academic Plan requirements outlined in section 4.0 of these rules and the graduation requirements outlined in section 5.0 of these rules;

3.02(2)(g) To qualify for approval, an Eligible Facility shall agree in writing to comply with the accountability and accreditation measures adopted by the Facility Schools Board;

3.02(2)(h) To qualify for approval, an Eligible Facility shall comply with reporting and records tracking requirements specified by the Office; and

3.01(2)(i) To qualify for approval, an Eligible Facility shall agree to carry out the duties and responsibilities identified in these Rules.

3.03 Procedures and Application for Approval

3.03(1) Once authorized as a specialized day school or licensed as a facility, a facility wishing to obtain state or federal funds to provide education services to students, including children with disabilities, must be approved by the Office.

3.03(2) Facilities wishing to establish an approved school program shall submit a letter of intent to the Office, at least ninety (90) calendar days prior to the day on which the facility is to begin providing services and/or receiving state education funding.

3.03(3) The Office shall have sixty (60) calendar days after receiving a complete application to review the application, conduct an onsite visit and present it to the Facility Schools Board.

3.03(4) If the Office determines that the facility meets state requirements as defined in 3.02 of these rules and relevant statute, the Office shall add the facility to a preliminary list of Approved Facility Schools.

3.03(5) If the Office determines that the facility is unable to meet requirements for approval, it shall notify the facility of the reasons for such findings in writing.

3.03(6) If within thirty (30) calendar days of the Office's notification of findings, the facility is unable to negotiate a satisfactory resolution of differences with the Office, the facility may utilize the appeal process outlined in these rules.

3.03(7) The Office shall present its preliminary list of Approved Facility Schools to the Facility Schools Board at one of its regularly scheduled meetings. The Facility Schools Board may request a facility to present information regarding the facility at this or another board meeting. The board shall provide input on the list of Approved Facility Schools. Subsequently, the Office will finalize the list of Approved Facility Schools and provide written notice of the final list to all applicant facilities.

3.04 Accreditation Procedures

3.04(1) After obtaining approval pursuant to section 3.03 of these rules, an Approved Facility School shall implement accountability measures in the areas of student longitudinal academic growth, postsecondary and workforce readiness and student engagement.

3.04(2) On or before December 1, 2026, the Facility Schools Board shall review the implementation of accountability measures by an Approved Facility School that has been

approved for at least one year and recommend to the Colorado State Board of Education whether to accredit the Approved Facility School.

- 3.04(3) If an Approved Facility School has been approved for less than one year when the Facility Schools Board conducts its review, the Approved Facility School shall have one year to implement the accountability measures before the Facility Schools Board's review.
- 3.04(4) A facility that is not approved pursuant to section 3.03 of these rules may seek accreditation from an independent national accreditation organization approved by the Facility Schools Board pursuant to 22-2-406(4)(c).

3.05 Maintenance of Approved Status.

In order to maintain approval of its school program, each Approved Facility School shall:

3.05(1) Continue to meet the initial approval requirements outlined in section 3.02(2) of these rules above;

3.05(2) Comply with the reporting and records tracking requirements established by the Office , including use of the Facility Schools Student Data System, October Pupil Count and December Count procedures and including submission of accountability data in the areas of student achievement, student longitudinal academic growth, postsecondary and workforce readiness and student engagement;

3.05(3) Implement a curriculum consistent with the curriculum guides adopted by the Facility Schools Board;

3.05(4) Implement the Individual Career and Academic Plan requirements outlined in section 4.0 of these rules, below, and the graduation requirements outlined in section 5.0 of these rules, below;

3.05(5) Demonstrate that the Approved Facility School continues to remain accredited; ;

3.05(6) Complete and submit to the Office an annual improvement plan based on guidelines established by the Office.

3.05(7) Notify the Office, in writing in the event of:

3.05(7)(a) A change in the management or administration of the facility;

3.05(7)(b) Purchase by or merger with another agency;

3.05(7)(c) A change of educational coordinator or special education director;

3.05(7)(d) An application for a new or different license from the Department of Human Services, the loss of a license or notification of probationary status;

3.05(7)(e) A change in location or the addition of another location;

3.05(7)(f) A change of program focus;

3.05(7)(g) A change in the age of students served;

3.05(7)(h) Any increase in the number of students included in the facility school state revenue above the number originally approved; and

3.05(7)(i) Other factors unique to the program or situation, including planned closure.

3.06 Review of Approved Status

3.06(1) Periodic Monitoring

3.06(1)(a) The Office shall periodically monitor all Approved Facility Schools to determine compliance with the requirements outlined in section 3.02 of these rules, above.

3.06(1)(b) Monitoring procedures shall include, on-site visitation and interviews.

3.06(1)(c) The Office shall issue a written report stating any matters of non-compliance and the time frame to resolve any such matters.

3.06(1)(d) The Approved Facility School shall submit a corrective action plan outlining the steps to be taken in correcting any compliance issues, including the timeframe for implementation.

3.06(2) Review of Changes and Determination of Approval Status

3.06(2)(a) In the event of any of the changes noted in section 3.05(7) of these rules, the Office shall review the pertinent information and determine whether the change impacts the approved status of the Approved Facility School. The facility shall be notified in writing of any actions which need to be taken in order to maintain approved status.

3.06(3) Revocation of Approved Status

3.06(3)(b) When a facility is found to be out of compliance with the requirements of approval, the Office may delay facility school state revenue payments until compliance is demonstrated.

3.06(3)(c) Should the Eligible Facility fail to come into compliance, the Office shall revoke the facility's approval and notify the appropriate Administrative Units that the facility is out of compliance and that tuition cost payments should be suspended.

3.06(3)(d) Loss of the license by the appropriate state agency shall result in immediate revocation of the Approved Facility School's approval and any corresponding tuition cost payments and facility school state revenue. The Office shall notify the Approved Facility School of such revocation in writing. If the Approved Facility School in question wishes to regain its approved status, a new application for approval must be submitted.

3.06(4) Appeal Process

3.06(4)(a) Any decision of the Office relating to the approval or revocation of approval of a facility school may be appealed by the affected entity to the Facility Schools Board within sixty (60) calendar days of the entity's receipt of the written notice from the Office.

3.06(4)(b) The Facility Schools Board shall conduct a hearing and make a determination concerning the appeal within sixty (60) days from the date of the written request. The decision of the Facility Schools Board shall be final.

3.06(4)(c) A written notice of the Facility Schools Board's final determination concerning denial or approval shall be provided to the Eligible Facility.

4.01 Career, Academic and Post Secondary Planning

- 4.01(1) Approved Facility Schools shall include a request for the Individual Career and Academic Plan (ICAP) document, or access to the electronic portfolio in its general records request to the students' district of residence.
- 4.01(2) Approved Facility Schools shall review, revise and contribute to the previously developed plan as appropriate.
- 4.01(3) If an ICAP has not yet been developed for a student who is likely to be in a facility placement for at least thirty (30) calendar days, the Approved Facility School shall initiate the planning for career, education and independent living beginning in 9th grade or earlier if appropriate. A variety of assessment tools shall be used including those that are used for transition services planning for students with disabilities.
- 4.01(4) The ICAP shall be developed consistent with guidance provided by the Office of Facility Schools.
- 4.01(5) For students identified as eligible for special education services, the ICAP shall be consistent with the transition planning process required by State Board Rules, 1 CCR 301-8, Section 4.03(6)(d)
- 4.01(6) In addition to planning for career preparation, education and post secondary training, the ICAP shall address skills for emancipation and successful independent living in the community as appropriate.

222-R-5.00 GRADUATION REQUIREMENTS AND APPLICATION FOR A HIGH SCHOOL DIPLOMA

5.01 Application

- 5.01(1) A student attending an Approved Facility School may apply for a high school diploma to be granted by the Facility Schools Board.
 - 5.01(1)(a) The education staff at the Approved Facility School shall assist the student in preparing the application.
 - 5.01(1)(b) The application shall include all pertinent information regarding coursework and credits earned, certification that graduation requirements have been met and shall be submitted using the forms and procedures established by the Office of Facility Schools.
 - 5.01(1)(c) Specific coursework and credits required for graduation will be contained in procedures established by the Office of Facility Schools with the approval of the Facility Schools Board.
 - 5.01(1)(d) The Office of Facility Schools shall establish a process whereby diploma applications are reviewed, transcripts evaluated and decisions are made regarding the awarding of high school diplomas. The process shall be developed in a manner which ensures consistent implementation across all approved facility schools.
 - 5.01(1)(e) A student may also apply for a high school diploma with one or more endorsements indicating advanced achievement in one or more of the core academic areas. Procedures for the application, evaluation and approval of diploma endorsements shall be established by the Office of Facility Schools in a manner which ensures consistency across all Approved Facility Schools.

5.02 Methods of Accruing Credits

5.02(1) Various methods of accruing credits are allowed in accordance with guidelines and procedures developed by the Office of Facility Schools, including:

5.02(1)(a) Successful completion of coursework based on semester classes;

5.02(1)(b) Successful performance on approved assessments;

5.02(1)(c) Portfolios or integrated projects according to established guidelines;

5.02(1)(d) Credit Recovery programs; 5.02(1)(e) Service Learning according to established guidelines; and

5.02(1)(f) Authorized paid or unpaid work study credit.

5.03 Waiver Process

5.03(1) A process for requesting a waiver to the graduation requirements shall be established by the Office of Facility Schools. The process shall ensure consistency across all facility schools in the review and granting of specific waivers for legitimate and documented reasons.

5.04 Earning a High School Diploma from a Colorado School District.

5.04(1) When secondary aged students are placed in an Approved Facility School, the Approved Facility School shall request transcripts from previous educational placements and review credits earned against the requirements of the student's district of residence.

5.04(2) If it is likely that the student will be transitioning back to a school district prior to graduation, or if the student and/or parent prefers to seek a diploma from the student's district of residence, the education staff at the Approved Facility School shall assist the student in working with the district or other entity in that process by compiling credit information, providing transcripts and other pertinent information and by assisting with the request for a credit review from the district as appropriate.

5.04(3) In all such cases, the policies and procedures of that school district shall be followed.

5.04(4) A decision regarding whether or not a student may earn a diploma from a particular district always lies with that district.

5.05 Graduation Ceremonies

Diplomas shall be awarded in graduation ceremonies either at the individual facility or in group events at the discretion of the Approved Facility School and the Office of Facility Schools .

5.06 Training

The Office of Facility Schools shall provide appropriate training opportunities related to all aspects of the graduation and diploma process.

Editor's Notes**History**

Entire rule eff. 04/30/2011.

