

Colorado Register



37 CR 14

Volume 37 , No.14

July 25, 2014

Introduction

The *Colorado Register* is published pursuant to C.R.S. 24-4-103(11) and is the sole official publication for state agency notices of rule-making, proposed rules, attorney general's opinions relating to such rules, and adopted rules. The register may also include other public notices including annual departmental regulatory agendas submitted by principal departments to the secretary of state.

"Rule" means the whole or any part of every agency statement of general applicability and future effect implementing, interpreting, or declaring law or policy or setting forth the procedure or practice requirements of any agency. "Rule" includes "regulation". C.R.S. 24-4-102(15). Adopted rules are effective twenty days after the publication date of this issue unless otherwise specified.

The *Colorado Register* is published by the office of the Colorado Secretary of State twice monthly on the tenth and the twenty-fifth. Notices of rule-making and adopted rules that are filed from the first through the fifteenth are published on the twenty-fifth of the same month, and those that are filed from the sixteenth through the last day of the month are published on the tenth of the following month. All filings are submitted through the secretary of state's electronic filing system.

For questions regarding the content and application of a particular rule, please contact the state agency responsible for promulgating the rule. For questions about this publication, please contact the Administrative Rules Program at rules@sos.state.co.us.

Notice of Rulemaking Hearing

Tracking number

2014-00666

Department

200 - Department of Revenue

Agency

207 - Division of Gaming - Rules promulgated by Gaming Commission

CCR number

1 CCR 207-1

Rule title

GAMING REGULATIONS

Rulemaking Hearing

Date

08/28/2014

Time

09:30 AM

Location

17301 W Colfax Ave, Suite 135, Golden, CO 80401

Subjects and issues involved

Updates and additions to Rule 8 Rules of Blackjack, Rule 10 Rules for Poker, and Rule 23 Rules of Craps.

Statutory authority

Sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., 12-47.1-816, C.R.S., and 12-47.1-818, C.R.S.

Contact information

Name

Brenda Davis

Title

Director of Administration

Telephone

(303) 205-1338

Email

brenda.davis@state.co.us

BASIS AND PURPOSE FOR RULE 8

The purpose of Rule 8 is to establish playing rules for blackjack and procedures for conducting blackjack games in compliance with section 12-47.1-302 (2). The statutory basis for Rule 8 is found in sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., 12-47.1-816, C.R.S., and 12-47.1-818, C.R.S.

RULE 8 RULES OF BLACKJACK

47.1-834.16 THE PLAY – SPANISH 21.

ALL INTELLECTUAL PROPERTY RIGHTS TO SPANISH 21 IS OWNED BY MASQUE PUBLISHING, INC OF LONE TREE, CO AND THESE RIGHTS MAY BE TRANSFERRED OR ASSIGNED. SPANISH 21 MUST BE PLAYED ACCORDING TO THE FOLLOWING RULES:

- (1) SPANISH 21 MAY BE PLAYED ONLY ON TABLES DISPLAYING THE SPANISH 21 LAYOUT. RULE SIGNS POSTING THE SPANISH 21 RULES WILL BE PLACED ON EVERY TABLE DESIGNATED FOR SPANISH 21.
- (2) THE GAME CAN BE PLAYED WITH 2, 4, 5, 6 OR 8 DECKS. THE GAME CAN BE DEALT FROM THE HAND OR FROM A STANDARD MULTI-DECK SHOE. THE ONLY EXCEPTION TO THE STANDARD DECK IS THAT ALL NUMBER "10" CARDS AND JOKERS ARE REMOVED. (A SPANISH DECK CONSISTS OF 48 CARDS; 2-9, J, Q, K, A; NO NUMBER "10" CARDS).
- (3) PLAYER BLACKJACK ALWAYS BEATS A DEALER BLACKJACK AND IS PAID 3 TO 2.
- (4) PLAYER TOTAL OF 21 ALWAYS BEATS A DEALER TOTAL OF 21. CERTAIN PLAYER 21 TOTALS RESULT IN A BONUS 21 PAYOUT AS NOTED BELOW.
- (5) THE GAME CAN EITHER BE PLAYED WHERE THE DEALER HITS "SOFT 17", OR WHERE THE DEALER STANDS ON ALL TOTALS OF 17.
- (6) PLAYERS CAN SPLIT CARDS OF EQUAL VALUE, INCLUDING ACES, UP TO THREE TIMES, CREATING FOUR HANDS. WHEN SPLITTING, ACES ARE TREATED LIKE ANY OTHER CARD. HITTING AND DOUBLING DOWN OF SPLIT HANDS, INCLUDING ACES, IS ALLOWED.
- (7) PLAYERS CAN DOUBLE DOWN ON TWO OR MORE CARDS, INCLUDING AFTER SPLITTING. AFTER DOUBLING, IF A PLAYER IS DISSATISFIED WITH HIS NON-BUSTED HAND, HE MAY "RESCUE" (TAKE BACK) THE LAST DOUBLED PORTION OF THE BET AND FORFEIT THE REMAINDER OF THE WAGER.
- (8) IF THE TABLE REQUIRES THE DEALER TO HIT SOFT 17, THE CASINO MAY ALLOW AN OPTION KNOWN AS "DOUBLE-DOUBLE DOWN". IF THE CASINO ALLOWS THE DOUBLE-DOUBLE DOWN OPTION, ONCE A PLAYER ELECTS TO DOUBLE AND RECEIVES A DOUBLE CARD, THE PLAYER THEN HAS THE OPTION TO DOUBLE-DOUBLE DOWN (DOUBLE HIS TOTAL WAGER AGAIN), RESCUE THE LAST DOUBLED PORTION OF THE BET, OR STAND. A PLAYER MAY DOUBLE THE TOTAL WAGER UP TO THREE TIMES, ONCE VIA DOUBLE DOWN AND TWICE VIA DOUBLE-DOUBLE DOWN, CREATING A MAXIMUM WAGER UP TO EIGHT (8) TIMES THE ORIGINAL WAGER. AFTER DOUBLING A THIRD TIME AND RECEIVING A DOUBLE CARD, A PLAYER ONLY HAS THE OPTION TO RESCUE OR STAND.
 - (A) IMPORTANT: THE "DOUBLE-DOUBLE DOWN" OPTION IS NOT AVAILABLE TO THE PLAYER WHEN THE DEALER STANDS ON ALL TOTALS OF 17. DOUBLING FOR LESS IS ONLY ALLOWED IF THE DOUBLE-DOUBLE DOWN OPTION IS NOT ALLOWED. IN OTHER WORDS, WHEN THE DOUBLE-DOUBLE DOWN OPTION IS ALLOWED, THERE IS NO DOUBLING FOR LESS, HOWEVER, THE DOUBLE-DOUBLE DOWN WAGER AMOUNT WOULD BE CAPPED AT THE MAXIMUM WAGER ALLOWED. IF THE LAST DOUBLE-DOUBLE DOWN WAGER MADE IS CAPPED, THE "LAST DOUBLED PORTION OF THE BET" WOULD BE THE

MAXIMUM WAGER ALLOWED. IF A PLAYER DOUBLES FOR LESS, THE LAST DOUBLED PORTION OF THE BET WOULD BE THAT LESSER AMOUNT.

(9) DEALER CHECKS UNDER ACE OR FACE CARD FOR BLACKJACK. EARLY SURRENDER (BEFORE PEEK) IS NOT PERMITTED. LATE SURRENDER IS ONLY ALLOWED ON THE PLAYER'S FIRST TWO CARDS. LATE SURRENDER ALLOWS THE PLAYER TO FORFEIT ONE-HALF OF HIS/HER WAGER AND DROP FROM THE HAND. PLAYER CANNOT SURRENDER WHEN THE DEALER'S HAND IS A BLACKJACK.

(10) THE SUPER BONUS PAYOUT REQUIRES NO SPECIAL OR ADDITIONAL BET. IN THE 4, 5, 6 OR 8 DECK GAME, WHEN A PLAYER'S FIRST THREE CARDS ARE SUITED 7'S AND THE DEALER'S UP CARD IS ANY 7, THAT PLAYER WINS THE SUPER BONUS. IN THE TWO DECK GAME, SUITED 7'S ARE NOT POSSIBLE, THUS WHEN A PLAYER'S FIRST THREE CARDS ARE 7 OF HEARTS, 7 OF CLUBS AND 7 OF DIAMONDS IN ANY ORDER AND THE DEALER'S UP CARD IS A 7 OF SPADES, THAT PLAYER WINS THE SUPER BONUS. A \$1,000 SUPER BONUS IS PAID OUT WHEN A \$5 MINIMUM BET IS BEING PLAYED, OR A \$5,000 SUPER BONUS IS PAID OUT WHEN A \$25 MINIMUM BET IS BEING PLAYED. ALL OTHER BETTING PLAYERS OF THAT ROUND RECEIVE A \$50 ENVY BONUS. IF MULTIPLE PLAYERS HIT THE SUPER BONUS ON THE SAME ROUND, THE FULL SUPER BONUS AMOUNT GOES TO EACH PLAYER THAT HIT THE SUPER BONUS AND AN ENVY BONUS PAYOUT IS MADE TO EACH OF THE OTHER BETTING PLAYERS AT THAT TABLE ON EACH OF THE SUPER BONUS HANDS. IN OTHER WORDS, IF TWO SUPER BONUS HANDS OCCUR ON THE SAME ROUND, EACH PLAYER THAT OBTAINS A SUPER BONUS HAND IS PAID (1) SUPER BONUS AMOUNT (BASED UPON HIS BET SIZE) AND (1) ENVY BONUS; EACH OF THE OTHER PLAYERS IS PAID (2) ENVY BONUS, ONE ON EACH SUPER BONUS.

(11) BONUSES ARE NOT PAID ON DOUBLED HANDS. PLAYERS HOLDING THE FOLLOWING HANDS TOTALING 21 WHO HAVE NOT DOUBLED DOWN ARE PAID A BONUS 21 PAYOUT AS FOLLOWS:

(A) 5 CARD 21 PAYS 3 TO 2

(B) 6 CARD 21 PAYS 2 TO 1

(C) 7 CARD 21 PAYS 3 TO 1

(D) 6-7-8 OF MIXED SUITS PAYS 3 TO 2

(E) 6-7-8 OF SAME SUIT PAYS 2 TO 1

(F) 6-7-8 OF SPADES PAYS 3 TO 1

IN THE 4, 5, 6 & 8 DECK GAMES, 7-7-7 PAY AS FOLLOWS:

(G) 7-7-7 OF MIXED SUITS PAYS 3 TO 2

(H) 7-7-7 OF SAME SUIT PAYS 2 TO 1

(I) 7-7-7 OF SPADES PAYS 3 TO 1

IN THE 2 DECK GAMES, SUITED AND SPADED 7-7-7 ARE NOT POSSIBLE, 7-7-7 PAY AS FOLLOWS:

(J) 7-7-7 OF MIXED SUITS PAYS 2 TO 1

(12) IN ADDITION TO THE REGULAR 21 BET, CASINOS MAY OFFER EITHER A SINGLE ADDITIONAL WAGER: A MATCH THE DEALER UP CARD WAGER, OR THEY MAY OFFER TWO ADDITIONAL WAGERS: A MATCH THE DEALER UP CARD WAGER AND A MATCH THE DEALER DOWN CARD WAGER.

(A) A MATCH THE DEALER UP CARD WAGER IS A WAGER THAT ONE OR BOTH OF A PLAYER'S ORIGINAL TWO CARDS OF THE HAND WILL EXACTLY MATCH THE DEALER'S UP CARD IN RANK. A MATCH THE

DEALER DOWN CARD WAGER IS A WAGER THAT EITHER OF A PLAYER'S ORIGINAL TWO CARDS OF THE HAND WILL EXACTLY MATCH THE DEALER'S DOWN CARD IN RANK. THERE ARE TWO PAYOFF AMOUNTS FOR EACH RESPECTIVE WAGER, A SUITED RANK MATCH AND AN UNSUITED RANK MATCH. THE PAYOFF AMOUNT DEPENDS UPON THE NUMBER OF DECKS USED. IN ORDER TO PLAY ONE OR BOTH MATCH THE DEALER WAGERS, THE PLAYER MUST MAKE A REGULAR 21 WAGER. IN ORDER TO MAKE A MATCH THE DEALER DOWN CARD WAGER FOR A PARTICULAR HAND, A PLAYER MUST ALSO MAKE A MATCH THE DEALER UP CARD WAGER FOR THAT SAME HAND. THE HOUSE DETERMINES THE MATCH THE DEALER MINIMUM AND MAXIMUM BET SIZES.

SPANISH 21 DEALING PROCEDURES

ALL STANDARD BLACKJACK PROCEDURES WILL BE USED WITH THE FOLLOWING EXCEPTIONS:

- (1) SPANISH DECKS WILL BE USED - (48 CARDS EACH DECK: 2-9, J, Q, K, A). THESE ARE STANDARD BLACKJACK DECKS WITH ALL NUMBER "10" CARDS REMOVED.
- (2) PLAYERS WIN ON ALL BLACKJACKS AND ARE PAID IMMEDIATELY. NOTE THE FOLLOWING WITH RESPECT TO PLAYER BLACKJACK HANDS:
 - (A) DEALER'S UP CARD IS FACE CARD: PAY BET 3 TO 2 AND REMOVE HAND BEFORE PEEKING UNDER FACE CARD.
 - (B) DEALER'S UP CARD IS ACE: PAY BET 3 TO 2 AND ALL OTHER PLAYERS MAY TAKE INSURANCE, INCLUDING PLAYERS THAT HAVE BEEN PAID ON THEIR BLACKJACKS THAT ROUND. IF A PLAYER DOES NOT TAKE INSURANCE, REMOVE HAND BEFORE PEEKING.
 - (C) DOUBLING DOWN ON A TWO CARD 21 (BLACKJACK) IS PERMITTED. INSTEAD OF TAKING THE BLACKJACK PAYOUT, A PLAYER MAY ELECT TO DOUBLE DOWN.
- (3) PLAYERS WIN ON ALL HANDS TOTALING 21 AND ARE PAID IMMEDIATELY.
 - (A) PAY BETS EVEN MONEY OR AT THE APPROPRIATE BONUS 21 PAYOUT RATE. REMOVE PLAYER'S CARDS.
 - (B) DOUBLING DOWN ON A THREE OR MORE CARD SOFT 21 IS PERMITTED. INSTEAD OF TAKING THE IMMEDIATE 21 PAYOUT, A PLAYER MAY ELECT TO DOUBLE DOWN.
- (4) PAIR SPLITTING.
 - (A) PLAYERS MAY SPLIT CARDS OF EQUAL VALUE, INCLUDING ACES, CREATING UP TO FOUR HANDS.
 - (B) ONE CARD IS DEALT TO SPLIT HANDS. HITTING OR DOUBLING OF SPLIT HANDS, INCLUDING ACES, IS ALLOWED.
 - (C) BONUSES ARE PAID ON NON-DOUBLED SPLIT HANDS. SPLITTING OR DOUBLING VOIDS SUPER BONUS.
- (5) DOUBLE DOWN.
 - (A) PLAYERS MAY DOUBLE DOWN ON ANY TOTAL, ON 2, 3, 4 OR MORE CARDS, INCLUDING AFTER SPLITTING.
 - (B) BONUSES ARE NOT PAID ON DOUBLED HANDS, ORIGINAL AND DOUBLED BETS ARE ALWAYS PAID EVEN MONEY.

- (c) PLAYERS MAY DOUBLE FOR LESS, BUT ONLY IF DOUBLE-DOUBLE DOWN IS NOT ALLOWED.
- (d) IF DOUBLE-DOUBLE DOWN IS ALLOWED, THE DOUBLE DOWN AND DOUBLE-DOUBLE DOWN WAGERS MUST EQUAL THE AMOUNT OF THE THEN EXISTING WAGER. THE ONLY EXCEPTION WOULD BE IF THE DOUBLE-DOUBLE DOWN WAGER WOULD EXCEED THE MAXIMUM WAGER CAP, THEN THE DOUBLE-DOUBLE DOWN WAGER WOULD EQUAL THE CAP.
- (6) DOUBLE-DOUBLE DOWN (ONLY ALLOWED WHEN DEALER HITS SOFT 17).
- (A) IF THE TABLE REQUIRES THE DEALER TO HIT SOFT 17, THE CASINO MAY ALLOW AN OPTION KNOWN AS "DOUBLE-DOUBLE DOWN." IF THE CASINO ALLOWS THE DOUBLE-DOUBLE DOWN OPTION, ONCE A PLAYER ELECTS TO DOUBLE AND RECEIVES A DOUBLE CARD, THE PLAYER THEN HAS THE OPTION TO DOUBLE-DOUBLE DOWN (DOUBLE HIS TOTAL WAGER AGAIN), RESCUE OR STAND.
- (B) A PLAYER MAY DOUBLE THE TOTAL WAGER UP TO THREE TIMES, ONCE VIA DOUBLE DOWN AND TWICE VIA DOUBLE-DOUBLE DOWN, CREATING A MAXIMUM WAGER UP TO 8 TIMES THE ORIGINAL WAGER.
- (C) AFTER DOUBLING A THIRD TIME AND RECEIVING A DOUBLE CARD, A PLAYER'S OPTIONS ARE TO RESCUE OR STAND.
- (D) DOUBLE-DOUBLE DOWN BETS ARE CAPPED AT THE MAXIMUM BET ALLOWED.
- (E) THERE IS NO DOUBLING FOR LESS, UNLESS THE DOUBLE-DOUBLE DOWN WAGER AMOUNT IS CAPPED AT THE MAXIMUM WAGER ALLOWED. IF THE PLAYER MAKES THE DOUBLE-DOUBLE DOWN WAGER AND IT IS CAPPED, THE "LAST DOUBLED PORTION OF THE BET" BECOMES THE MAXIMUM WAGER ALLOWED.
- (7) DOUBLE DOWN RESCUE.
- (A) AFTER DOUBLING, PLAYERS MAY CHOOSE TO RESCUE (TAKE BACK) THE LAST DOUBLED PORTION OF THE BET. FOR A RESCUE, A PLAYER WOULD FORFEIT HALF OF THE THEN EXISTING WAGER IF THE LAST DOUBLED PORTION WAS EQUAL TO THE THEN EXISTING WAGER, THE LESSER AMOUNT IF THE PLAYER DOUBLED FOR LESS, OR THE MAXIMUM WAGER ALLOWED IF THE LAST DOUBLED PORTION HIT THE CAP. BUSTED DOUBLES CANNOT BE RESCUED.
- (B) DOUBLE DOWN RESCUE SHOULD NOT BE CONFUSED WITH OR CALLED SURRENDER. A PLAYER MAY SURRENDER ANY FIRST TWO CARD HAND AFTER THE DEALER HAS CHECKED FOR BLACKJACK AND ALWAYS GIVES UP ONE-HALF OF HIS BET. RESCUE ON THE OTHER HAND APPLIES ONLY TO A DOUBLED HAND WHICH WILL BE THREE (3) OR MORE CARDS, AND HE CAN ONLY RESCUE THE LAST DOUBLED PORTION OF THE BET, FORFEITING HALF OF THE TOTAL WAGER.
- (8) INSURANCE IS PERMITTED. PLAYERS MAY BET UP TO ONE-HALF THE ORIGINAL BET, ON ANY DEALER'S ACE CARD SHOWING, INCLUDING A PAID BLACKJACK.
- (9) LATE SURRENDER ALLOWED - A PLAYER CANNOT SURRENDER AGAINST A DEALER'S BLACKJACK. A PLAYER MAY SURRENDER (FORFEIT) HALF OF HIS ORIGINAL BET, ON HIS FIRST TWO CARDS ONLY, AGAINST ANY DEALER UP CARD. IF DEALER UP CARD IS A FACE OR ACE, DEALER MUST CHECK FOR BLACKJACK; IF NO BLACKJACK, PLAYER MAY SURRENDER AS HIS FIRST DECISION WHEN IT IS HIS TURN TO PLAY.
- (10) SUPER BONUS PAYOUTS ARE \$1,000 ON A \$5-\$24 BET, OR \$5,000 ON A \$25 OR HIGHER BET. ENVY BONUS OF \$50 IS PAID TO ALL OTHER BETTING PLAYERS OF THE ROUND IN EITHER CASE.
- (A) IN THE 4, 5, 6 OR 8 DECK GAME, DEALER WILL NOTIFY FLOOR PERSON WHEN A PLAYER HOLDS TWO SUITED 7'S ON THE INITIAL DEAL, AND DEALER'S UP CARD IS ANY 7. DEALER'S 7 DOES NOT HAVE TO MATCH THE SUIT OF THE PLAYER'S 7'S. IF PLAYER RECEIVES THE 3RD SAME SUITED 7 THE FLOOR PERSON WILL INSTRUCT THE DEALER TO PAY THE APPROPRIATE SUITED 7-7-7 BONUS AND LEAVE THE

PLAYER'S HAND ON THE TABLE, THEN PLAY OUT THE REMAINDER OF THE ROUND. IN THE 2 DECK GAME, TRIPLE SUITED 7'S ARE NOT POSSIBLE; DEALER WILL NOTIFY FLOOR PERSON WHEN A PLAYER HOLDS ANY TWO NON-MATCHING SUITS OF THE FOLLOWING THREE CARDS: 7 OF HEARTS, 7 OF CLUBS OR 7 OF DIAMONDS, ON THE INITIAL DEAL, AND DEALER'S UP CARD IS A 7 OF SPADES. IF PLAYER RECEIVES A 3RD 7 AND THE THREE CARDS ARE A 7 OF HEARTS, A 7 OF CLUBS AND A 7 OF DIAMONDS, IN ANY ORDER, THE FLOOR PERSON WILL INSTRUCT THE DEALER TO PAY THE APPROPRIATE MIXED SUITS 7-7-7 BONUS AND LEAVE THE PLAYER'S HAND ON THE TABLE, THEN PLAY OUT THE REMAINDER OF THE ROUND.

(B) FLOOR PERSON WILL NOW INSTRUCT DEALER TO PAY THE APPROPRIATE SUPER BONUS AND THE \$50 ENVY BONUS TO BETTORS OF THAT ROUND. IF MORE THAN ONE SUPER BONUS IS HIT ON ANY GIVEN ROUND, THE HOUSE PAYS EACH SUPER BONUS IN FULL, AND AN ENVY BONUS IS PAID ON EACH SUPER BONUS TO THE OTHER BETTING PLAYERS OF THAT ROUND.

(11) ALL BONUS 21 PAYOUTS ARE MADE ON THE FOLLOWING NON-DOUBLED HANDS TOTALING 21:

(A) 5 CARD 21 PAYS 3 TO 2

(B) 6 CARD 21 PAYS 2 TO 1

(C) 7 CARD 21 PAYS 3 TO 1

(D) 6-7-8 OF MIXED SUITS PAYS 3 TO 2

(E) 6-7-8 OF SAME SUIT PAYS 2 TO 1

(F) 6-7-8 OF SPADES PAYS 3 TO 1

IN THE 4, 5, 6 & 8 DECK GAMES, 7-7-7 PAY AS FOLLOWS:

(G) 7-7-7 OF MIXED SUITS PAYS 3 TO 2

(H) 7-7-7 OF SAME SUIT PAYS 2 TO 1

(I) 7-7-7 OF SPADES PAYS 3 TO 1

IN THE 2 DECK GAMES, SUITED AND SPADED 7-7-7 ARE NOT POSSIBLE, 7-7-7 PAY AS FOLLOWS:

(J) 7-7-7 OF MIXED SUITS PAYS 2 TO 1

(12) IN ADDITION TO THE REGULAR 21 BET, CASINOS MAY OFFER EITHER A SINGLE ADDITIONAL WAGER: A MATCH THE DEALER UP CARD WAGER, OR THEY MAY OFFER TWO ADDITIONAL WAGERS: A MATCH THE DEALER UP CARD WAGER AND A MATCH THE DEALER DOWN CARD WAGER.

(A) A MATCH THE DEALER UP CARD WAGER IS A WAGER THAT ONE OR BOTH OF A PLAYER'S ORIGINAL TWO CARDS OF THE HAND WILL EXACTLY MATCH THE DEALER'S UP CARD IN RANK. A MATCH THE DEALER DOWN CARD WAGER IS A WAGER THAT EITHER OF A PLAYER'S ORIGINAL TWO CARDS OF THE HAND WILL EXACTLY MATCH THE DEALER'S DOWN CARD IN RANK. THERE ARE TWO PAYOFF AMOUNTS FOR EACH RESPECTIVE WAGER, A SUITED RANK MATCH AND AN UNSUITED RANK MATCH. THE PAYOFF AMOUNT DEPENDS UPON THE NUMBER OF DECKS USED. THE PLAYER MAKES THE MATCH THE DEALER UP CARD WAGER BY PLACING A BET IN THE PROVIDED MATCH THE DEALER UP CARD BET CIRCLE. CORRESPONDINGLY, THE PLAYER MAKES THE MATCH THE DEALER DOWN CARD WAGER BY PLACING A BET IN THE PROVIDED MATCH THE DEALER DOWN CARD BET CIRCLE. IN ORDER TO PLAY ONE OR BOTH MATCH THE DEALER WAGERS, THE PLAYER MUST MAKE A REGULAR 21 WAGER. IN ORDER TO MAKE A MATCH THE DEALER DOWN CARD WAGER FOR A PARTICULAR HAND, A PLAYER MUST ALSO

MAKE A MATCH THE DEALER UP CARD WAGER FOR THAT SAME HAND. THE HOUSE DETERMINES THE MATCH THE DEALER MINIMUM AND MAXIMUM BET SIZES.

(B) THE DEALER DEALS TWO CARDS FACE UP TO EACH PLAYER AND TWO CARDS TO HIMSELF, WITH ONE OF THE DEALER'S CARDS EXPOSED AS THE UP CARD AND THE NON-EXPOSED CARD AS THE DEALER'S DOWN CARD. THE DEALER FIRST CHECKS THE CARDS OF ALL PLAYERS WITH THE MATCH THE DEALER UP CARD WAGER TO SEE IF EITHER OF THE PLAYER'S ORIGINAL TWO CARDS MATCH THE DEALER'S UP CARD IN RANK. PLAYERS ARE PAID FOR EACH CARD WHERE THERE IS A MATCH; IF BOTH OF THE PLAYERS' ORIGINAL TWO CARDS MATCH THE DEALER'S UP CARD, BOTH CARDS ARE PAID. THE DEALER THEN DEALS THE 21 GAME. IF THE HOUSE OFFERS THE MATCH THE DEALER DOWN CARD WAGER, AFTER THE 21 GAME IS PLAYED AND AS THE DEALER IS SETTling THE 21 GAME WAGERS, THE DEALER CHECKS THE ORIGINAL TWO CARDS OF ALL PLAYERS WITH THE MATCH THE DEALER DOWN CARD WAGER TO SEE IF EITHER OF THE PLAYER'S ORIGINAL TWO CARDS MATCH THE DEALER'S DOWN CARD IN RANK. PLAYERS ARE PAID FOR EACH CARD WHERE THERE IS A MATCH; IF BOTH OF THE PLAYERS' ORIGINAL TWO CARDS MATCH THE DEALER'S DOWN CARD BOTH CARDS ARE PAID.

PAYOUTS FOR EACH CARD MATCH WILL BE MADE ACCORDING TO THE FOLLOWING PAYOUT SCHEDULE.

<u>SPANISH 21</u>	<u>UNSUITED MATCH PAYOUT</u>	<u>SUITED MATCH PAYOUT</u>
<u>2 DECK</u>	<u>4:1</u>	<u>15:1</u>
<u>4 DECK</u>	<u>4:1</u>	<u>10:1</u>
<u>5 DECK</u>	<u>3:1</u>	<u>13:1</u>
<u>6 DECK</u>	<u>4:1</u>	<u>9:1</u>
<u>8 DECK</u>	<u>3:1</u>	<u>12:1</u>

BASIS AND PURPOSE FOR RULE 10

The purpose of Rule 10 is to establish playing rules for authorized types of poker and management procedures for conducting poker games in compliance with section 12-47.1-302 (2). The statutory basis for Rule 10 is found in sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., 12-47.1-302, C.R.S., and 12-47.1-818, C.R.S.

RULE 10 RULES FOR POKER

47.1-1003 Types of poker authorized.

(47) Big Raise Stud Poker;

(48) DOUBLE DRAW POKER;

(49) SIX CARD POKER.

47.1-1017.14 The play – Let it Ride and Let it Ride Bonus with the option of a 3 Card Bonus and Progressive Bet.

Note to publisher: Add after existing PMG pay table in 47.1-1017.14 (13).

	<u>PMG-ML-01</u>		<u>PMG-ML-02</u>		<u>PMG-ML-03</u>	
<u>HAND***</u>	<u>PAYS*</u>	<u>ENVY*</u> *	<u>PAYS*</u>	<u>ENVY*</u> *	<u>PAYS*</u>	<u>ENVY*</u> *
<u>ROYAL FLUSH</u>	<u>100% MAJOR</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>
<u>STRAIGHT FLUSH</u>	<u>100% MINOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>
<u>4 OF A KIND</u>	<u>300 FOR 1</u>		<u>100% MINOR</u>		<u>100% MINOR</u>	
<u>FULL HOUSE</u>	<u>50 FOR 1</u>		<u>50 FOR 1</u>		<u>50 FOR 1</u>	
<u>FLUSH</u>	<u>40 FOR 1</u>		<u>40 FOR 1</u>		<u>40 FOR 1</u>	
<u>STRAIGHT</u>	<u>30 FOR 1</u>		<u>30 FOR 1</u>		<u>30 FOR 1</u>	
<u>3 OF A KIND</u>	<u>9 FOR 1</u>		<u>10 FOR 1</u>		<u>9 FOR 1</u>	
<u>*ORIGINAL WAGER IS NOT RETURNED</u>						
<u>**ENVY AND SEED AMOUNTS ADJUST UP OR DOWN ACCORDINGLY WITH CHANGES MADE TO THE WAGER AMOUNT</u>						
<u>*** BASED ON THE PLAYER'S 5 CARD HAND</u>						

47.1-1017.24 The play – Three Card Poker.

Note to publisher: Add to the very end of rule 47.1-1017.24.

<u>HAND</u>	<u>PAY TABLE 1*</u>	<u>ENVY (BOTH PAY TABLES)</u>
<u>AKQ SPADES</u>	<u>100% OF MAJOR</u>	<u>\$100</u>
<u>AKQ HEARTS/DIAMONDS/CLUBS</u>	<u>100% OF MINOR</u>	<u>\$25</u>
<u>STRAIGHT FLUSH</u>	<u>70 FOR 1</u>	
<u>THREE OF A KIND</u>	<u>60 FOR 1</u>	
<u>STRAIGHT</u>	<u>6 FOR 1</u>	
<u>*ORIGINAL WAGER IS NOT RETURNED</u>		

47.1-1017.39 THE PLAY – Texas Hold'Em Bonus Poker.

Note to publisher: Add after the last pay table in rule 47.1-1017.39.

	<u>PMG-ML-01</u>		<u>PMG-ML-02</u>		<u>PMG-ML-03</u>	
<u>HAND***</u>	<u>PAYS*</u>	<u>ENVY*</u> *	<u>PAYS*</u>	<u>ENVY*</u> *	<u>PAYS*</u>	<u>ENVY*</u> *
<u>ROYAL FLUSH</u>	<u>100% MAJOR</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>
<u>STRAIGHT FLUSH</u>	<u>100% MINOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>
<u>4 OF A KIND</u>	<u>300 FOR 1</u>		<u>100% MINOR</u>		<u>100% MINOR</u>	
<u>FULL HOUSE</u>	<u>50 FOR 1</u>		<u>50 FOR 1</u>		<u>50 FOR 1</u>	

<u>FLUSH</u>	<u>40 FOR 1</u>		<u>40 FOR 1</u>		<u>40 FOR 1</u>	
<u>STRAIGHT</u>	<u>30 FOR 1</u>		<u>30 FOR 1</u>		<u>30 FOR 1</u>	
<u>3 OF A KIND</u>	<u>9 FOR 1</u>		<u>10 FOR 1</u>		<u>9 FOR 1</u>	
<u>*ORIGINAL WAGER IS NOT RETURNED</u>						
<u>**ENVY AND SEED AMOUNTS ADJUST UP OR DOWN ACCORDINGLY WITH CHANGES MADE TO THE WAGER AMOUNT</u>						
<u>*** BASED ON THE PLAYER'S 5 CARD HAND</u>						

47.1-1017.44 The play – Crazy 4 Poker.

Note to publisher: Add after the last pay table in rule 47.1-1017.44.

	<u>PMG-ML-01</u>		<u>PMG-ML-02</u>		<u>PMG-ML-03</u>	
<u>HAND***</u>	<u>PAYS*</u>	<u>ENVY*</u> <u>*</u>	<u>PAYS*</u>	<u>ENVY*</u> <u>*</u>	<u>PAYS*</u>	<u>ENVY*</u> <u>*</u>
<u>ROYAL FLUSH</u>	<u>100% MAJOR</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>
<u>STRAIGHT FLUSH</u>	<u>100% MINOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>
<u>4 OF A KIND</u>	<u>300 FOR 1</u>		<u>100% MINOR</u>		<u>100% MINOR</u>	
<u>FULL HOUSE</u>	<u>50 FOR 1</u>		<u>50 FOR 1</u>		<u>50 FOR 1</u>	
<u>FLUSH</u>	<u>40 FOR 1</u>		<u>40 FOR 1</u>		<u>40 FOR 1</u>	
<u>STRAIGHT</u>	<u>30 FOR 1</u>		<u>30 FOR 1</u>		<u>30 FOR 1</u>	
<u>3 OF A KIND</u>	<u>9 FOR 1</u>		<u>10 FOR 1</u>		<u>9 FOR 1</u>	
<u>*ORIGINAL WAGER IS NOT RETURNED</u>						
<u>**ENVY AND SEED AMOUNTS ADJUST UP OR DOWN ACCORDINGLY WITH CHANGES MADE TO THE WAGER AMOUNT</u>						
<u>*** BASED ON THE PLAYER'S 5 CARD HAND</u>						

47.1-1017.45 The play -- High Five Poker and High Five Poker Progressive. *Eff 03/17/11, Amended 4/14/14*

- (12) After all players have acted, the dealer exposes the dealer's cards and creates the best possible five card poker hand, ranking the cards from the dealer's left to the right and allowing the players to see the hand. The dealer will bring the player's hand into the "work area" between the dealer's hand and the trips wager and reveal the player's cards.

47.1-1017.46 The play – Mississippi Stud.

Note to publisher: Add after the existing pay table in rule 47.1-1017.46 (13).

<u>HAND***</u>	<u>PMG-ML-01</u>		<u>PMG-ML-02</u>		<u>PMG-ML-03</u>	
	<u>PAYS*</u>	<u>ENVY*</u> *	<u>PAYS*</u>	<u>ENVY*</u> *	<u>PAYS*</u>	<u>ENVY*</u> *
<u>ROYAL FLUSH</u>	<u>100% MAJOR</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>
<u>STRAIGHT FLUSH</u>	<u>100% MINOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>
<u>4 OF A KIND</u>	<u>300 FOR 1</u>		<u>100% MINOR</u>		<u>100% MINOR</u>	
<u>FULL HOUSE</u>	<u>50 FOR 1</u>		<u>50 FOR 1</u>		<u>50 FOR 1</u>	
<u>FLUSH</u>	<u>40 FOR 1</u>		<u>40 FOR 1</u>		<u>40 FOR 1</u>	
<u>STRAIGHT</u>	<u>30 FOR 1</u>		<u>30 FOR 1</u>		<u>30 FOR 1</u>	
<u>3 OF A KIND</u>	<u>9 FOR 1</u>		<u>10 FOR 1</u>		<u>9 FOR 1</u>	
<u>*ORIGINAL WAGER IS NOT RETURNED</u>						
<u>**ENVY AND SEED AMOUNTS ADJUST UP OR DOWN ACCORDINGLY WITH CHANGES MADE TO THE WAGER AMOUNT</u>						
<u>*** BASED ON THE PLAYER'S 5 CARD HAND</u>						

47.1-1017.47 The play – Ultimate Texas Hold ‘Em.

Note to publisher: Add after existing pay table in rule 47.1-1017.47 (15).

<u>HAND***</u>	<u>PMG-ML-01</u>		<u>PMG-ML-02</u>		<u>PMG-ML-03</u>	
	<u>PAYS*</u>	<u>ENVY*</u> *	<u>PAYS*</u>	<u>ENVY*</u> *	<u>PAYS*</u>	<u>ENVY*</u> *
<u>ROYAL FLUSH</u>	<u>100% MAJOR</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>
<u>STRAIGHT FLUSH</u>	<u>100% MINOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>
<u>4 OF A KIND</u>	<u>300 FOR 1</u>		<u>100% MINOR</u>		<u>100% MINOR</u>	
<u>FULL HOUSE</u>	<u>50 FOR 1</u>		<u>50 FOR 1</u>		<u>50 FOR 1</u>	
<u>FLUSH</u>	<u>40 FOR 1</u>		<u>40 FOR 1</u>		<u>40 FOR 1</u>	
<u>STRAIGHT</u>	<u>30 FOR 1</u>		<u>30 FOR 1</u>		<u>30 FOR 1</u>	
<u>3 OF A KIND</u>	<u>9 FOR 1</u>		<u>10 FOR 1</u>		<u>9 FOR 1</u>	
<u>*ORIGINAL WAGER IS NOT RETURNED</u>						
<u>**ENVY AND SEED AMOUNTS ADJUST UP OR DOWN ACCORDINGLY WITH CHANGES MADE TO THE WAGER AMOUNT</u>						
<u>*** BASED ON THE PLAYER'S 5 CARD HAND</u>						

47.1-1017.53 The Play – Big Raise Stud Poker.

Note to publisher: Add to the very end of rule 47.1-1017.53.

<u>HAND***</u>	<u>PMG-ML-01</u>		<u>PMG-ML-02</u>		<u>PMG-ML-03</u>	
	<u>PAYS*</u>	<u>ENVY*</u> <u>*</u>	<u>PAYS*</u>	<u>ENVY*</u> <u>*</u>	<u>PAYS*</u>	<u>ENVY*</u> <u>*</u>
<u>ROYAL FLUSH</u>	<u>100% MAJOR</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>	<u>100% MEGA</u>	<u>\$1,000</u>
<u>STRAIGHT FLUSH</u>	<u>100% MINOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>	<u>100% MAJOR</u>	<u>\$300</u>
<u>4 OF A KIND</u>	<u>300 FOR 1</u>		<u>100% MINOR</u>		<u>100% MINOR</u>	
<u>FULL HOUSE</u>	<u>50 FOR 1</u>		<u>50 FOR 1</u>		<u>50 FOR 1</u>	
<u>FLUSH</u>	<u>40 FOR 1</u>		<u>40 FOR 1</u>		<u>40 FOR 1</u>	
<u>STRAIGHT</u>	<u>30 FOR 1</u>		<u>30 FOR 1</u>		<u>30 FOR 1</u>	
<u>3 OF A KIND</u>	<u>9 FOR 1</u>		<u>10 FOR 1</u>		<u>9 FOR 1</u>	
<u>*ORIGINAL WAGER IS NOT RETURNED</u>						
<u>**ENVY AND SEED AMOUNTS ADJUST UP OR DOWN ACCORDINGLY WITH CHANGES MADE TO THE WAGER AMOUNT</u>						
<u>*** BASED ON THE PLAYER'S 5 CARD HAND</u>						

47.1-1017.54 THE PLAY – DOUBLE DRAW POKER.

DOUBLE DRAW POKER IS A COPYRIGHT AND PATENT-PROTECTED POKER VARIATION GAME, THE RIGHTS TO WHICH ARE OWNED BY SHFL ENTERTAINMENT DBA BALLY TECHNOLOGIES OF LAS VEGAS, NEVADA, AND WHICH MAY BE TRANSFERRED OR ASSIGNED. DOUBLE DRAW POKER MUST BE PLAYED ACCORDING TO THE FOLLOWING RULES:

- (1) DOUBLE DRAW POKER MAY BE PLAYED ONLY ON TABLES DISPLAYING THE DOUBLE DRAW POKER LAYOUT. A SINGLE DECK OF 52 CARDS PLUS TWO (2) JOKERS WILL BE USED. THE JOKERS CAN BE USED AS ACES OR TO COMPLETE STRAIGHTS OR FLUSHES. EACH PLAYER MAY ONLY PLAY ONE HAND FOLLOWING EACH SHUFFLE OF THE DECK. THE OBJECT OF DOUBLE DRAW POKER IS TO GET A TWO-PAIR OR BETTER. PLAYERS GET FIVE CARDS, AND THEN THEY HAVE THE CHANCE TO DRAW THREE CARDS AND THEN DRAW ANOTHER ONE CARD, TO MAKE THE BEST POSSIBLE FIVE CARD POKER HAND.
- (2) PLAYERS MAKE THE ANTE AND THE BONUS WAGERS TO RECEIVE CARDS. ALL BETS WILL BE IN AN AMOUNT BETWEEN THE TABLE MINIMUM AND THE TABLE MAXIMUM, AS POSTED AT THE TABLE, UP TO THE \$100 MAXIMUM WAGER LIMIT DETERMINED BY THE HOUSE AND IN ACCORDANCE WITH APPLICABLE LAW. ANY DEALER TIP DELIVERED AS A WAGER MAY BE PLACED ON ANY WAGER PROVIDED THAT THE PLAYER HAS PLACED A PERSONAL WAGER ON THE SAME BET.
- (3) THE DEALER, WORKING CLOCKWISE FROM HIS/HER LEFT TO RIGHT, WILL GIVE EACH PLAYER A PACKET OF FIVE CARDS.
- (4) WHEN ALL PLAYERS HAVE CARDS, THE DEALER WILL THEN HOLD THE REMAINING CARDS IN HIS/HER HAND.
- (5) THE DEALER, WORKING CLOCKWISE FROM HIS/HER LEFT TO RIGHT, WILL GIVE EACH PLAYER THE FOLLOWING OPTION TO EITHER FOLD OR STAY IN THE GAME BY MAKING A DRAW BET IN AN AMOUNT EQUAL TO HIS/HER ANTE.

(A) IF THE PLAYER STAYS IN THE GAME, HE/SHE HAS THE OPTION TO REPLACE 0, 1, 2 OR 3 OF THE CARDS IN HIS/HER HAND.

(B) PLAYERS WILL PLACE THEIR DISCARDS FACE DOWN ABOVE THEIR ANTE BET. THE DEALER WILL REPLACE THOSE CARDS WITH NEW ONES.

(6) ONCE ALL PLAYERS HAVE ACTED, THE DEALER, WORKING FROM HIS/HER LEFT TO RIGHT, WILL GIVE EACH PLAYER THE OPTION TO FOLD OR STAY IN THE GAME BY MAKING A DRAW BET IN AN AMOUNT EQUAL TO HIS/HER ANTE.

(A) IF THE PLAYER STAYS IN THE GAME, HE/SHE HAS THE OPTION TO REPLACE 0 OR 1 CARD IN HIS/HER HAND.

(B) PLAYERS WILL PLACE THEIR DISCARDS FACE DOWN ABOVE THEIR ANTE BET. THE DEALER WILL REPLACE THAT CARD WITH A NEW ONE.

(7) ONCE ALL PLAYERS HAVE ACTED, THE DEALER WILL WORK COUNTER-CLOCKWISE FROM HIS/HER RIGHT TO LEFT AND RESOLVE ALL ACTION.

(8) IF PLAYERS HAVE LESS THAN TWO-PAIR, ALL WAGERS LOSE.

(9) IF PLAYERS HAVE TWO-PAIR OR BETTER, THE DEALER WILL PAY BETS AS FOLLOWS:

(A) ANTE AND DRAW BETS WILL BE PAID 1 TO 1.

(B) BONUS BETS WILL BE PAID ACCORDING TO THE POSTED PAY TABLE:

HAND	BONUS	
	<u>1</u>	<u>2</u>
FIVE ACES	500 TO 1	500 TO 1
NATURAL ROYAL FLUSH	100 TO 1	100 TO 1
WILD ROYAL FLUSH	50 TO 1	50 TO 1
STRAIGHT FLUSH	50 TO 1	50 TO 1
FOUR OF A KIND	20 TO 1	20 TO 1
FULL HOUSE	5 TO 1	5 TO 1
FLUSH	3 TO 1	3 TO 1
STRAIGHT	2 TO 1	2 TO 1
THREE OF A KIND	1 TO 1	PUSH
TWO PAIR	PUSH	PUSH

47.1-1017.55 THE PLAY – SIX CARD POKER.

SIX CARD POKER IS A COPYRIGHT AND PATENT-PROTECTED POKER VARIATION GAME, THE RIGHTS TO WHICH ARE OWNED BY SHFL ENTERTAINMENT DBA BALLY TECHNOLOGIES OF LAS VEGAS, NEVADA, AND WHICH MAY BE TRANSFERRED OR ASSIGNED. SIX CARD POKER MUST BE PLAYED ACCORDING TO THE FOLLOWING RULES:

- (1) SIX CARD POKER MAY BE PLAYED ONLY ON TABLES DISPLAYING THE SIX CARD POKER LAYOUT. A SINGLE DECK OF 52 CARDS WILL BE USED. EACH PLAYER MAY ONLY PLAY ONE HAND FOLLOWING EACH SHUFFLE OF THE DECK. THE OBJECT OF SIX CARD POKER IS FOR THE PLAYER TO MAKE THE BEST FIVE CARD POKER HAND OUT OF HIS/HER SIX CARDS AND TO BEAT THE DEALER'S HAND. DEALER AND PLAYERS EACH GET SIX CARDS.
- (2) A PLAYER MUST MAKE THE ANTE WAGER TO RECEIVE CARDS. THE PLAYER CAN ALSO MAKE THE OPTIONAL ACES UP AND TWO-WAY BAD BEAT WAGERS. (PLEASE NOTE THAT CASINO OPERATORS HAVE THE OPTION TO NOT OFFER THE TWO-WAY BAD BEAT WAGERS AT ALL.) ALL BETS WILL BE IN AN AMOUNT BETWEEN THE TABLE MINIMUM AND THE TABLE MAXIMUM, AS POSTED AT THE TABLE, UP TO THE \$100 MAXIMUM WAGER LIMIT DETERMINED BY THE HOUSE AND IN ACCORDANCE WITH APPLICABLE LAW. ANY DEALER TIP DELIVERED AS A WAGER MAY BE PLACED ON ANY OF THE GAME WAGERS, PROVIDED THAT THE PLAYER HAS PLACED A PERSONAL WAGER ON THE SAME BET.
- (3) THE DEALER, WORKING CLOCKWISE FROM HIS/HER LEFT TO RIGHT, WILL GIVE EACH PLAYER AND HIM/HERSELF A PACKET OF SIX CARDS FACE DOWN.
- (4) WHEN ALL PLAYERS HAVE CARDS, THE DEALER WILL SPREAD HIS/HER CARDS FROM LEFT TO RIGHT LEAVING ONE CARD IN EACH OF THE DESIGNATED SPOTS ON THE LAYOUT. THE DEALER WILL THEN TURN THE THREE CARDS TO HIS/HER LEFT FACE UP.
- (5) PLAYERS LOOK AT THEIR CARDS AND MUST DECIDE:
 - (A) FOLD AND LOSE THEIR ANTE AND ACES UP (IF LESS THAN A PAIR OF ACES) BETS; OR
 - (B) STAY IN THE GAME BY MAKING A PLAY BET OF 1X THEIR ANTE.
- (6) WHEN PLAYERS FOLD, THE DEALER WILL IMMEDIATELY COLLECT THEIR ANTE BETS.
 - (A) IF PLAYERS FOLD AND HAVE A TWO-WAY BAD BEAT AND/OR THE ACES UP WAGER IN PLAY, THE DEALER WILL LEAVE THE FOLDED CARDS IN FRONT OF THE PLAYER. THE TWO-WAY BAD BEAT AND/OR ACES UP WAGER WILL BE RESOLVED AT THE END OF THE HAND ALONG WITH THE REST OF THE NON-FOLDED PLAYER HANDS.
- (7) THE DEALER THEN REVEALS THE LAST THREE CARDS AND ANNOUNCES HIS/HER BEST FIVE CARD POKER HAND.
- (8) THE DEALER QUALIFIES WITH ACE-KING. IF THE DEALER HAS LESS THAN ACE-KING, HE/SHE WILL REFUND ALL PLAYER ANTE BETS STILL IN ACTION. ALL OTHER BETS RECEIVE FULL ACTION.
- (9) THE DEALER THEN, WORKING COUNTER-CLOCKWISE FROM HIS/HER RIGHT TO LEFT, RECONCILES THE ACTION.
- (10) IF THE PLAYER BEATS THE DEALER, THE ANTE (IF APPLICABLE) AND PLAY BETS PAY 1 TO 1.
- (11) IF THE DEALER BEATS THE PLAYER, THE ANTE (IF APPLICABLE) AND PLAY BETS LOSE.
- (12) IF THE DEALER AND THE PLAYER TIE, THE ANTE (IF APPLICABLE) AND PLAY BETS PUSH.

(13) PLAYERS WIN THE ACES UP BET IF THEY HAVE A PAIR OF ACES OR BETTER. THE DEALER'S HAND HAS NO EFFECT ON THIS BET.

(14) PLAYERS WIN THE TWO-WAY BAD BEAT BET IF THEY AND THE DEALER GET AT LEAST A PAIR OF ACES, AND THEY DO NOT TIE EACH OTHER. THE BAD BEAT IS PAID ON THE STRENGTH OF THE LOSING HAND.

(15) NOTE: PLAYERS ARE ELIGIBLE TO WIN THE ACES UP AND BAD BEAT BETS EVEN IF THEY FOLD.

ACES UP PAY TABLES				
HAND	SCP-01	SCP-02	SCP-03	SCP4
ROYAL FLUSH	500 TO 1	500 TO 1	500 TO 1	500 TO 1
STRAIGHT FLUSH	100 TO 1	100 TO 1	100 TO 1	100 TO 1
FOUR OF A KIND	30 TO 1	30 TO 1	30 TO 1	30 TO 1
FULL HOUSE	9 TO 1	10 TO 1	9 TO 1	9 TO 1
FLUSH	8 TO 1	8 TO 1	8 TO 1	7 TO 1
STRAIGHT	7 TO 1	6 TO 1	6 TO 1	6 TO 1
THREE OF A KIND	4 TO 1	4 TO 1	4 TO 1	4 TO 1
TWO PAIR	2 TO 1	2 TO 1	2 TO 1	2 TO 1
PAIR OF ACES	1 TO 1	1 TO 1	1 TO 1	1 TO 1

TWO WAY BAD BEAT PAY TABLES			
RANK OF LOSING HAND	TWBB-001	TWBB-002	TWBB-003
STRAIGHT FLUSH	10,000 TO 1	2,500 TO 1	500 TO 1
FOUR OF A KIND	5,000 TO 1	1,000 TO 1	500 TO 1
FULL HOUSE	500 TO 1	500 TO 1	500 TO 1
FLUSH	200 TO 1	200 TO 1	200 TO 1
STRAIGHT	100 TO 1	100 TO 1	100 TO 1
THREE OF A KIND	35 TO 1	35 TO 1	35 TO 1
TWO PAIR	10 TO 1	10 TO 1	10 TO 1
PAIR OF ACES	9 TO 1	9 TO 1	9 TO 1

BASIS AND PURPOSE FOR RULE 23

The purpose of Rule 23 is to establish playing rules for craps and procedures for conducting craps games in compliance with section 12-47.1-302 (2). The statutory basis for rule 23 is found in sections 12-47.1-201, C.R.S., 12-47.1-203, C.R.S., and 12-47.1-302, C.R.S., and 12-47.1-818, C.R.S.

RULE 23 RULES OF CRAPS

47.1-2317.05 THE PLAY – CRAPS WITH BONUS CRAPS.

BONUS CRAPS IS A PATENT-PROTECTED CRAPS VARIATION GAME, THE RIGHTS TO WHICH ARE OWNED BY GALAXY GAMING, INC. OF LAS VEGAS NEVADA AND WHICH MAY BE TRANSFERRED OR ASSIGNED.

BONUS CRAPS MUST BE PLAYED ACCORDING TO THE FOLLOWING RULES:

- (1) BONUS CRAPS MAY BE PLAYED ONLY ON TABLES DISPLAYING THE BONUS CRAPS LAYOUT.
- (2) THERE ARE THREE ADDITIONAL BONUS CRAPS WAGERS AVAILABLE:
 - (A) ALL SMALL
 - (B) ALL TALL
 - (C) MAKE 'EM ALL
- (3) PRIOR TO THE COME OUT ROLL, PLAYERS MAY PLACE AN OPTIONAL WAGER ON ONE OR MORE OF THE THREE BONUS CRAPS WAGERS. EACH BONUS CRAPS WAGER IS INDEPENDENT AND HAS NO EFFECT ON THE PRIMARY GAME OF CRAPS OR OTHER WAGERS. ALL BONUS CRAPS WAGERS CAN BE MADE ON THE COME OUT ROLL ONLY.
- (4) AS THE SHOOTER ROLLS NUMBERS, FOR ANY NUMBER OTHER THAN A SEVEN (7), THE BOXMAN OR DEALER WILL PLACE A BONUS CRAPS LAMMER ON THE CIRCLE INDICATING THE NUMBER ROLLED. FOR EXAMPLE, IF THE SHOOTER ROLLS A SIX, A LAMMER IS PLACED ON THE CIRCLE WITH THE NUMBER (6) INSIDE OF IT. IF A NUMBER IS REPEATED BY THE SHOOTER, IT HAS NO EFFECT ON THE WAGER. WHEN THE SHOOTER ROLLS A SEVEN (7) ALL BETS LOSE AND THE LAMMERS ARE COLLECTED BY THE DEALER.

ALL SMALL

THIS WAGER CONSISTS OF ALL THE "SMALL" NUMBERS (2,3,4, 5 AND 6). ALL OF THESE NUMBERS MUST BE ROLLED BEFORE THE SHOOTER ROLLS A SEVEN (7). PLAYERS MAY ONLY MAKE THIS WAGER ON THE COME OUT ROLL AND ONLY WHEN THE PREVIOUS ROLL WAS A SEVEN (7). THE BET LOSES WHENEVER A SEVEN (7) IS ROLLED, INCLUDING A SEVEN (7) ON THE COME OUT ROLL. THE NUMBERS WILL BE MARKED WITH LAMMERS TO SHOW WHICH NUMBERS HAVE ALREADY BEEN ROLLED. IF ALL OF THE "SMALL" NUMBERS ARE ROLLED, THE WAGER WILL PAY 34 TO 1 AND WILL BE TAKEN DOWN.

ALL TALL

THIS WAGER CONSISTS OF ALL THE "TALL" NUMBERS (8, 9, 10, 11 AND 12). ALL OF THESE NUMBERS MUST BE ROLLED BEFORE THE SHOOTER ROLLS A SEVEN (7). PLAYERS MAY ONLY MAKE THIS WAGER ON THE COME OUT ROLL AND ONLY WHEN THE PREVIOUS ROLL WAS A SEVEN (7). THE BET LOSES WHENEVER A SEVEN (7) IS ROLLED, INCLUDING A SEVEN (7) ON THE COME OUT ROLL. THE NUMBERS WILL BE MARKED WITH LAMMERS TO SHOW WHICH NUMBERS HAVE ALREADY BEEN ROLLED. IF ALL OF THE "TALL" NUMBERS ARE ROLLED, THE WAGER WILL PAY 34 TO 1 AND WILL BE TAKEN DOWN.

MAKE 'EM ALL

THIS WAGER CONSISTS OF ALL THE NUMBERS, EXCEPT SEVEN (7) (2, 3, 4, 5, 6, 8, 9, 10, 11 AND 12). ALL THESE NUMBERS MUST BE ROLLED BEFORE THE SHOOTER ROLLS A SEVEN (7). PLAYER MAY ONLY MAKE THIS WAGER ON THE COME OUT ROLL AND ONLY WHEN THE PREVIOUS ROLL WAS A SEVEN (7). THE BET LOSES WHENEVER A SEVEN (7) IS ROLLED, INCLUDING A SEVEN (7) ON THE COME OUT ROLL. THE NUMBERS WILL BE MARKED WITH LAMMERS TO SHOW WHICH NUMBERS HAVE ALREADY BEEN ROLLED. IF ALL THE NUMBERS ARE ROLLED, THE WAGER WILL PAY 175 TO 1 AND WILL BE TAKEN DOWN.

Notice of Rulemaking Hearing

Tracking number

2014-00685

Department

200 - Department of Revenue

Agency

212 - Marijuana Enforcement Division

CCR number

1 CCR 212-1

Rule title

RULES REGARDING THE SALES, MANUFACTURING AND DISPENSING OF MEDICAL MARIJUANA

Rulemaking Hearing

Date

09/02/2014

Time

08:00 AM

Location

State Capitol Building, Old Supreme Court Chamber Room 220, 200 E. Colfax Ave., Denver, CO 80203

Subjects and issues involved

The purpose of the revisions to Rules M 207, M 208, M 209, M 210, M 234, M 235 and M 236 is to update the fee levels in accordance with statutory requirements and the needs of the Marijuana Enforcement Division.

Statutory authority

12-43.3-202(1)(b)(I), 12-43.3-202(1)(e), 12-43.3-202(2)(a)(XVI), and 12-43.3-202(2)(a)(XX), and sections 12-43.3-501 and 12-43.3-502; and Colorado Constitution Article XVIII, Subsection 16(5)(a)(II)

Contact information

Name

Daria Serna

Title

Communications Director

Telephone

303-866-5303

Email

daria.serna@state.co.us

Basis and Purpose - M 207

The statutory authority for this rule is found at subsections 12-43.3-202(1)(b)(I), 12-43.3-202(1)(e), 12-43.3-202(2)(a)(XVI), AND 12-43.3-202(2)(a)(XX); AND SECTIONS 12-43.3-310(~~7~~), ~~and~~ 12-43.3-501(~~3~~), AND 12-43.3-502, C.R.S. The purpose of this rule is to clarify the schedules of application fees for Medical Marijuana Business Applicants.

M 207 - Schedule of Application Fees: Medical Marijuana Businesses

A. Medical Marijuana Center Application Fees

1. Type 1 Center (1-300 patients) - ~~\$7,500~~ \$6,000.00
2. Type 2 Center (301-500 patients) - ~~\$12,500~~ \$10,000.00
3. Type 3 Center (501 or more patients) - ~~\$18,000.00~~ \$14,000.00

B. Business VENDOR Registration Application Fee. ~~\$250.00~~ \$300.00

C. Medical Marijuana-Infused Products Manufacturer Application Fee. ~~\$1,250~~ \$1000.00

D. Optional Premises Cultivation Location Application Fee. ~~\$1,250~~ \$1,000.00

E. Medical Marijuana Businesses Converting to Retail Marijuana Establishments. Medical Marijuana Center Applicants or Licensees that want to convert to Retail Marijuana Establishments should refer to 1 CCR 212-2, Rule R 207 - Schedule of Application Fees: Retail Marijuana Establishments.

F. Change of Location Application Fee: ~~\$150~~

F. WHEN APPLICATION FEES ARE DUE. ALL APPLICATION FEES ARE DUE AT THE TIME AN APPLICATION IS SUBMITTED.

G. Renewal Application Fees. ~~Renewal application fees are the same as the initial application fees.~~

Basis and Purpose - M 208

The statutory authority for this rule is found at subsections 12-43.3-202(1)(b)(I), 12-43.3-202(1)(e), 12-43.3-202(2)(a)(XVI), 12-43.3-202(2)(a)(XX), AND 12-43.3-302(5)(c), and sections 12-43.3-310(~~7~~), and 12-43.3-501(~~3~~), and section ~~24-4-104,~~ 12-43.3-502, C.R.S. The purpose of this rule is to establish basic requirements for all Division applications and help the regulated community understand procedural licensing requirements.

M 208 - Schedule of Business License Fees: Medical Marijuana Businesses

- A. Medical Marijuana Center License Fees
 - 1. Type 1 Center (1-300 patients) - ~~\$3,750.00~~ \$3,000.00
 - 2. Type 2 Center (301-500 patients) - ~~\$8,750.00~~ \$7,000.00
 - 3. Type 3 Center (501 or more patients) - ~~\$14,000.00~~ \$11,000.00

- B. Medical Marijuana-Infused Products Manufacturer License Fee. ~~\$2,750.00~~ \$2,200.00

- C. Optional Premises Cultivation Location License Fee. ~~\$2,750.00~~ \$2,200.00

- D. When License Fees Are Due. All license fees are due at the time an application is submitted.__

- E. If Application is Denied. If an application is denied, an Applicant may request that the State Licensing Authority refund the license fee after the denial appeal period has lapsed or after the completion of the denial appeal process, whichever is later.

Basis and Purpose - M 209

The statutory authority for this rule is found at subsections 12-43.3-202(1)(b)(I), 12-43.3-202(1)(e), 12-43.3-202(2)(a)(XVI), 12-43.3-202(2)(a)(XX), AND SECTIONS 12-43.3-310(7), and 12-43.3-501(3), and section 12-43.3-502, ~~24-4-104~~, C.R.S. The purpose of this rule is to establish basic requirements for all Division applications and help the regulated community understand procedural licensing requirements.

M 209 - Schedule of Business License ~~Renewal~~ RENEWAL LICENSE Fees: Medical Marijuana Businesses

- A. RENEWAL LICENSE FEE AMOUNT AND DUE DATE. RENEWAL LICENSE AND PROCESSING FEES ARE DUE AT THE TIME THE RENEWAL APPLICATION IS SUBMITTED FOR EACH LICENSED PREMISE. THE RENEWAL FEE SHALL BE \$300 FOR EACH RENEWAL APPLICATION.

- B. RENEWAL LICENSE FEES SHALL BE THE SAME AMOUNT AS THE INITIAL LICENSE FEE. SEE RULE M 208.

- C. MEDICAL MARIJUANA CENTER RENEWAL FEES.
 - 1. TYPE 1 CENTER - \$ 3,000.00
 - 2. TYPE 2 CENTER - \$7,000.00
 - 3. TYPE 3 CENTER - \$11,000.00

4. MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER - \$2,200.00
5. OPTIONAL PREMISES CULTIVATION - \$2,200.00

~~D. When License Renewal Fees Are Due. License renewal fees are due at the time the renewal application is submitted.~~

D. IF RENEWAL APPLICATION IS DENIED. IF AN APPLICATION FOR RENEWAL IS DENIED, AN APPLICANT MAY REQUEST THAT THE STATE LICENSING AUTHORITY REFUND THE LICENSE FEE AFTER THE DENIAL APPEAL PERIOD HAS LAPSED OR AFTER THE COMPLETION OF THE DENIAL APPEAL PROCESS, WHICHEVER IS LATER.

Basis and Purpose - M 210

The statutory authority for this rule is found at subsections 12-43.3-202(1)(b)(I), 12-43.3-202(1)(e), 12-43.3-202(2)(a)(XVI), AND 12-43.3-202(2)(a)(XX), AND SECTIONS 12-43.3-310(7), ~~and~~, 12-43.3-501(3), AND 12-43.3-502, C.R.S. The purpose of this rule is to establish basic requirements for all Division applications and help the regulated community understand procedural licensing requirements.

M 210 - Schedule of Administrative Service Fees: All Licensees

A. Administrative Service Fees. The following administrative service fees apply:

1. TRANSFER OF OWNERSHIP - NEW OWNERS - \$2,000.00
2. TRANSFER OF OWNERSHIP - REALLOCATION OF OWNERSHIP - \$800.00
3. CHANGE OF CORPORATION OR LLC STRUCTURE - \$800.00/PERSON
4. CHANGE OF TRADE NAME - \$40.00
5. CHANGE OF LOCATION APPLICATION FEE - SAME LOCAL JURISDICTION ONLY - \$500.00
6. MODIFICATION OF LICENSE PREMISES - \$120.00
7. DUPLICATE BUSINESS LICENSE - \$40.00
8. DUPLICATE OCCUPATIONAL LICENSE - \$10.00
9. DUPLICATE VENDOR REGISTRATION - \$40.00
10. INDIRECT FINANCIAL INTEREST BACKGROUND INVESTIGATIONS - \$150.00
11. OFF PREMISE STORAGE PERMIT - \$2,200.00
12. SUBPOENA FEE - \$200.00

- B. When Administrative Service Fees Are Due. All administrative service fees are due at the time each applicable request is made.

Basis and Purpose – M 234

The statutory authority for this rule is found at subsections ~~12-43.3-202(1)(b)(I), 12-43.3-202(1)(e), 12-43.3-202(2)(a)(XVI), 12-43.3-202(2)(a)(XX), 12-43.3-310(7), 12-43.3-401(1)(d), and 12-43.3-501(3),~~ C.R.S. The purpose of this rule is to clarify the schedules of application fees for individuals.

M 234 - Schedule of Application Fees: Individuals REPEALED (JULY 1, 2014)

- A. ~~Individual Application Fees.~~ Associated Key License Application Fee. \$1000.00
- B. ~~When Fees Are Due.~~ Application fees are due at time Applicant submits application.

Basis and Purpose - M 235

The statutory authority for this rule is found at subsections 12-43.3-202(1)(b)(I), 12-43.3-202(1)(e), 12-43.3-202(2)(a)(XVI), 12-43.3-202(2)(a)(XX), ~~12-43.3-310(7),~~ AND 12-43.3-401(1) (d-), and SECTIONS 12-43.3-310, 12-43.3-501(3), AND 12-43.3-502, C.R.S. The purpose of this rule is to establish licensing fees for individuals.

M 235 - Schedule of License Fees: Individuals

- A. Individual License Fees
1. Occupational KEY License - Key License Application Fee. \$250 ~~\$300.00~~
 2. Associated Key/ASSOCIATED PERSON License Fee - \$250 ~~\$1,300.00~~
 3. Occupational SUPPORT License - Support License Application Fee. \$75 ~~\$150.00~~
 4. ~~Vendor Registration Fee. \$250~~
- B. When Fees Are Due. License fees are due at time Applicant submits application.

Basis and Purpose - M 236

The statutory authority for this rule is found at subsections 12-43.3-202(1)(b)(I), 12-43.3-

202(1)(e), 12-43.3-202(2)(a)(XVI), 12-43.3-202(2)(a)(XX), ~~12-43.3-310(7)~~, AND 12-43.3-401(1) (d), and SECTIONS 12-43.3-310, 12-43.3-501(~~3~~), AND 12-43.3-502, C.R.S. The purpose of this rule is to establish license renewal fees for individuals.

M 236 - Schedule of Renewal LICENSE Fees: Individuals

A. Individual License Renewal LICENSE Fees

1. Occupational License—~~Key License/Associated Key License Fee.~~ - \$250
\$200.00
 2. Associated Key/ASSOCIATED PERSON License Fee - ~~\$250~~ \$200.00
 3. Occupational SUPPORT License - ~~Support License Application Fee.~~ \$75.00
- B. When Fees Are Due. ~~License renewal~~ RENEWAL LICENSE fees are due at time applicant submits application for renewal.

Notice of Rulemaking Hearing

Tracking number

2014-00686

Department

200 - Department of Revenue

Agency

212 - Marijuana Enforcement Division

CCR number

1 CCR 212-2

Rule title

RETAIL MARIJUANA CODE

Rulemaking Hearing

Date

09/02/2014

Time

08:00 AM

Location

State Capitol Building, Old Supreme Court Chamber Room 220, 200 E. Colfax Ave., Denver, CO 80203

Subjects and issues involved

The purpose of the revisions to Rules R 207, R 208, R 209 and R 210 is to update the fee levels in accordance with statutory requirements and the needs of the Marijuana Enforcement Division.

Statutory authority

12-43.4-202(2)(b), 12-43.4-202(2)(e), 12-43.4-202(3)(a)(II), 12-43.4-202(3)(b)(VIII), 12-43.4-202(3)(b)(IX); 12-43.3-501, 12-43.3-502, 12-43.4-104, 12-43.4-501; Colorado Constitution Article XVIII

Contact information

Name

Daria Serna

Title

Communications Director

Telephone

303-866-5303

Email

daria.serna@state.co.us

Basis and Purpose - R 207

The statutory authority for this rule is found at subsections 12-43.4-202(2)(b), 12-43.4-104(1)(a)(I), and 12-43.4-202(3)(a)(II), AND SECTIONS 12-43.3-501, 12-43.3-502 AND 12-43.4-501, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(II). The purpose of this rule is to clarify the schedules of application fees for new retail business Licensees.

R 207 - Schedule of Application Fees: Retail Marijuana Establishments

A. Application Fee for Existing Medical Marijuana Licensees in Good Standing and Qualified Applications

1. A Person licensed pursuant to the Medical Code, section 12-43.3-401, AND THAT MEETS THE REQUIREMENTS OF 12-43.4-104, C.R.S., shall pay a \$500 application fee, for each application submitted, to operate a Retail Marijuana Establishment if the following are met:

- a. The Licensee is operating; and

- b. The Licensee's license is in good standing. A license in good standing has complied consistently with Article XVIII, Section 14 of the Colorado Constitution, the provisions of the Medical Code, and THE regulations adopted thereto.

- ~~2. A Person who had a pending application with the State Licensing Authority for a license pursuant to the Medical Code prior to December 10, 2012, shall pay a \$500 application fee to operate a Retail Marijuana Establishment if the following are met:~~

- ~~a. The Applicant is operating in compliance with the Medical Code and regulations adopted thereto;~~

- ~~b. The application has not been denied; and~~

- ~~c. The Person paid all applicable application and licensing fees prior to December 10, 2012.~~

- B. Application Fee for New Applicants - RETAIL MARIJUANA STORE, CULTIVATION FACILITY, OR PRODUCT MANUFACTURER. Applicants that do not meet the criteria in Part A. of this rule are required to pay a \$5000 application fee that must be submitted with each application before it will be considered.

- C. APPLICATION FEE FOR RETAIL TESTING FACILITIES - \$1,000.00

- ~~C. Transfer of Ownership Fee (New Owner Applicants). The transfer of ownership fee is \$2500 if any new Owner is applying plus any additional applicable fees.~~

~~D. Transfer of Ownership Fee (Reallocation of Ownership Among Current Owners). The transfer of ownership fee is \$1000 per application.~~

~~E. Change of Location of License Premises Fee~~

~~a. If an Applicant is changing the location of a Licensed Premises within the same local jurisdiction, the Applicant must pay a \$1000 fee.~~

~~b. An application to change the location of a Licensed Premises to a different local jurisdiction will be treated as a new application. See Rule R 202— Process for Issuing a New Application: Retail Marijuana Establishments. An Application to change the location of a Licensed Premises to a different local jurisdiction must be accompanied by a \$5000 fee, and the Division will forward one half of the fee and a copy of the application to the relevant local jurisdiction within seven days. No new license fees will be assessed unless otherwise required for a License to be renewed.~~

~~D. WHEN APPLICATION FEES ARE DUE. ALL APPLICATION FEES ARE DUE AT THE TIME AN APPLICATION IS SUBMITTED. AN APPLICANT MUST FOLLOW DIVISION POLICIES REGARDING PAYMENT TO LOCAL JURISDICTIONS.~~

Basis and Purpose - R 208

The statutory authority for this rule is found at subsections 12-43.4-202(2)(b), 12-43.4-202(3)(a)(II), AND 12-43.4-304(1), and ~~12-43.4-305,~~ and sections 12-43.3-501, 12-43.3-502, 12-43.4-305, AND 12-43.4-501 ~~24-4-104,~~ C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(II). The purpose of this rule is to establish basic requirements for all Division applications and help the regulated community understand procedural licensing requirements.

R 208 - Schedule of Business License Fees: Retail Marijuana Establishments

A. License Fees -- MEDICAL MARIJUANA BUSINESS CONVERTING TO OR ADDING A RETAIL MARIJUANA ESTABLISHMENT PURSUANT TO 12-43.4-104(1)(A)(I). ~~The State Licensing Authority intends to revisit the fee structure prior to July 1, 2014. Initially, Licensee fees will be set at:~~

- ~~1. Medical Marijuana Center 1 Applying For A Retail Marijuana Store License - \$3,750.00~~ \$3,000.00
- ~~2. Retail Marijuana Cultivation Facility License - \$2,750.00~~ \$2,200.00
- ~~3. EXTENDED PLANT COUNT FEE FOR AN EXISTING Medical Marijuana Center 2 Applying For A Retail Marijuana Store License - \$8,750.00~~ \$4,000.00

4. EXTENDED PLANT COUNT FEE FOR AN EXISTING Medical Marijuana Center 3 Applying For A Retail Marijuana Store License - ~~\$14,000.00~~ \$8,000.00
 5. Retail Marijuana Products Manufacturing License - ~~\$2,750.00~~ \$2,200.00
- B. LICENSE FEES - NEW RETAIL MARIJUANA ESTABLISHMENT APPLICANTS THAT HAVE APPLIED PURSUANT TO 12-43.4-104(1)(B)(II).
1. RETAIL MARIJUANA STORE LICENSE - \$3,000.00
 2. RETAIL MARIJUANA CULTIVATION FACILITY LICENSE - \$2,200.00
 3. EXTENDED PLANT COUNT FEE FOR APPLICANTS THAT MEET WAIVER REQUIREMENTS OF R 212(C) FOR 6,000 PLANTS - \$4,000.00
 4. EXTENDED PLANT COUNT FEE FOR APPLICANTS THAT MEET WAIVER REQUIREMENTS OF R 212(C) FOR 10,200 PLANTS - \$8,000.00
 5. RETAIL MARIJUANA PRODUCTS MANUFACTURING LICENSE - \$2,200.00
 6. RETAIL MARIJUANA TESTING FACILITY LICENSE - \$2,200.00
- C. WHEN LICENSE FEES ARE DUE. ALL LICENSE FEES ARE DUE AT THE TIME AN APPLICATION IS SUBMITTED.
- D. IF APPLICATION IS DENIED. IF AN APPLICATION IS DENIED, AN APPLICANT MAY REQUEST THAT THE STATE LICENSING AUTHORITY REFUND THE LICENSE FEE AFTER THE DENIAL APPEAL PERIOD HAS LAPSED OR AFTER THE COMPLETION OF THE DENIAL APPEAL PROCESS, WHICHEVER IS LATER.

Basis and Purpose - R 209

The statutory authority for this rule is found at subsections 12-43.4-202(2)(b), 12-43.4-202(3)(a)(II), AND 12-43.4-304(1), and SECTIONS 12-43.4-501, 12-43.3-502, 12-43.4-305, and 12-43.4-501, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(II). The purpose of this rule is to establish basic requirements for all Division applications and help the regulated community understand procedural licensing requirements.

R 209 - Schedule of Business License Renewal Fees: Retail Marijuana

Establishments

- A. RENEWAL LICENSE FEE AMOUNT AND DUE DATE. RENEWAL LICENSE AND PROCESSING FEES ARE DUE AT THE TIME THE RENEWAL APPLICATION IS SUBMITTED FOR EACH LICENSED PREMISE. THE RENEWAL FEE SHALL BE \$300 FOR EACH RENEWAL APPLICATION.
- B. RENEWAL LICENSE FEES SHALL BE THE SAME AMOUNT AS THE INITIAL LICENSE FEE. SEE RULE R 208.
- C. RENEWAL LICENSE FEES.
1. RETAIL MARIJUANA STORE - \$3,000.00
 2. EXTENDED PLANT COUNT RENEWAL FEE - 6,000 PLANTS - \$4,000.00
 3. EXTENDED PLANT COUNT RENEWAL FEE - 10,200 PLANTS - \$8,000.00
 4. RETAIL MARIJUANA CULTIVATION FACILITY LICENSE - \$2,200.00
 5. RETAIL MARIJUANA PRODUCTS MANUFACTURING LICENSE - \$2,200.00
 6. RETAIL MARIJUANA TESTING FACILITY LICENSE - \$2,200.00
- ~~D. When License Renewal Fees Are Due. License renewal fees are due at the time the renewal application is submitted.~~
- D. IF RENEWAL APPLICATION IS DENIED. IF AN APPLICATION FOR RENEWAL IS DENIED, AN APPLICANT MAY REQUEST THAT THE STATE LICENSING AUTHORITY REFUND THE LICENSE FEE AFTER THE DENIAL APPEAL PERIOD HAS LAPSED OR AFTER THE COMPLETION OF THE DENIAL APPEAL PROCESS, WHICHEVER IS LATER.

Basis and Purpose - R 210

The statutory authority for this rule is found at subsections 12-43.4-202(2)(b), 12-43.4-202(3)(a)(II), and 12-43.4-304(1), and sections 12-43.3-501, 12-43.3-502 AND 12-43.4-501 24-4-104, C.R.S. Authority also exists in the Colorado Constitution at Article XVIII, Subsection 16(5)(a)(II). The purpose of this rule is to establish basic requirements for all Division applications and help the regulated community understand procedural licensing requirements.

R 210 - Schedule of Administrative Service Fees: All Licensees

- A. Administrative Service Fees. The State Licensing Authority intends to revisit this fee structure prior to July 1, 2014. Initially, a ADMINISTRATIVE SERVICE FEES SHALL BE AS FOLLOWS:
1. TRANSFER OF OWNERSHIP - NEW OWNERS - \$2,000.00
 2. TRANSFER OF OWNERSHIP - REALLOCATION OF OWNERSHIP - \$800.00

3. CHANGE OF CORPORATION OR LLC STRUCTURE - \$800.00/PERSON
4. CHANGE OF TRADE NAME - \$40.00
5. CHANGE OF LOCATION APPLICATION FEE - SAME LOCAL JURISDICTION ONLY - \$500.00
6. MODIFICATION OF LICENSE PREMISES - \$120.00
7. DUPLICATE BUSINESS LICENSE - \$40.00
8. DUPLICATE OCCUPATIONAL LICENSE - \$10.00
9. INDIRECT FINANCIAL INTEREST BACKGROUND INVESTIGATIONS - \$150.00
10. OFF PREMISE STORAGE PERMIT - \$2,200.00
11. SUBPOENA FEE - \$200.00

B. When Administrative Service Fees Are Due. All administrative service fees are due at the time each applicable request is made.

Notice of Rulemaking Hearing

Tracking number

2014-00687

Department

200 - Department of Revenue

Agency

212 - Marijuana Enforcement Division

CCR number

1 CCR 212-2

Rule title

RETAIL MARIJUANA CODE

Rulemaking Hearing

Date

09/02/2014

Time

08:00 AM

Location

State Capitol Building, Old Supreme Court Chamber Room 220, 200 E. Colfax Ave., Denver, CO 80203

Subjects and issues involved

The purpose of the revisions to Rule R 211 and new Rule R 212 is to establish a means by which to manage the production of Retail Marijuana.

Statutory authority

12-43.4-202(2)(b), 12-43.4-202(3)(a)(XII), 12-43.4-202(3)(b)(IX), and 12-43.4-202(4)(a) and (b), C.R.S., and sections 12-43.4-103, 12-43.4-104, and 12-43.4-501, C.R.S

Contact information

Name

Daria Serna

Title

Communications Director

Telephone

303-866-5303

Email

daria.serna@state.co.us

Basis and Purpose - R 211

The statutory authority for this rule is found at subsections 12-43.4-202(2)(b), 12-43.4-202(3)(a), 12-43.4-202(3)(b)(IX), and 12-43.4-202(4)(A) AND (b) and sections 12-43.4-103, 12-43.4-104, and 12-43.4-501, C.R.S.. The purpose of this rule is to clarify that existing Medical Marijuana Businesses may apply to convert a Medical Marijuana Business License to a Retail Marijuana Establishment License or may apply to obtain one additional license to operate a Retail Marijuana Establishment. It is important to note that the State Licensing Authority considers each license issued as separate and distinct. Each license, whether it is in the same location or not, is fully responsible to maintain compliance with all statutes and rules promulgated regardless of whether or not they are located in a shared address.

A Medical Marijuana Business may only obtain one Retail Marijuana Establishment License, whether it converts the Medical Business License or obtains a Retail Marijuana Establishment License, for each Medical Marijuana Business License it holds. In order to ensure all Retail Marijuana and Retail Marijuana Product are tracked in ~~MITS~~ THE STATE MARIJUANA INVENTORY TRACKING SYSTEM and as a condition of licensure, a Medical Marijuana Business must declare in ~~MITS~~ THE STATE MARIJUANA INVENTORY TRACKING SYSTEM all Medical Marijuana and Medical Marijuana Infused-Product that are converted for sale as Retail Marijuana or Retail Marijuana Product prior to initiating or allowing any sales. This declaration may be made only once, in part, due to the excise tax issues that may be implicated if a Licensee makes multiple conversions from Medical Marijuana or Medical Marijuana-Infused Product to Retail Marijuana or Retail Marijuana Product.

The State Licensing Authority received several comments from stakeholders who requested lower fees for Medical Marijuana Businesses that were either converting a Medical Marijuana Business license to a Retail Marijuana Establishment license or obtaining an additional Retail Marijuana Establishment license while retaining the existing Medical Marijuana Business license. The adopted permanent regulations reflect changes to address this concern. Under the rules as adopted Medical Marijuana Businesses that apply to convert to a Retail Marijuana Establishment license will be required to pay an application fee, but no license fees will be charged until such time as the renewal fees would have been due under the Medical Marijuana Business license term. The Retail Marijuana Establishment license, if approved, would assume the balance of the license term from the Medical Marijuana Business license and have the same expiration date.

The rule ~~also~~ establishes a means by which to manage the overall production of retail marijuana, AND APPLIES TO ALL MEDICAL MARIJUANA BUSINESSES THAT ARE EITHER CONVERTING TO OR ADDING A RETAIL MARIJUANA ESTABLISHMENT LICENSE PURSUANT TO 12-43.4-104(1)(A)(I), C.R.S. THIS RULE FURTHER CLARIFIES THAT NEW APPLICANT RETAIL MARIJUANA CULTIVATION FACILITY LICENSES GRANTED AFTER SEPTEMBER 30, 2014 PURSUANT TO 12-43.4-104(1)(B)(II) ARE SUBJECT TO RULE R 212 - NEW APPLICANT RETAIL MARIJUANA CULTIVATION FACILITIES LICENSED PURSUANT TO 12-43.4-104(1)(B)(II), C.R.S. THIS RULE THE ESTABLISHMENT OF PRODUCTION MANAGEMENT is necessary to ensure there is not significant under or over production, either of which will increase incentives to engage in diversion and facilitate the continuation of the sale of illegal marijuana. ~~The Division intends to replace this rule with a permanent production management system in the spring or summer of 2014.~~

R 211 - Conversion - Medical Marijuana Business to Retail Marijuana Establishment PURSUANT TO 12-43.4-104(1)(A)(I), C.R.S.

- A. Medical Marijuana Business Applying for a Retail Marijuana Establishment License. A Medical Marijuana Business in good standing or who had a pending application as of December 10, 2012 that has not yet been denied, and who has paid all applicable fees may apply for a Retail Marijuana Establishment license in accordance with the Retail Code and these rules on or after October 1, 2013. A Medical Marijuana Business meeting these conditions may apply to convert a Medical Marijuana Business license to a Retail Marijuana Establishment license or may apply for a single Retail Marijuana Establishment of the requisite class of license in the Medical Marijuana Code for each Medical Marijuana Business License not converted.
- B. Retail Marijuana Establishment Expiration Date.
1. A Medical Marijuana Business converting its license to a Retail Marijuana Establishment license shall not be required to pay a license fee at the time of application for conversion.
 2. If a Medical Marijuana Business licensee is scheduled to renew its license during the processing of its conversion to a Retail Marijuana Establishment license, the Medical Marijuana Business must complete all renewal applications and pay the requisite renewal licensing fees.
 3. A Retail Marijuana Establishment license that was fully converted from a Medical Marijuana Business license will assume the balance of licensing term previously held by the surrendered Medical Marijuana Business license.
- C. Retail Marijuana Establishment Licenses Conditioned
1. It shall be unlawful for a Retail Marijuana Establishment to operate without being issued a Retail Marijuana Establishment license by the State Licensing Authority and receiving all relevant local jurisdiction approvals. Each Retail Marijuana Establishment license issued shall be conditioned on the Licensee's receipt of all required local jurisdiction approvals and licensing, if required.
 2. Each Retail Marijuana Establishment license issued shall be conditioned on the Medical Marijuana Business' declaration of the amount of Medical Marijuana or Medical Marijuana-Infused Product it intends to transfer from the requisite Medical Marijuana Business for sale as Retail Marijuana or Retail Marijuana Product. A Licensee that converts to a Retail Marijuana Establishment shall not exercise any of the rights or privileges of a Retail Marijuana Establishment until such time as all such Medical Marijuana and Medical Marijuana-Infused Product are fully transferred and declared in the STATE MARIJUANA INVENTORY TRACKING SYSTEM MITS system as Retail Marijuana and Retail Marijuana Product. See *also*, Rule R 309 - Marijuana Inventory Tracking ~~Solution~~ (MITS).
- D. One-Time Transfer. Once a Retail Marijuana Establishment has declared Medical Marijuana and Medical Marijuana-Infused Product as Retail Marijuana or Retail Marijuana Product in MITS and begun exercising the rights and privileges of the license, no additional Medical Marijuana or Medical Marijuana-Infused Product can be transferred from the Medical Marijuana Business to the relevant Retail Marijuana

Establishment at any time.

E. Production Management

1. Applicability. Paragraph E of this rule shall apply to all ~~Retail Marijuana Store or Retail Marijuana Product Manufacturing Facility licenses granted or renewed prior to July 1, 2014~~MEDICAL MARIJUANA BUSINESSES THAT ARE EITHER CONVERTING TO OR ADDING A RETAIL MARIJUANA ESTABLISHMENT LICENSE PURSUANT TO 12-43.4-104(1)(A)(I). REFER TO RULE R 212 - NEW APPLICANT RETAIL MARIJUANA CULTIVATION FACILITIES LICENSED PURSUANT TO 12-43.4-104(1)(B)(II), C.R.S. FOR THE PRODUCTION MANAGEMENT REQUIREMENTS OF ALL NEW APPLICANT RETAIL MARIJUANA CULTIVATION FACILITY LICENSES GRANTED AFTER SEPTEMBER 30, 2014 PURSUANT TO 12-43.4-104(1)(B)(II).
2. Additional Application Disclosures.
 - a. At the time of application for a Retail Marijuana Store license an Applicant must designate the Medical Marijuana Center license intended to be used to obtain the Retail Marijuana Store license, whether or not that license will be converted, by providing its business license number.
 - b. At the time of application for a Retail Marijuana Products Manufacturing Facility license an Applicant must designate the Medical Marijuana Infused-Products Manufacturing Business license intended to be used to obtain the Retail Marijuana Products Manufacturing license, whether or not that license will be converted, by providing its business license number.
3. Production Management.
 - a. If the Medical Marijuana Center designated by an Applicant for a Retail Marijuana Store License was a Type 1 Center, then all of the Retail Marijuana Cultivation Facility Licenses associated with that Retail Marijuana Store may not cultivate more than 3,600 plants in aggregate at any one time.
 - b. If the Medical Marijuana Center designated by an Applicant for a Retail Marijuana Store License was a Type 2 Center, then all of the Retail Marijuana Cultivation Facility Licenses associated with that Retail Marijuana Store may not cultivate more than 6,000 plants in aggregate at any one time.
 - c. If the Medical Marijuana Center designated by an Applicant for a Retail Marijuana Store License was a Type 3 Center, then all of the Retail Marijuana Cultivation Facility Licenses associated with that Retail Marijuana Store may not cultivate more than 10,200 plants in aggregate at any one time.
 - d. If the Medical Marijuana Infused-Products Manufacturing Business

designated by an Applicant for a Retail Marijuana Products Manufacturing License had an Optional Premises Cultivation associated with it, then all of the Retail Marijuana Cultivation Facility Licenses associated with that Retail Marijuana Products Manufacturing License may not cultivate more than 1,000 plants in aggregate at any one time.

- E. IN CONNECTION WITH THE LICENSE RENEWAL PROCESS FOR RETAIL MARIJUANA CULTIVATION FACILITIES WITH PLANT LIMITS OF 6,000 OR 10,200 PLANTS, THE DIVISION WILL REVIEW THE PURCHASES, SALES, AND CULTIVATED PLANT COUNT OF THE RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE DURING THE PRECEDING LICENSING TERM. THE DIVISION MAY REDUCE THE LICENSEE'S MAXIMUM ALLOWED PLANT COUNT AT RENEWAL IF THE LICENSEE SOLD LESS THAN 85% OF WHAT IT PRODUCED DURING THE THREE MONTHS PRIOR TO THE APPLICATION FOR RENEWAL.

 - F. INVENTORY MANAGEMENT. BEGINNING JANUARY 1, 2015, A RETAIL MARIJUANA CULTIVATION FACILITY MAY NOT MAINTAIN RETAIL MARIJUANA IN EXCESS OF THE TOTAL AMOUNT OF INVENTORY THAT THE LICENSEE PRODUCED AND SOLD IN THE PREVIOUS QUARTER.
4. Industry-wide Adjustments. The State Licensing Authority, at its sole discretion, may adjust any of the plant limits described in paragraph E(3) of this rule on an industry-wide aggregate basis for all Retail Marijuana Establishments subject to that limitation.
5. Application for Additional Plants.
- a. A Retail Marijuana Products Manufacturing Facility may apply to the Division for a waiver of the plant limit described in paragraph E(3) of this rule if the associated Medical Marijuana Infused-Products Manufacturing Business had previously received a waiver from the Division to cultivate more than 1,000 medical marijuana plants. In its waiver application to the Division, the Retail Marijuana Products Manufacturing Facility must provide sufficient documentation evidencing its receipt of a waiver for its Medical Marijuana Infused-Products Manufacturing Business and must provide any other information requested to aid the Division in its evaluation of the waiver application. If granted, the Retail Marijuana Products Manufacturing Facility will be permitted to grow the same number of plants that the Medical Marijuana Infused-Products Manufacturing Business is permitted to grow.
 - b. A Retail Marijuana Products Manufacturing Facility may apply to the Division for a waiver of the plant limit described in paragraph E(3) of this rule based upon its demonstrated business needs. In its application to the Division, the Retail Marijuana Products Manufacturing

Facility must provide sufficient documentation evidencing its business need for additional production capacity to meet the requirements of potential or existing contracts with licensed Retail Marijuana Stores for the purchase of Retail Marijuana Product and must provide any other information requested to aid the Division in its evaluation of the waiver application.

- c. A Retail Marijuana Store may apply to the Division for a waiver of the plant limit described in paragraph E(3) of this rule if it can provide documentation evidencing that it is selling at least 85% of what it is permitted to cultivate under its current plant count restriction and any other information requested to aid the Division in its evaluation of the waiver application. If a Retail Marijuana Store or Retail Marijuana Products Manufacturing Facility waiver application is approved by the Division, then the Retail Marijuana Store will:
 1. Be permitted to cultivate no more than 6,000 plants in aggregate at any one time if it was previously permitted to cultivate ~~less than 6,000~~ 3,600 OR FEWER plants in aggregate at any one time, provided that it pays an extended plant fee of ~~\$5,000.00~~ \$4,000.00.
 2. Be permitted to cultivate no more than 10,200 plants in aggregate at any one time if it was previously permitted to cultivate ~~less than~~ BETWEEN 3,600 AND 6,000 ~~10,200~~ plants in aggregate at any one time, provided that it pays an extended plant fee of ~~\$5,250.00~~ \$8,000.00.

BASIS AND PURPOSE - R 212

THE STATUTORY AUTHORITY FOR THIS RULE IS FOUND AT SUBSECTIONS 12-43.4-202(2)(B), 12-43.4-202(3)(A), 12-43.4-202(3)(B)(IX), AND 12-43.4-202(4)(A) AND (B); AND SECTIONS 12-43.4-103, 12-43.4-104, AND 12-43.4-501, C.R.S. THE PURPOSE OF THIS RULE IS TO ESTABLISH A MEANS BY WHICH TO MANAGE THE OVERALL PRODUCTION OF RETAIL MARIJUANA IN TANDEM WITH RULE R 211. THIS RULE IS NECESSARY TO ENSURE THERE IS NOT SIGNIFICANT UNDER OR OVER PRODUCTION, EITHER OF WHICH WILL INCREASE INCENTIVES TO ENGAGE IN DIVERSION AND ILLEGAL SALES OF MARIJUANA OUTSIDE OF THE REGULATED ENVIRONMENT.

RULE R 212 - NEW APPLICANT RETAIL MARIJUANA CULTIVATION FACILITIES LICENSED PURSUANT TO 12-43.4-104(1)(B)(II), C.R.S.

- A. APPLICABILITY. THIS RULE SHALL APPLY TO ALL NEW APPLICANT RETAIL MARIJUANA CULTIVATION FACILITY LICENSES GRANTED AFTER SEPTEMBER 30, 2014 PURSUANT TO 12-43.4-104(1)(B)(II), C.R.S.

B. PRODUCTION MANAGEMENT.

1. ANY NEW APPLICANT RETAIL MARIJUANA CULTIVATION FACILITY WITH A LICENSE GRANTED AFTER SEPTEMBER 30, 2014 SHALL BE AUTHORIZED TO CULTIVATE 3,600 PLANTS OR LESS AT ANY ONE TIME. SUCH A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE MAY ALSO APPLY FOR AN ADDITIONAL PLANT COUNT WAIVER PURSUANT TO PARAGRAPH (C) OF THIS RULE. PURSUANT TO PARAGRAPH (C), THE FIRST ADDITIONAL PLANT COUNT WAIVER A LICENSEE MAY APPLY FOR IS 6,000 PLANTS. A LICENSEE WHO SUCCESSFULLY RECEIVES AND MAINTAINS A 6,000 PLANT COUNT LIMIT MAY SUBSEQUENTLY APPLY FOR AN ADDITIONAL PLANT COUNT WAIVER OF 10,200 PLANTS.

2. INVENTORY MANAGEMENT. BEGINNING JANUARY 1, 2015, A RETAIL MARIJUANA CULTIVATION FACILITY MAY NOT MAINTAIN RETAIL MARIJUANA IN EXCESS OF THE TOTAL AMOUNT OF INVENTORY THAT THE LICENSEE PRODUCED AND SOLD IN THE PREVIOUS QUARTER.

3. IN CONNECTION WITH THE LICENSE RENEWAL PROCESS FOR RETAIL MARIJUANA CULTIVATION FACILITIES WITH PLANT LIMITS OF 6,000 OR 10,200 PLANTS, THE DIVISION WILL REVIEW THE PURCHASES, SALES, AND CULTIVATED PLANT COUNT OF THE RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE DURING THE PRECEDING LICENSING TERM. THE DIVISION MAY REDUCE THE LICENSEE'S MAXIMUM ALLOWED PLANT COUNT TO NO MORE THAN 3,600 PLANTS, OR NO MORE THAN 6,000 PLANTS, AS APPROPRIATE UNDER THE CIRCUMSTANCES IF THE LICENSEE SOLD LESS THAN 85% OF WHAT IT PRODUCED DURING THE THREE MONTHS PRIOR TO THE APPLICATION FOR RENEWAL.

C. APPLICATION FOR ADDITIONAL PLANTS.

1. A RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE MAY APPLY TO THE DIVISION FOR A WAIVER OF THE PLANT LIMITS DESCRIBED IN SUBPARAGRAPH (B)(1) OF THIS RULE IF IT CAN PROVIDE DOCUMENTATION DEMONSTRATING THAT FOR AT LEAST THREE CONSECUTIVE MONTHS PRIOR TO THE WAIVER APPLICATION, IT HAS CONSISTENTLY CULTIVATED AN AMOUNT OF PLANTS THAT IS AT OR NEAR ITS MAXIMUM ALLOWED PLANT COUNT, AND HAS SOLD OR HAS CONTRACTED TO SELL AT LEAST 85% OF THE PLANTS IT CULTIVATED DURING THAT TIME PERIOD. IF A WAIVER APPLICATION IS APPROVED BY THE DIVISION, THEN THE RETAIL MARIJUANA CULTIVATION FACILITY LICENSEE MAY:
 - A. BE PERMITTED TO CULTIVATE NO MORE THAN 6,000 PLANTS AT ANY ONE TIME AT ITS RETAIL MARIJUANA CULTIVATION FACILITY IF THE LICENSEE WAS PREVIOUSLY PERMITTED TO CULTIVATE 3,600 OR FEWER PLANTS AT ANY ONE TIME, PROVIDED THAT IT PAYS AN EXTENDED PLANT FEE OF \$4,000.00.

 - B. BE PERMITTED TO CULTIVATE NO MORE THAN 10,200 PLANTS AT ANY ONE TIME AT ITS RETAIL MARIJUANA CULTIVATION FACILITY IF THE LICENSEE WAS PREVIOUSLY PERMITTED TO CULTIVATE BETWEEN 3,601 AND 6,000 PLANTS AT ANY ONE TIME, PROVIDED THAT IT PAYS AN EXTENDED PLANT FEE OF \$8,000.00.

D. INDUSTRY-WIDE ADJUSTMENTS. THE STATE LICENSING AUTHORITY, AT ITS SOLE DISCRETION, MAY ADJUST ANY

OF THE PLANT LIMITS DESCRIBED IN THIS RULE ON AN INDUSTRY-WIDE AGGREGATE BASIS FOR ALL RETAIL MARIJUANA CULTIVATION FACILITY LICENSEES SUBJECT TO THAT LIMITATION.

Notice of Rulemaking Hearing

Tracking number

2014-00682

Department

1000 - Department of Public Health and Environment

Agency

1007 - Hazardous Materials and Waste Management Division

CCR number

6 CCR 1007-2 Part 1

Rule title

SOLID WASTE DISPOSAL SITES AND FACILITIES

Rulemaking Hearing

Date

08/19/2014

Time

09:30 AM

Location

CDPHE, 4300 Cherry Creek Drive South, Bldg. A, Sabin Conference Room, Denver, CO 80246

Subjects and issues involved

This amendment adds Section 1.7.6 (Waste Tire Fee) to the Solid Waste Regulations (6 CCR 1007-2). The proposed section 1.7.6 requires retailers of new motor vehicle tires and new trailer tires to collect a waste tire fee in an amount of \$1.50 on the sale of each new tire. This fee is not a new fee as the Department of Revenue was previously responsible for collecting the fee.

Statutory authority

30-20-1403, C.R.S.

Contact information

Name

Brandy Valdez Murphy

Title

Program Assistant, Environmental Programs and Solid and Hazardous Waste Commission

Telephone

303-692-3467

Email

brandy.valdezmurphy@state.co.us

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

**Solid and Hazardous Waste Commission/Hazardous Materials and
Waste Management Division**

6 CCR 1007-2

PART 1 REGULATIONS PERTAINING TO SOLID WASTE SITES AND FACILITIES

**PART A GENERAL REQUIREMENTS AND INFORMATION CONCERNING ALL SOLID WASTE
DISPOSAL SITES AND FACILITIES IN THE STATE OF COLORADO**

SECTION 1 ADMINISTRATIVE INFORMATION

1.7 SOLID WASTE AUTHORIZATION AND FEES

Addition of Section 1.7.6 (Waste Tire Fee)

1) Section 1.7.6 (Waste Tire Fee) is added to read as follows:

1.7.6 Waste Tire Fee

Retailers must collect a fee of \$1.50 on the sale of each new motor vehicle tire and new trailer tire. Retailers must submit to the Department all fees collected from the sale of each new motor vehicle tire and new trailer tire. The fees collected each month are due to the Department no later than the 20th day of the following month.

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Solid and Hazardous Waste Commission

Hazardous Materials and Waste Management Division

6 CCR 1007-2

STATEMENT OF BASIS AND PURPOSE AND SPECIFIC STATUTORY AUTHORITY FOR

Addition to Regulations Pertaining to Solid Waste Sites and Facilities (6 CCR 1007-2, Part 1) –Section 1.7.6 (Waste Tire Fee)

Basis and Purpose

I. Statutory Authority – House Bill 14-1352

The addition of 6 CCR 1007-2, section 1.7.6: Waste Tire Fee, is made pursuant to the authority granted to the Solid and Hazardous Waste Commission in section 30-20-1403, C.R.S. These regulations are a direct result of, and implement the requirements of, House Bill (HB) 14-1352, passed by the legislature in 2014, transferring the authority to collect the Waste Tire Fee from the Department of Revenue to the Department of Public Health and Environment (the Department) and requiring the Commission to set the amount of the Waste Tire Fee. This fee is not a new fee as the Department of Revenue was previously responsible for collecting the fee.

II. Purpose of new regulation:

This new regulation sets the Waste Tire Fee at \$1.50.

Discussion of Regulatory Proposal

The proposed section 1.7.6 requires retailers of new motor vehicle tires and new trailer tires to collect a waste tire fee in an amount of \$1.50 on the sale of each new tire. The fee will be collected on all new automobile, trailer, truck, motor home, and motorcycle tires. The \$1.50 fee is not a new fee as the Department of Revenue was previously responsible for collecting the fee.

Description of Local Government Involvement in the Stakeholder Process

Executive Order D 2011-005 (EO-5), "Establishing a Policy to Enhance the Relationship between State and Local Government" requires state rulemaking agencies to consult with and engage local governments prior to the promulgation of any rules containing mandates. The Department completed an EO-5 Internal Communication Form – Conception Phase that was transmitted to local governments. The new regulation will have little effect on local governments as the Waste Tire Fee applies to retailers of new motor vehicle tires and new trailer tires.

Issues Encountered During Stakeholder Process:

The \$1.50 fee amount was vetted during the year-long legislation development stakeholder process. The waste tire industry understands and accepts the \$1.50 waste tire fee as necessary to support Colorado's waste tire management activities. All of the revenue forecasts and stakeholder discussions supported continuing the \$1.50 collected by the Department of Revenue. In addition, the fiscal note accompanying HB 14-1352 used the \$1.50 per new tire as the fee amount to calculate fiscal impacts. Therefore, the legislative stakeholders and legislators are expecting the Waste Tire Fee to be \$1.50 to support the activities identified in HB14-1352.

Regulatory Alternatives

The Department and the stakeholders considered setting the fee lower than \$1.50. This alternative was not adopted because the Department needs the full \$1.50 to administer the Waste Tire Program and to fund the Waste Tire Administration, Enforcement, and Cleanup Fund, the End Users Fund, and the Waste Tire Market Development Fund as anticipated by the HB 14-1352 legislative stakeholder process. Further, the fiscal note accompanying HB 14-1352 relied upon the \$1.50 to evaluate fiscal impacts.

Cost/Benefit Analysis

A cost-benefit analysis will be performed if requested by the Colorado Department of Regulatory Services. The Department and stakeholders evaluated fiscal impacts during the legislative stakeholder process and determined the \$1.50 fee was the minimum amount needed to support the legislative requirements of the Waste Tire Program.

Notice of Rulemaking Hearing

Tracking number

2014-00671

Department

1100 - Department of Labor and Employment

Agency

1101 - Division of Oil and Public Safety

CCR number

7 CCR 1101-14

Rule title

UNDERGROUND STORAGE TANKS AND ABOVEGROUND STORAGE TANKS

Rulemaking Hearing**Date**

08/15/2014

Time

09:00 AM

Location

633 17th Street, Suite 200, Denver, CO 80202

Subjects and issues involved

The Colorado Department of Labor and Employment (CDLE) Division of Oil and Public Safety (OPS) is proposing changes to Article 5 of Regulation 7 CCR 1101-14, Storage Tank Regulations

Statutory authority

Title 8 Article 20 Section 102 and Article 20.5 Sections 202 and 302

Contact information**Name**

Erik Gessert

Title

Remediation Supervisor

Telephone

303-318-8520

Email

erik.gessert@state.co.us

**COLORADO DEPARTMENT OF
LABOR AND EMPLOYMENT**

DIVISION OF OIL AND PUBLIC SAFETY

STORAGE TANK REGULATIONS

7 C.C.R. 1101-14

Effective: ~~January 31~~October 15, 2014





**STORAGE TANK REGULATIONS
COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT
DIVISION OF OIL AND PUBLIC SAFETY**

(Found at 7 C.C.R. 1101-14)

Table of Contents

ARTICLE 1 GENERAL PROVISIONS	1
SECTION 1-1 STATEMENT OF BASIS AND PURPOSE.....	1
SECTION 1-2 TECHNICAL RATIONALE.....	1
SECTION 1-3 STATUTORY AUTHORITY.....	1
SECTION 1-4 EFFECTIVE DATE.....	1
SECTION 1-5 DEFINITIONS.....	1
SECTION 1-6 GLOSSARY OF ACRONYMS AND INITIALIZATIONS.....	12
SECTION 1-7 CODES, DOCUMENTS OR STANDARDS INCORPORATED BY REFERENCE.....	12
SECTION 1-8 INSPECTION OF INCORPORATED CODES.....	15
SECTION 1-9 LATER AMENDMENTS NOT INCLUDED.....	15
ARTICLE 1.5 MOTOR FUEL DISPENSING AND PRODUCT QUALITY	16
SECTION 1.5-1 APPLICABILITY.....	16
SECTION 1.5-2 RETAIL MOTOR FUEL DISPENSERS INSPECTION AND TESTING.....	16
SECTION 1.5-3 PRODUCT QUALITY.....	16
ARTICLE 2 UNDERGROUND STORAGE TANKS	18
SECTION 2-1 UST PROGRAM SCOPE AND APPLICABILITY.....	18
2-1-1 Applicability.....	18
2-1-2 Determination of Ownership and Use.....	19
SECTION 2-2 UST DESIGN, CONSTRUCTION, INSTALLATION AND REGISTRATION.....	19
2-2-1 Design and Performance standards for new and replaced UST systems.....	19
2-2-2 Installation.....	24
2-2-2-1 Installation Application.....	24

2-2-2-2 Installation Requirements.....	25
2-2-2-3 Installation Inspection.....	25
2-2-3 UST System Registration.....	25
2-2-4 Upgrading existing UST System.....	26
2-2-5 Repairs.....	28
SECTION 2-3 OPERATION.....	29
2-3-1 Operator Training.....	29
2-3-1-1 Classes of Operators.....	29
2-3-1-2 Class A Operator.....	29
2-3-1-3 Class B Operator.....	30
2-3-1-4 Class C Operator.....	31
2-3-1-5 Acceptable Training and Certification Processes.....	31
2-3-1-6 Training and Certification Deadlines and Schedules.....	32
2-3-1-7 Retraining Requirements.....	32
2-3-2 Spill and Overfill Prevention.....	32
2-3-3 Corrosion Protection.....	33
2-3-4 Release Detection.....	33
2-3-4-1 General requirements for all UST systems.....	33
2-3-4-2 Requirements for regulated substance USTs Systems.....	34
2-3-4-3 Requirements for Piping.....	38
2-3-4-4 Requirements for hazardous substance UST systems.....	39
2-3-5 Compliance Inspections.....	40
2-3-5-1 Monthly Compliance Inspections.....	40
2-3-5-2 Annual Operational Compliance Inspections.....	40
2-3-5-3 Inspections Conducted by the Director.....	41
2-3-6 Record Keeping.....	41
SECTION 2-4 CLOSURE OF UST SYSTEMS.....	43
2-4-1 Temporary Closure.....	43
2-4-2 Permanent Closure.....	44
2-4-3 Site Assessment.....	44
ARTICLE 3 ABOVEGROUND STORAGE TANKS.....	46
SECTION 3-1 AST PROGRAM SCOPE AND APPLICABILITY.....	46
SECTION 3-2 AST SYSTEM DESIGN, CONSTRUCTION, LOCATION AND INSTALLATION.....	47
3-2-1 Design.....	47
3-2-2 Location and Installation.....	53
3-2-2-1 Service Stations (Motor Fuel Dispensing Facilities and Repair Garages).....	53
3-2-2-2 Governmental, Industrial and Commercial AST Facilities (Fleet Vehicle Motor Fuel Dispensing).....	55
3-2-2-3 Unattended Cardlock Systems.....	56
3-2-2-4 Bulk Plants (And Other Facilities Without Motor Fuel Dispensing).....	56
3-2-2-5 ASTs in Vaults.....	59
3-2-2-6 Tanks Inside Buildings.....	60
3-2-2-7 Separation from Propane ASTs.....	61
3-2-3 Installation, Upgrade, and Repairs.....	61
3-2-4 AST System Registration and Transfer of Ownership.....	64
SECTION 3-3 OPERATION.....	65
3-3-1 Spill and Overfill Protection.....	65
3-3-2 Corrosion Protection.....	68
3-3-3 Release Detection.....	69
3-3-4 Testing and Compliance Inspections.....	70
3-3-4-1 Testing.....	70
3-3-4-2 Inspections.....	70
3-3-5 Record Keeping.....	72
SECTION 3-4 CLOSURE OF AST SYSTEMS.....	73
3-4-1 Temporary Closure.....	73

3-4-2 Permanent Closure	74
3-4-3 Change in Service	74
3-4-4 Site Assessment	74
3-4-5 Waste Handling	75
SECTION 3-5 OIL POLLUTION PREVENTION - SPCC PLAN	75
ARTICLE 4 RELEASE IDENTIFICATION AND REPORTING	76
SECTION 4-1 SUSPECTED RELEASES	76
SECTION 4-2 RESPONSE TO SUSPECTED RELEASES	76
SECTION 4-3 CONFIRMED RELEASES	77
ARTICLE 5 RELEASE RESPONSE	78
SECTION 5-1 RESPONSE TO CONFIRMED RELEASES	78
5-1-1 Acute human health hazards	78
5-1-2 Chronic and secondary human health hazards and other environmental impacts	78
SECTION 5-2 INITIAL SITE RISK ASSESSMENT	78
SECTION 5-3 MONITORING PROGRAM	81
SECTION 5-4 SITE CHARACTERIZATION	81
SECTION 5-5 CORRECTIVE ACTION	82
SECTION 5-6 NO FURTHER ACTION REQUEST	83
ARTICLE 6 ENFORCEMENT	84
SECTION 6-1 ENFORCEMENT PROGRAM	84
6-1-1 Notice of Violation	84
6-1-2 Enforcement Order	84
6-1-3 Informal Conference	84
SECTION 6-2 UNDERGROUND STORAGE TANK DELIVERY PROHIBITION	85
6-2-1 Criteria for Delivery Prohibition	85
6-2-2 Red Tag Mechanisms Used to Identify Ineligible USTs	86
6-2-3 Notification Processes For UST Owners/Operators and Product Deliverers	86
6-2-4 Reclassifying Ineligible USTs as Eligible to Receive Product	86
6-2-5 Delivery Prohibition Deferral in Rural and Remote Areas	87
6-2-6 Delivery Prohibition Deferral in Emergency Situations	87
6-2-7 Removal of Red Tag from Emergency Generator Tank Systems	87
ARTICLE 7 FINANCIAL RESPONSIBILITY REQUIREMENTS FOR OWNERS/OPERATORS OF PETROLEUM UNDERGROUND STORAGE TANKS	88
SECTION 7-1 APPLICABILITY	88
SECTION 7-2 FINANCIAL RESPONSIBILITY MECHANISMS	88
SECTION 7-3 MAINTENANCE OF FINANCIAL RESPONSIBILITY	91
ARTICLE 8 PETROLEUM STORAGE TANK FUND	94
SECTION 8-1 ELIGIBILITY	94
SECTION 8-2 REIMBURSEMENT	98
SECTION 8-3 ALLOWABLE COSTS	99
SECTION 8-4 UNALLOWABLE COSTS	100
SECTION 8-5 COMMITTEE REVIEW OF APPLICATION	101
SECTION 8-6 FUND PAYMENT REPORT	102
SECTION 8-7 MISCELLANEOUS REGULATIONS	102
ARTICLE 1 GENERAL PROVISIONS	1
SECTION 1-1 STATEMENT OF BASIS AND PURPOSE	1
SECTION 1-2 TECHNICAL RATIONALE	1
SECTION 1-3 STATUTORY AUTHORITY	1
SECTION 1-4 EFFECTIVE DATE	1
SECTION 1-5 DEFINITIONS	1

SECTION 1-6 GLOSSARY OF ACRONYMS AND INITIALIZATIONS	12
SECTION 1-7 CODES, DOCUMENTS OR STANDARDS INCORPORATED BY REFERENCE.....	12
SECTION 1-8 INSPECTION OF INCORPORATED CODES.....	15
SECTION 1-9 LATER AMENDMENTS NOT INCLUDED	15
ARTICLE 1.5 MOTOR FUEL DISPENSING AND PRODUCT QUALITY	16
SECTION 1.5-1 APPLICABILITY	16
SECTION 1.5-2 RETAIL MOTOR FUEL DISPENSERS INSPECTION AND TESTING	16
SECTION 1.5-3 PRODUCT QUALITY	16
ARTICLE 2 UNDERGROUND STORAGE TANKS	18
SECTION 2-1 UST PROGRAM SCOPE AND APPLICABILITY	18
2-1-1 <i>Applicability</i>	18
2-1-2 <i>Determination of Ownership and Use</i>	19
SECTION 2-2 UST DESIGN, CONSTRUCTION, INSTALLATION AND REGISTRATION	19
2-2-1 <i>Design and Performance standards for new and replaced UST systems</i>	19
2-2-2 <i>Installation</i>	24
2-2-2-1 <i>Installation Application</i>	24
2-2-2-2 <i>Installation Requirements</i>	25
2-2-2-3 <i>Installation Inspection</i>	25
2-2-3 <i>UST System Registration</i>	25
2-2-4 <i>Upgrading existing UST System</i>	26
2-2-5 <i>Repairs</i>	28
SECTION 2-3 OPERATION	29
2-3-1 <i>Operator Training</i>	29
2-3-1-1 <i>Classes of Operators</i>	29
2-3-1-2 <i>Class A Operator</i>	29
2-3-1-3 <i>Class B Operator</i>	30
2-3-1-4 <i>Class C Operator</i>	31
2-3-1-5 <i>Acceptable Training and Certification Processes</i>	31
2-3-1-6 <i>Training and Certification Deadlines and Schedules</i>	32
2-3-1-7 <i>Retraining Requirements</i>	32
2-3-2 <i>Spill and Overfill Prevention</i>	32
2-3-3 <i>Corrosion Protection</i>	33
2-3-4 <i>Release Detection</i>	33
2-3-4-1 <i>General requirements for all UST systems</i>	33
2-3-4-2 <i>Requirements for regulated substance USTs Systems</i>	34
2-3-4-3 <i>Requirements for Piping</i>	38
2-3-4-4 <i>Requirements for hazardous substance UST systems</i>	39
2-3-5 <i>Compliance Inspections</i>	40
2-3-5-1 <i>Monthly Compliance Inspections</i>	40
2-3-5-2 <i>Annual Operational Compliance Inspections</i>	40
2-3-5-3 <i>Inspections Conducted by the Director</i>	41
2-3-6 <i>Record Keeping</i>	41
SECTION 2-4 CLOSURE OF UST SYSTEMS.....	43
2-4-1 <i>Temporary Closure</i>	43
2-4-2 <i>Permanent Closure</i>	44
2-4-3 <i>Site Assessment</i>	44
ARTICLE 3 ABOVEGROUND STORAGE TANKS	46
SECTION 3-1 AST PROGRAM SCOPE AND APPLICABILITY	46
SECTION 3-2 AST SYSTEM DESIGN, CONSTRUCTION, LOCATION AND INSTALLATION	47
3-2-1 <i>Design</i>	47
3-2-2 <i>Location and Installation</i>	53
3-2-2-1 <i>Service Stations (Motor Fuel Dispensing Facilities and Repair Garages)</i>	53
3-2-2-2 <i>Governmental, Industrial and Commercial AST Facilities (Fleet Vehicle Motor Fuel Dispensing)</i>	55
3-2-2-3 <i>Unattended Cardlock Systems</i>	56
3-2-2-4 <i>Bulk Plants (And Other Facilities Without Motor Fuel Dispensing)</i>	56

3-2-2-5 ASTs in Vaults	59
3-2-2-6 Tanks Inside Buildings.....	60
3-2-2-7 Separation from Propane ASTs	61
3-2-3 Installation, Upgrade, and Repairs	61
3-2-4 AST System Registration and Transfer of Ownership	64
SECTION 3-3 OPERATION	65
3-3-1 Spill and Overfill Protection.....	65
3-3-2 Corrosion Protection.....	68
3-3-3 Release Detection	69
3-3-4 Testing and Compliance Inspections	70
3-3-4-1 Testing	70
3-3-4-2 Inspections	70
3-3-5 Record Keeping	72
SECTION 3-4 CLOSURE OF AST SYSTEMS	73
3-4-1 Temporary Closure.....	73
3-4-2 Permanent Closure.....	74
3-4-3 Change in Service.....	74
3-4-4 Site Assessment.....	74
3-4-5 Waste Handling	75
SECTION 3-5 OIL POLLUTION PREVENTION - SPCC PLAN	75
ARTICLE 4 RELEASE IDENTIFICATION AND REPORTING	76
SECTION 4-1 SUSPECTED RELEASES	76
SECTION 4-2 RESPONSE TO SUSPECTED RELEASES	76
SECTION 4-3 CONFIRMED RELEASES	77
ARTICLE 5 RELEASE RESPONSE	78
SECTION 5-1 RESPONSE TO CONFIRMED RELEASES	78
5-1-1 Acute human health hazards.....	78
5-1-2 Chronic and secondary human health hazards and other environmental impacts.....	78
SECTION 5-2 SITE CHARACTERIZATION	78
SECTION 5-3 CORRECTIVE ACTION	81
SECTION 5-4 NO FURTHER ACTION REQUEST	83
ARTICLE 6 ENFORCEMENT.....	84
SECTION 6-1 ENFORCEMENT PROGRAM	84
6-1-1 Notice of Violation.....	84
6-1-2 Enforcement Order.....	84
6-1-3 Informal Conference.....	84
SECTION 6-2 UNDERGROUND STORAGE TANK DELIVERY PROHIBITION	85
6-2-1 Criteria for Delivery Prohibition	85
6-2-2 Red Tag Mechanisms Used to Identify Ineligible USTs.....	86
6-2-3 Notification Processes For UST Owners/Operators and Product Deliverers.....	86
6-2-4 Reclassifying Ineligible USTs as Eligible to Receive Product.....	86
6-2-5 Delivery Prohibition Deferral in Rural and Remote Areas.....	87
6-2-6 Delivery Prohibition Deferral in Emergency Situations	87
6-2-7 Removal of Red Tag from Emergency Generator Tank Systems	87
ARTICLE 7 FINANCIAL RESPONSIBILITY REQUIREMENTS FOR OWNERS/OPERATORS OF PETROLEUM UNDERGROUND STORAGE TANKS.....	88
SECTION 7-1 APPLICABILITY	88
SECTION 7-2 FINANCIAL RESPONSIBILITY MECHANISMS	88
SECTION 7-3 MAINTENANCE OF FINANCIAL RESPONSIBILITY	91
ARTICLE 8 PETROLEUM STORAGE TANK FUND	94
SECTION 8-1 ELIGIBILITY	94

SECTION 8-2 REIMBURSEMENT	98
SECTION 8-3 ALLOWABLE COSTS	99
SECTION 8-4 UNALLOWABLE COSTS	100
SECTION 8-5 COMMITTEE REVIEW OF APPLICATION.....	101
SECTION 8-6 FUND PAYMENT REPORT	102
SECTION 8-7 MISCELLANEOUS REGULATIONS	102

ARTICLE 9 PETROLEUM CLEANUP AND REDEVELOPMENT FUND (REDEVELOPMENT FUND)..... 103

SECTION 9-1 REDEVELOPMENT FUND PURPOSE.....	103
SECTION 9-2 ELIGIBILITY CRITERIA.....	103
SECTION 9-3 ELIGIBLE ACTIVITIES	104
SECTION 9-4 ADVISORY COMMITTEE.....	105
SECTION 9-5 APPLICATION PROCESS	105
SECTION 9-6 ELIGIBLE COSTS AND REIMBURSEMENT.....	105
SECTION 9-7 CONTRACTUAL AGREEMENTS	106

ARTICLE 9 PETROLEUM CLEANUP AND REDEVELOPMENT FUND (REDEVELOPMENT FUND) 102

SECTION 9-1 REDEVELOPMENT FUND PURPOSE	102
SECTION 9-2 ELIGIBILITY CRITERIA	102
SECTION 9-3 ELIGIBLE ACTIVITIES.....	103
SECTION 9-4 ADVISORY COMMITTEE	104
SECTION 9-5 APPLICATION PROCESS	104
SECTION 9-6 ELIGIBLE COSTS AND REIMBURSEMENT.....	104
SECTION 9-7 CONTRACTUAL AGREEMENTS	105

ARTICLE 1 GENERAL PROVISIONS

Section 1-1 Statement of Basis and Purpose

These regulations are promulgated to establish rules for the design, installation, registration, construction, and operation of storage tanks used to store regulated substances (including petroleum), response to releases of regulated substances from these tanks, and to describe the financial responsibility of storage tank owner/operators. The main purpose of these regulations is to reduce damage to the environment and risk to the public caused by leaking petroleum storage tanks and to mitigate such damage effectively when it occurs.

These regulations do not apply to material classified as hazardous wastes under Subtitle C of the U.S. Solid Waste Disposal Act.

The amendment to Article 9 of these regulations is developed pursuant to the Colorado Revised Statutes 8-20.5-103(9) that created the Petroleum Cleanup and Redevelopment Fund. The rules are designed to establish the implementation and operational guidelines of this fund.

Section 1-2 Technical Rationale

The technical requirements of these regulations are supported by many studies made by petroleum industry associations, the National Fire Protection Association (NFPA), the American Society of Testing and Materials (ASTM), and by or at the behest of the U.S. Environmental Protection Agency (EPA). The requirements represent the consensus of informed persons with regard to the best methods for reducing the hazards posed by storage tanks to acceptable levels.

Section 1-3 Statutory Authority

The amendments to these regulations have been created pursuant to Title 8 Article 20 Section 102 and Article 20.5 Sections 202 and 302 of the Colorado Revised Statutes (C.R.S.). The design, construction, location, installation, and operation of liquid fuel systems and equipment and the handling of liquid fuels shall conform to the minimum standards as prescribed by the applicable sections of NFPA 30.

Section 1-4 Effective Date

These amended rules shall be effective on ~~May 1, 2013. Article 9 of these rules shall be effective on January 31~~ October 15, 2014. -The prior editions of the combined UST/AST regulations were published ~~January 1, 2014, May 1, 2013~~, April 14, 2011, January 1, 2009, August 1, 2008, April 30, 2006, May 30, 2005, August 1, 2004, August 1, 2002, February 1, 1999, and January 1, 1997. Prior editions of the UST rules were published effective September 30, 1995 and December 1, 1989. Prior editions of the AST rules were published effective September 30, 1995 and October 1, 1994. A prior edition of the Emission Inspection rules was published effective January 1, 1990.

Section 1-5 Definitions

Terms in these regulations shall have the same definitions as those found in Articles 20 and 20.5 of Title 8 of the Colorado Revised Statutes. In addition, unless the context otherwise requires:

"Abandoned tank" means an underground or aboveground petroleum storage tank that the current tank owner or operator or current property owner did not install, has never operated or leased to another for operation, and had no reason to know was present on the site at the time of site acquisition.

"Aboveground storage tank" (AST) means any one or a combination of containers, vessels, and enclosures, including structures and appurtenances connected to them, constructed of non-earthen materials, including but not limited to concrete, steel, or plastic, which provide structural

support, used to contain or dispense fuel products and the volume of which, including the pipes connected thereto, is ninety percent or more above the surface of the ground, is not permanently closed, and except those exempted in statute and these regulations.

"Aboveground storage tank (AST) system" means all ASTs at a facility, all the connected piping and ancillary equipment, all loading facilities, and all containment systems if applicable.

"Alternative Fuel" means a motor fuel that combines petroleum-based fuel products with renewable fuels.

"Ancillary equipment" means any devices including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST.

"ASTM International (ASTM)" means an international voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge.

"Atmospheric Tank" is a storage tank that has been designed to operate at pressures from atmospheric through 0.5 psig (760 mm Hg through 780 mm Hg) measured at the top of the tank.

"Bodily injury" shall have the meaning given to this term by applicable Colorado state law; however, this term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

"Bulk Plant" is that portion of a property where liquids are received by tank vessel, pipelines, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, portable tank or container. [Note: A bulk plant is normally a wholesale fuel facility where petroleum products are stored prior to resale or redistribution.]

"Calendar days" means consecutive days including weekends and nationally recognized holidays.

"Cathodic protection" is a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, an UST or AST system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and UST and AST systems. At a minimum, such persons must have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and UST and AST systems.

"Certificate of conformance" means a document issued by the national type evaluation program constituting evidence of conformance of a weighing and measuring device with the requirements of National Institute of Standards and Technology (NIST) Handbook 44.

"Certificate of Eligibility" is a document that entitles the bearer to participate in the Fund without further determination of compliance by the Director, if that bearer is a mortgagee who has acquired, by foreclosure or receipt of a deed in lieu of foreclosure, property on which the petroleum storage tanks covered by the certificate are located.

"CFR" Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government

"Change in Service" means continued use of an UST or AST to store a non-regulated substance.

"Chemicals of concern" (COCs) are chemical compounds that have been identified for evaluation due to specific risks to human health and/or the environment.

"Committee" means the Petroleum Storage Tank Committee created in C.R.S. § 8-20.5-104.

"Compatible" means the ability of two or more substances to maintain their respective physical and chemical properties upon contact with one another for the design life of the tank system under conditions likely to be encountered.

"Connected piping" means all piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual AST or UST system, the piping that joins two systems should be allocated equally between them.

"Contamination" means the presence of a regulated substance at or below ground that originated from a regulated storage tank system.

"Corrective action" is the sequence of actions that include any or all of the following: interim remedial action, remediation, operation and maintenance, monitoring of progress, and termination of remedial action.

"Corrosion expert" means a person who, by reason of thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the system (e.g., tank from piping).

"Director" means the Director of the Division of Oil and Public Safety of the Colorado Department of Labor and Employment or any designees thereof which may include certain employees of the Division of Oil and Public Safety of the Colorado Department of Labor and Employment or other persons.

"Downgradient" is in the direction of maximum decreasing static head.

"Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

"Electrolyte" means the soil or liquid adjacent to and in contact with the systems, including the moisture and other chemicals contained in it; the electrically conductive material between the tank and its environment;

"Excavation zone" means the volume containing the UST system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Exposure pathway" is the course that a chemical of concern takes from a source area to a point of exposure. An exposure pathway describes a unique mechanism by which a person or sensitive environment is assumed to be exposed to a chemical of concern. Each exposure pathway includes a source, an exposure route, and a point of exposure. If the exposure point differs from the source, transport or exposure media (e.g., air, water, dust) are also included. All exposure pathways are assumed to be complete unless an exposure pathway elimination criteria is demonstrated. Exposure pathway elimination criteria are listed in the Owner/Operator Guidance Document.

"Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland and nurseries with growing operations.

"Financial reporting year" means the latest consecutive twelve-month period for which any report used to support a financial test is prepared. "Financial reporting year" may thus comprise a fiscal or a calendar year period.

"Fire resistant tank" is an atmospheric single or double walled AST with thermal insulation that has been evaluated for resistance to physical damage and for limiting the heat transferred to the primary tank when exposed to a hydrocarbon pool fire, and is listed in accordance with UL 2080 or an equivalent test procedure, and meets the additional requirements of NFPA.

"Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

"Fund" means the Petroleum Storage Tank Fund created in C.R.S. § 8-20.5-103.

"Gathering lines" means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Good Engineering Practice", "Good Engineering Standards", and "Nationally Recognized Standard" means in accordance with standards developed by nationally recognized laboratories or associations such as: Underwriters Laboratory (U.L.), American National Standards Institute (ANSI), American Petroleum Institute (API), American Society for Testing and Materials (ASTM), American Society of Mechanical Engineers (ASME), Steel Tank Institute (STI), National Association of Corrosion Engineers (NACE), or the National Fire Protection Association (NFPA).

"Hazardous substance UST system" means an UST system that contains a hazardous substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4--light, No. 4--heavy, No. 5--light, No. 5--heavy, and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

"Hydraulic conductivity" is the coefficient of proportionality describing the rate at which water can move through a permeable medium.

"Hydraulic Gradient" is the slope of the water table in the direction of groundwater flow. This slope is typically expressed as a unit change in water table elevation per unit horizontal distance (e.g. ft/ft).

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

"Imminent threat to human health or safety or the environment" means a condition that creates a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate the actual or potential damages to human health or safety or the environment.

"Installation of a New Motor Fuel Dispenser System" means the installation of a new motor fuel dispenser and the equipment necessary to connect the dispenser to the system. It does not mean the

installation of a motor fuel dispenser installed separately from the equipment needed to connect the dispenser to the tank system. For purposes of these rules, the equipment necessary to connect the motor fuel dispenser to the tank system may include check valves, shear valves, unburied risers or flexible connectors, or other transitional components that are beneath the dispenser and connect the dispenser to the underground piping.

"Insurer" or "qualified insurer" means an insurer or group that is authorized to transact the business of insurance or authorized to provide insurance as an excess or surplus lines insurer in Colorado.

"Light non-aqueous phase liquid" (LNAPL) refers to a regulated substance that is present in soil and on groundwater as a non-aqueous phase liquid (e.g., liquid not dissolved in water.)

"Liquid" is any material that has a fluidity greater than that of 300 penetration asphalt when tested in accordance with ASTM D 5, Test for Penetration for Bituminous Materials. When not otherwise identified, the term "liquid" shall mean both flammable and combustible liquids.

[Note 1: Class I flammable liquids include all grades of Gasoline, and most motor fuels blended using alcohol and MTBE (methyl-tertiary-butyl-ether).]

[Note 2: Class II combustible liquids include #1 and #2 Diesel Fuels, #1 and #2 Heating Oil, Kerosene, and Jet-A grade Jet fuel.]

[Note 3: Class III combustible liquids include most Lubricating Oils, and Heavy Fuel oils.]

"Liquid, combustible" is a liquid having a flash point at or above 100°F (37.8°C). Combustible Liquids are classified as follows:

- (1) CLASS II liquids have a flash point at or above 100°F (37.8°C) and below 140°F (60°C).
- (2) CLASS IIIA liquids have a flash point at or above 140°F (60°C) and below 200°F (93°C).
- (3) CLASS IIIB liquids have a flash point at or above 200°F (93°C).

"Liquid, flammable" is a liquid having a flash point below 100°F (37.8°C) and having a Reid vapor pressure not exceeding 40 psia (2068 mmHg) at 100°F (37.8°C). Flammable Liquids are classified as Class I liquids. Class I liquids are further subclassified as follows:

- (1) CLASS IA liquids have a flash point below 73°F (22.8°C) and a boiling point below 100°F (37.8 °C).
- (2) CLASS IB liquids have a flash point below 73°F (22.8°C) and a boiling point at or above 100°F (37.8°C).
- (3) CLASS IC liquids have a flash point at or above 73°F (22.8°C) and below 100°F (37.8°C).

"Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

"Marine Service Station" is that portion of a property where liquids used as fuels are stored and dispensed from fixed equipment on shore, piers, wharves, or floating docks into the fuel tanks of self-propelled craft, including all facilities used in connection therewith.

"Media" are intervening substances through which something is transmitted or carried (e.g. soil, water, or air).

"Mortgagee" refers to a mortgagee or the holder of an evidence of debt secured by a mortgage or deed of trust.

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, fuel products as defined in C.R.S. § 8-20.5-101(6), or any grade of gasohol, and is typically used in the operation of a motor engine.

"Motor fuel dispensing facility" means that portion of a property where motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles or marine craft or into approved containers, including all equipment used in connection therewith.

- (a) "Fleet vehicle motor fuel dispensing facility" means a motor fuel dispensing facility at a commercial, industrial, governmental, or manufacturing property where motor fuels are dispensed into the fuel tanks of motor vehicles that are used in connection with the business or operation of that property by persons within the employ of such business or operation.

"Net worth" means the assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing economic benefits obtained or controlled by an owner/operator.

"Noncommercial purposes" with respect to motor fuel at farms and residences means not for resale.

"Operational life" refers to the period beginning when installation of the tank system has commenced until the time the tank system is properly closed.

"Operator" means any person in control of, or having responsibility for the operation of an underground or above ground storage tank system.

"Orphaned tank" means an underground storage tank which is owned or operated by an unidentified owner or no longer in use and was not closed and the property has changed ownership prior to December 22, 1988, and such property is no longer used to dispense fuels.

"Out of Service" means that the tank is not being operated in accordance with its intended purpose.

"Overfill" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means:

- (1) In the case of an underground storage tank in use on or after November 8, 1984, or brought into use after that date, any person who owns an underground storage tank used for the storage, use, or dispensing of regulated substances;
- (2) In the case of an underground storage tank in use before November 8, 1984, but no longer in use on or after November 8, 1984, any person who owned such tank immediately before the discontinuation of its use; or
- (3) Any person who owns an aboveground storage tank.
- (4) Regarding reporting and responding to releases of regulated substances, Owner means the person who owned the tank system at the time of the release. The term "owner" does not include any person who, without participating in the management of an underground storage tank and otherwise not engaged in petroleum production, refining, and marketing, holds indicia of ownership primarily to protect a security interest in or lien on the tank or the property where the tank is located.

"Owner(s)/operator(s)" means that the task to which this phrase is attached may be performed by either the owner or the operator. If neither the owner nor the operator performs the task, both shall be in violation of these regulations. Duplication of the task is not required.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation, state, municipality, commission, political subdivision of a state, or any interstate body. "Person" also includes a consortium, a joint venture, a commercial entity, and the United States Government.

"Petroleum" means crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

"Pipe" or "Piping" means a hollow cylinder or tubular conduit that is constructed of non-earthen materials and in accordance with NFPA or other nationally recognized piping standards for petroleum storage tanks. Piping routinely contains and conveys regulated substances from the underground tank(s) to the dispenser(s) or other end-use equipment. Such piping includes any elbows, couplings, unions, valves, or other in-line fixtures that contain and convey regulated substances from the underground tank(s) to the dispenser(s). This definition does not include vent, vapor recovery, or fill lines not connected to remote fills.

"Pipeline facilities (including gathering lines)" are new and existing pipe rights-of-way and any associated equipment, facilities, or buildings.

"Point of Exposure " (POE) is the location at which a person or sensitive environment is assumed to be exposed to a chemical of concern. POEs for benzene, toluene, ethyl benzene and xylenes are: property boundaries, surficial soils, subsurface utilities, structures, groundwater wells, surface water, and sensitive environments. POEs for MTBE are: water supply wells that are used for human consumption and surface water features that are used for human consumption.

"Product Deliverer" means any person who delivers or deposits product into an UST. This term may include major oil companies, jobbers, petroleum transportation companies, or other product delivery entities.

"Property damage" shall have the meaning given this term by applicable Colorado laws. This term shall not include those liabilities, which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage shall not include corrective action associated with releases from tanks, which are covered by the policy.

"Protected tank" is an atmospheric AST with integral secondary containment and thermal insulation that has been evaluated for resistance to physical damage and for limiting the heat transferred to the primary tank when exposed to a hydrocarbon pool fire and is listed in accordance with ANSI/UL 2085 or an equivalent test procedure, and meets the additional requirements of NFPA.

"Provider of financial assurance" means an entity that provides financial assurance to an owner/operator of an UST through one of the mechanisms listed below, including but not limited to an insurer, issuer of a letter of credit, or the trustee of a trust fund.

"Red Tag" means a tag, device, or mechanism on the tank's fill pipes that clearly identifies an UST as ineligible for product delivery. The tag or device is easily visible to the product deliverer and clearly states and conveys that it is unlawful to deliver to, deposit into, or accept product into the ineligible UST. The tag, device, or mechanism is generally tamper resistant.

"Reimbursement" means an assignment of money from the Fund to reimburse a person for approved costs incurred in remediating petroleum contamination.

"Regulated substance" for UST systems has the same meaning as in C.R.S. § 8-20.5-101(13) as follows:

- (1) Any substance defined in section 101 (14) of the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", as amended, but not including any substance regulated as a hazardous waste under subtitle (C) of Title II of the federal "Resource Conservation and Recovery Act of 1976", as amended.
- (2) Petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).
- (3) Alternative fuel
- (4) Renewable fuel

"Regulated substance" for AST systems means regulated fuel products as defined in C.R.S. § 8-20.5-101(6), including alternative fuels and renewable fuels as defined in CRS 8-20.5-101(2.5) and (14.5) as follows:

- (1) All gasoline, aviation gasoline, diesel, aviation turbine fuel, jet fuel, fuel oil, biodiesel, biodiesel blends, kerosene, all alcohol blended fuels, gas or gaseous compounds, and other volatile, flammable, or combustible liquids, produced, compounded, and offered for sale or used for the purpose of generating heat, light, or power in internal combustion engines or fuel cells, for cleaning or for any other similar usage.
- (2) Alternative fuel
- (3) Renewable fuel

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching or disposing of a regulated substance from a regulated tank system into the environment.

"Release detection" means determining whether a release of a regulated substance has occurred from the UST or AST system into the environment or into the interstitial space between the UST or AST system and its secondary barrier or secondary containment around it.

"Release discovery" means the earlier of the suspected or confirmed release dates.

"Remediation" means actions taken to reduce concentrations of chemicals of concern (including natural attenuation), or prevent migration of chemicals of concern to POEs. Remediation shall be implemented for sites where no further action is not appropriate.

"Renewable Fuel" means a motor vehicle fuel that is produced from plant or animal products or wastes, as opposed to fossil fuel sources.

"Repair" means to restore a tank or system component to operating condition.

"Replace" This term applies to underground storage tanks and piping.

For underground storage tanks – Replace means to remove an existing underground tank and install a new underground tank.

For piping – Replace means to remove and put back in any amount of piping connected to an UST system. The secondary containment requirements for replaced piping are triggered when a minimum of 50% or 50 feet (whichever is less) of the total length of piping connected to a single underground tank is replaced. The total length of piping connected to a single underground tank includes the length piping from that tank to the farthest connected dispenser, including piping runs between dispensers connected to that tank.

"Reportable Quantity" means quantities of a released regulated substance which equal or exceed the reportable quantity under the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980", as amended, and petroleum products in quantities of twenty-five gallons or more.

"Residential tank" is a tank located on property used primarily for dwelling purposes.

"Retail Motor Fuel Device" (RMFD) means a device designed for the measurement and delivery of liquid fuel products for internal-combustion engines. The term "motor-fuel dispenser" means the same as "motor-fuel device".

"Risk-based corrective action (RBCA)" means a consistent decision making process for the assessment and response to a petroleum release, based on the protection of human health and the environment according to ASTM 1739.

"Secondary Containment" This term applies to AST and UST Systems

For AST systems secondary containment is containment which prevents any release from an AST system from reaching land or waters outside of the containment area.

For UST systems secondary containment is a release prevention and release detection system for an underground tank and/or piping. The release prevention part of secondary containment is an underground tank and/or piping having an inner and outer barrier. Between these two barriers is a space for monitoring. The release detection part of secondary containment is a method of monitoring the space between the inner and outer barriers for a leak or release of regulated substances from the underground tank and/or piping (called interstitial monitoring). Interstitial monitoring must meet the release detection requirements in 7 C.C.R. 1101-14 § 2-4-4 (g).

"Secondary Containment Tank" is a shop fabricated AST which includes a steel or reinforced concrete secondary shell that will provide containment of the entire capacity of the inner tank in case of leaks or ruptures of the inner tank and having means for monitoring the interstitial space for a leak.

"Sensitive Environment" is an area of particular environmental value where regulated petroleum contamination could pose a greater threat than in other less sensitive areas. Sensitive environments include: critical habitat for federally endangered or threatened species, national parks, national monuments, national recreation areas, national wildlife refuges; national forests, campgrounds; recreational areas, game management areas, wildlife management areas, designated federal wilderness areas, wetlands, wild and scenic rivers, state parks, state wildlife refuges, habitat designated for state endangered species, fishery resources, state designated natural areas, wellhead protection areas, classified groundwater areas, and county or municipal parks.

"Septic tank" is a water-tight covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer where the effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Service Station" is a place where motor fuels are sold to the general public for cash or credit and are dispensed into the fuel tanks of motor vehicles or approved containers. This does not include unattended cardlock system facilities at bulk plants which only use proprietary cards specific to the cardlock system in question.

"Significant Violation" means the failure of a person to comply with any requirement of Article 2 of 7 C.C.R. 1101-14, which includes any of the following:

(a) A violation that is causing, or threatens to cause a liquid release of a regulated substance from

an UST system, including, but not limited to: the failure of any required overfill prevention system, where the failure is causing or threatens to cause a release; or the failure of a required spill containment structure, where the failure is causing or threatens to cause a release to the environment due to a spill or an overfill.

(b) A violation that impairs the ability of an UST system to detect a liquid leak or contain a liquid release of a regulated substance in the manner required by law, including, but not limited to: tampering with leak detection equipment so that the equipment is no longer capable of detecting a leak at the earliest possible opportunity.

(c) A chronic violation or a violation that is committed by a recalcitrant violator.

"Site Check" means collecting soil and/or groundwater samples for laboratory analysis from locations most likely to demonstrate the presence of a release from a regulated storage tank system.

"Site classification" is a qualitative evaluation of a site based on known or readily available information to identify the need for interim remedial actions and further information gathering.

~~"Site-specific target level(s)" (SSTLs) are the risk-based remedial action target levels for chemical(s) of concern developed for a particular site using site-specific geological and hydrogeological data in a predictive model. Acceptable models for the unsaturated zone will be analytical, transient, capable of modeling one-dimensional dispersion and degradation, and calculating effective solubility for individual constituents in a mixture. Acceptable models for the saturated zone will be analytical or semi-analytical, transient, and simulate retardation, degradation, one-dimensional flow and three-dimensional dispersion. The completed exposure pathway with the lowest SSTLs for a given media will determine the cleanup goals for the site.~~

"Source concentration" is the highest concentration, in soil and/or groundwater and /or vapor, of the chemicals of concern.

"Storm-water or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

"Subsurface soils" are all soils located at a depth of greater than one meter below the ground surface.

"Surface impoundment" is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials) that is not an injection well.

"Surficial soils" are all soils located from the ground surface to a depth of one meter below ground surface.

"System Test" means a test of tank system components, including any associated delivery piping, secondary containment or spill control component, to identify releases of regulated substances.

"Temporary closure" means a period of time that a storage tank is empty but is not permanently closed or has not changed service to store a non-regulated substance. This term does not apply when a tank system is emptied for repair.

"Tier ~~4~~ risk-based screening levels (RBSLs)" are the default maximum concentrations for ~~chemicals of concern~~ COCs used to determine whether remediation (cleanup) is required.

"Tier II Site-specific target level(s) (SSTLs)" are the risk-based remedial action target levels for COCs developed for a particular site using site-specific geological and hydrogeological data in a predictive model.

"Tier III closure criteria" establishes conditions where all exposure pathways have been eliminated, even though dissolved-phase COCs remain above Tier I RBSLs beyond the release property boundary and beneath, but not beyond the adjoining public roadway.

"Tier IV closure criteria" establishes conditions where all exposure pathways have been eliminated, even though dissolved-phase COCs remain above Tier I RBSLs beyond the release property boundary irrespective of land use and where no storage tanks remain on the release property.

"Transportation-related facilities" as used in these regulations means facilities where all ASTs with capacities from 660 to 39,999 gallons are regulated by the USDOT.

"Trustee" is a member of a Trust that is an applicant to the Fund. A trustee can be an individual or a company that acts on behalf of the Trust.

"Ullage" is the portion of a storage tank that does not contain liquid.

"Unattended Cardlock System" is a vehicle fueling facility, which uses a mechanical or electronic method of tracking fuel deliveries using an identification card.

"Under-Dispenser Containment" (UDC) means containment underneath a dispenser that will prevent leaks from the dispenser from reaching soil or groundwater.

"Underground storage tank" (UST) means any one or combination of tanks, including underground pipes connected thereto, except those exempted in statute and these regulations, that is used to contain an accumulation of regulated substances and the volume of which, including the volume of underground pipes connected thereto, is ten percent or more beneath the surface of the ground and is not permanently closed.

"Underground storage tank (UST) system" refers to an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

"Upgrade" means the addition or retrofit of some systems (such as cathodic protection, lining, modification of the system piping, or spill and overflow controls, etc.) to improve the ability of an UST or AST system to prevent the release of product.

"Vault" means an enclosure (other than a secondary containment tank), either above or below-grade, that completely encloses an AST.

"Wastewater treatment tank" means a tank that is designed to receive and treat influent wastewater through physical, chemical, or biological methods.

"Working days" consecutive days excluding weekends and nationally recognized holidays.

Section 1-6 Glossary of Acronyms and Initializations

ANSI	American National Standards Institute	NFPA	National Fire Protection Association
API	American Petroleum Institute	NIOSH	National Institute of Occupational Safety and Health
AST	Aboveground storage tank	NIST	National Institute of Standards and Technology
ASTM	ASTM International	NTEP	National Type Evaluation Program
BTEX	Benzene, Toluene, Ethyl Benzene, Xylene	OPS	Division of Oil and Public Safety
CAP	Corrective Action Plan	PAH	Poly-aromatic hydrocarbons
CC	Certificate of Conformance	PP	Pressurized piping
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act	Psig	Pounds per square inch gauge
CFR	Code of Federal Regulations	PSTF	Petroleum Storage Tank Fund
COC	Chemicals of concern	RBCA	Risk-based corrective actions
C.R.S.	Colorado Revised Statutes	RBSL	Risk-based screening level
EPA	United States Environmental Protection Agency	RMFD	Retail Motor Fuel Dispenser/Device
FRP	Fiberglass reinforced plastic	RD	Release Detection
FR	Financial responsibility	SCR	Site Characterization Report
ICC	International Code Council	SIR	Statistical Inventory Reconciliation
IRA	Initial Risk Assessment	SPCC	Spill Prevention, Control, and Countermeasure
LNAPL	Light Non-Aqueous Phase Liquid	SSTL	Site Specific Target Level
LPG	Liquid petroleum gas	STP	Submersible Turbine Pump
MRR	Monitoring and Remediation Report	TPH	Total Petroleum hydrocarbons
MTBE	Methyl-tertiary-butyl-ether	VP	Vapor Pressure
NACE	National Association of Corrosion Engineers	UDC	Under Dispenser Containment
NFA	No further action	UL	Underwriters Laboratories/Underwriters Laboratories of Canada
NFAR	No Further Action Report	UST	Underground storage tank

Section 1-7 Codes, Documents or Standards incorporated by reference

The following codes, documents or standards are incorporated by reference:

American National Standards Institute (ANSI)

Standard B31, American National Standard Code for Pressure Piping, published October 14, 2003.

Standard B31.3, Petroleum Refinery Piping, published February 14, 2002.

Standard B31.4, Liquid Petroleum Transportation Piping System, published August 5, 2002.

American Petroleum Institute (API)

Recommended Practice 1604, Removal and Disposal of Used Underground Petroleum Storage Tanks, published November 2001.

Publication 650, Welded Steel Tanks for Oil Storage, 11th Edition

Publication 1615, Installation of Underground Petroleum Storage Systems, published November 2001.

Publication 1621, Recommended Practice for Bulk Liquid Stock Control at Retail Outlets, published 1993.

Publication 1626, Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations, published January 18, 2000.

Publication 1627, Storage and Handling of Gasoline-Methanol/Co-solvent Blends at Distribution Terminals and Service Stations, published January 18, 2000.

Publication 1631, Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks, published June 2001.

Publication 1632, Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems, published June 2002.

Publication 2015, Cleaning Petroleum Storage Tanks, published August 2001.

Publication 2015A, Lead Hazard Associated with Tank Entry, published 1982.

Publication 2015B, Cleaning Open Top and Floating Roof Tanks, published August, 1981.

Publication 2200, Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines, published May 1999.

Standard 653, Tank Inspection, Repair, Alteration, and Reconstruction

Standard No. 2000, Venting Atmospheric and Low-Pressure Storage Tanks

American Society of Testing and Materials (ASTM)

Standard D5, Test for Penetration for Bituminous Materials, published June 1, 2005.

Standard D4021-86, Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks, published June 15, 1992.

Association for Composite Tanks (ACT)

ACT-100, Specification for the Fabrication of FRP Clad Underground Storage Tanks, published 1989.

Environmental Protection Agency (EPA)

EPA Form 50 FR 46602, published November 8, 1985

Hazardous and Solid Waste Amendments of 1984, Public Law 98-616

National Association of Corrosion Engineers (NACE)

Standard RP-01-69, Control of External Corrosion on Submerged Metallic Piping Systems, published April 11, 2002.

Standard RP-02-85, Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems, published April 6, 2002.

National Fire Protection Association (NFPA)

Publication NFPA 30, Flammable and Combustible Liquids Code, 2008 Edition.

Publication NFPA 30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, 2008 Edition.

Publication NFPA 70, National Electrical Code, published August 18, 2005.

Publication NFPA 80, Standard for Fire Doors and Fire Windows, published 1999.

Publication NFPA 90A, Standard for the Installation of Air Conditioning and Ventilating Systems, published January 2, 2003.

Publication NFPA 91, Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, published August 4, 2004.

Publication NFPA 385, Standard for Tank Vehicles for Flammable and Combustible Liquids, published 1990.

National Institute for Occupational Safety and Health (NIOSH)

Criteria for a Recommended Standard, Working in Confined Spaces, DHHS (NIOSH) Publication No.80-106, December 1979.

National Institute of Standards and Technology

NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices", published 2012

NIST Handbook 130, "Uniform Laws and Regulations in the area of legal metrology and engine fuel quality", published 2012

National Leak Prevention Association (NLPA)

National Leak Prevention Association Standard 631, Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection, published 1991.

Petroleum Equipment Institute (PEI)

Publication RP100, Recommended Practices for Installation of Underground Liquid Storage Systems, published 2005.

Steel Tank Institute (STI)

Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks, published July 2005.

SP001, Standard for the Inspection of Aboveground Storage Tanks, 5th Edition

Underwriters Laboratories/Underwriters Laboratories of Canada (UL)

Subject 971, UL Listed Non-Metal Pipe, published January 2, 2004.

Standard 58, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, published July 27, 1998.

Standard 567, Pipe Connectors for Flammable and Combustible and LP Gas, published October 22, 2004.

Standard 1316, Standard for Glass- Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products, published April 2, 1996.

Standard 1746, Corrosion Protection Systems for Underground Storage Tanks, published February 8, 2002.

CAN4-S603-M85, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, published 2000.

CAN4-S603.1-M85, Standard for Galvanic Corrosion Protection Systems for Underground Tanks for Flammable and Combustible Liquids, November 2003.

CAN4-S615-M83, Standard for Reinforced Plastic Underground Tanks for Petroleum Products, published 1998.

CAN4-S631-M84, Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems, published 1998.

CAN4-S633-M81, Flexible Underground Hose Connectors, published August 1999.

Guide ULC-107, Glass Fiber Reinforced Plastic Pipe and Fittings for Flammable Liquids, published 1993.

Section 1-8 Inspection of incorporated codes

Interested parties may inspect the referenced incorporated materials by contacting the Program Manager.

Section 1-9 Later amendments not included

This rule does not include later amendments to or editions of the incorporated material.

ARTICLE 1.5 MOTOR FUEL DISPENSING AND PRODUCT QUALITY

The method of sale and quality of motor fuels are regulated by the Director to ensure consumer protection and equity in the marketplace. This article lists the minimum specifications and tolerances for dispensing equipment and motor fuel quality to ensure compliance with Colorado statutes and adopted codes and standards. Further description of these requirements can be found in guidance documents, policies and procedures provided by the Director.

Section 1.5-1 Applicability

- (a) The requirements of Sections 1.5-2 and 1.5-3 shall apply to dispensers and product quality at retail facilities.
- (b) All retail and non-retail motor fuel dispensers must comply with the minimum standards as prescribed by the applicable sections of National Fire Protection Association (NFPA) 30A "Code for Motor Fuel Dispensing Facilities and Repair Garages".

Section 1.5-2 Retail Motor Fuel Dispensers Inspection and Testing

- (a) All retail motor fuel dispensers (RMFD) shall be suitable for their intended use, properly installed, and accurate, and shall be maintained in that condition by their owner/operator.
- (b) All RMFDs shall be traceable to an active National Type Evaluation Program (NTEP) Certificate of Conformance (CC) prior to its installation or use for commercial purposes.
- (c) No owner/operator of any RMFD shall use the RMFD for the measurement of liquid fuel products unless it has been proved in a manner acceptable to the Director and sealed as correct by an inspector employed by the Director or another service person who is registered with and authorized by the Director to place RMFDs into service.
- (d) If any RMFD fails to comply with any of the provisions of this regulation, an inspector employed by the Director shall seal it in such a manner as to prohibit its use, and it shall remain sealed until it complies with all of the provisions of this regulation.
 - (1) When an RMFD is brought back into compliance with this regulation it must be placed back in service by an inspector employed by the Director or another service person that is registered with and authorized by the Director to place RMFDs into service.
- (e) All RMFDs shall comply with the minimum standards as prescribed by the applicable sections of NFPA 30A "Code for Motor Fuel Dispensing Facilities and Repair Garages", NIST Handbook 44, "Specifications, Tolerances, and Other Technical Requirements for Commercial Weighing and Measuring Devices," NIST Handbook 130, "Uniform Laws and Regulations in the area of legal metrology and engine fuel quality" except as modified or rejected by this regulation or by the Director.

Section 1.5-3 Product Quality

- (a) All liquid fuel products in Classes I, II, and III shall comply with the applicable specifications of ASTM, which are found in section 5 of that organization's publication "Petroleum Products, Lubricants, and Fossil Fuels" (ASTM 4814).

[Note 1: Class I flammable liquids include all grades of gasoline, and most motor fuels blended using alcohol and MTBE (methyl-tertiary-butyl-ether).]

[Note 2: Class II combustible liquids include #1 and #2 diesel fuels, #1 and #2 heating oil, kerosene, and Jet-A grade jet fuel.]

[Note 3: Class III combustible liquids include most lubricating oils and heavy fuel oils.]

- (b) If gasoline is blended with ethanol, the ASTM D 4814 specifications shall apply to the base gasoline prior to blending. Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard, except that, if the ethanol is blended at nine percent or higher but not exceeding ten percent, the blend may exceed the ASTM D 4814 vapor pressure standard by no more than 1.0 PSI.
- (c) In addition to the above, all liquid fuel products shall comply with the requirements published in the NIST Handbook 130 "Uniform Laws and Regulations in the area of legal metrology and engine fuel quality" except as modified or rejected by this regulation.

ARTICLE 2 UNDERGROUND STORAGE TANKS

Section 2-1 UST Program Scope and Applicability

UST systems in Colorado are regulated to protect the people and environment of Colorado from the potentially harmful effects of the regulated substances contained within UST systems. The purpose of this article is to present to owner/operators of UST systems a description of the minimum general standards for design, construction, installation and operation of these systems to be in compliance with these regulations and Colorado statutes. Further description of these requirements can be found in guidance documents, policies and procedures provided by the Director.

2-1-1 Applicability

(a) Regulated UST systems

These UST regulations apply to all owners/operators of an UST system except as otherwise provided in paragraphs (b), (c), and (d) of this section. Any UST system listed in paragraph (c) of this section must meet the requirements of 2-2-1.

(b) The following UST systems or installations are excluded from these UST regulations:

- (1) Any UST system holding hazardous wastes listed or identified under Subtitle C of the Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances;
- (2) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;
- (3) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
- (4) Any UST system whose capacity is 110 gallons or less;
- (5) Any UST system that contains a de minimis concentration of regulated substances;
- (6) Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
- (7) Any farm or residential UST with a capacity of 1,100 gallons or less that is used for storing motor fuel for non-commercial purposes;
- (8) Any tank used for storing heating oil for consumptive use on the premises where it is located;
- (9) Any septic tank;
- (10) Any pipeline facility, including its gathering lines, regulated under the federal "Natural Gas Pipeline Safety Act of 1968", as amended, or the federal "Hazardous Liquid Pipeline Safety Act of 1979". As amended, or regulated under Colorado law if such facility is an intrastate facility;
- (11) Any surface impoundment, pit, pond, lagoon, or landfill;
- (12) Any storm-water or Wastewater collection system;
- (13) Any flow-through process tank;

- (14) Any liquid trap or associated gathering lines directly related to oil or gas production and gathering operations;
- (15) Any storage tank situated in an underground area, such as a basement, cellar, mine-working, drift, shaft, or tunnel area, if the tank is situated upon or above the surface of the floor.

[Note: Section 2-1-1(b)(2) through (6) are excluded from these UST regulations per CFR 280.10 (b). Section 2-1-1(b)(1) and (7) through (15) are excluded from these UST regulations per C.R.S. § 8-20.5-101(17)(b).]

(c) Deferred UST Systems

The following types of UST systems are deferred from all parts of these regulations except for corrosion protection (2-2-1(a)) and release response (Article 5).

- (1) Wastewater treatment tank systems.
 - (2) Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 U.S.C. § 2011 and following).
 - (3) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50, Appendix A.
 - (4) Airport hydrant fuel distribution systems.
 - (5) UST systems with field-constructed tanks.
- (d) Release detection deferrals. Subsection 2-3-4 (release detection requirements) does not apply to any UST system that stores fuel solely for use by emergency power generators.
- (e) Requirements for Secondary Containment. Secondary containment requirements apply to new or replaced underground tanks and piping regulated under C.R.S. §8-20.5-101 except those excluded by regulation at 7 C.C.R. 1101-14 §2-1-1(b) and those deferred by regulation at 7 C.C.R. 1101-14 §2-1-1(c). New or replaced underground tanks and piping used for emergency power generation [deferred from release detection by 7 C.C.R. 1101-14 §2-1-1(d)] must meet these requirements. These requirements also apply to new motor fuel dispenser systems connected to UST systems.

2-1-2 Determination of Ownership and Use

An UST that was in use before December 22, 1988 and which was not closed in accordance with national fire codes in effect at the time is considered to be in use until it is permanently closed in accordance with these regulations. An UST that is in use on or after December 22, 1988 is considered to be in use until it is permanently closed in accordance with these regulations.

Section 2-2 UST Design, Construction, Installation and Registration

2-2-1 Design and Performance standards for new and replaced UST systems

In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all owners/operators of new and replaced UST systems must meet the following requirements.

- (a) Tanks. Secondary containment and interstitial monitoring is required for all new underground tank installations. If an existing underground tank is replaced, the secondary containment and

interstitial monitoring requirements apply only to the replaced underground tank. The secondary containment requirements do not apply to repairs meant to restore an underground tank to operating condition. Each tank must be properly designed and constructed, and any portion of an underground tank that routinely contains product must be protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below.

(1) The tank is constructed of fiberglass-reinforced plastic; or

[Note: The following industry codes may be used to comply with paragraph (a)(1) of this section: Underwriters Laboratories Standard 1316, "Standard for Glass- Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products"; Underwriter's Laboratories of Canada CAN4-S615-M83, "Standard for Reinforced Plastic Underground Tanks for Petroleum Products"; or American Society of Testing and Materials Standard D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks."]

(2) The tank is constructed of steel and cathodically protected in the following manner:

- (i) The tank is coated with a suitable dielectric material;
- (ii) Field-installed cathodic protection systems are designed by a corrosion expert;
- (iii) Impressed current systems are designed to allow determination of current operating status as required in 2-3-3(b); and
- (iv) Cathodic protection systems are operated and maintained in accordance with 2-3-3(a); or

[Note: The following codes and standards may be used to comply with paragraph (a)(2) of this section:

- (A) Steel Tank Institute "Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks";
- (B) Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks";
- (C) Underwriters Laboratories of Canada CAN4-S603-M85, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids," and CAN4-G03.1-M85, "Standard for Galvanic Corrosion Protection Systems for Underground Tanks for Flammable and Combustible Liquids," and CAN4-S631-M84, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems"; or
- (D) National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids."]

(3) The tank is constructed of a steel-fiberglass-reinforced-plastic composite; or

[Note: The following industry codes may be used to comply with paragraph (a)(3) of this section: Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks," or the Association for Composite Tanks ACT-100, "Specification for the Fabrication of FRP Clad Underground Storage Tanks."]

(4) The tank is constructed of metal without additional corrosion protection measures provided that:

- (i) The tank is installed at a site that is determined by a corrosion expert not to be corrosive enough to cause it to have a release due to corrosion during its operating life; and

[Note: The National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," may be used as guidance for complying with paragraph (4)(i) of this section.]

- (ii) Owners/operators maintain records that demonstrate compliance with the requirements of paragraph (a)(4)(i) of this section for the remaining life of the tank; or

(5) The tank construction and corrosion protection are determined by the Director to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than paragraphs (a)(1) through (4) of this section.

(b) Piping. Secondary containment and interstitial monitoring is required for all new piping installations, including piping to remote fills. For replaced piping, secondary containment and interstitial monitoring is required for the total length of piping connected to a single UST whenever more than 50% or 50 feet (whichever is less) of the piping connected to that tank is replaced. Installation of new or replaced piping will require the installation of containment sumps (under-dispenser [UDC], submersible turbine pump [STP] or transition) on both ends of the secondarily contained pipe for interstitial monitoring. These secondary containment requirements do not apply to repairs meant to restore piping to operating condition. For the purposes of determining when secondary containment is required by these rules, a repair is any activity that does not meet the definition of "replace". These secondary containment requirements also do not apply to vent piping, vapor recovery piping, and fill pipes not connected to remote fills.

The piping that routinely contains regulated substances and is in contact with the ground must be properly designed, constructed, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below.

(1) The piping is constructed of fiberglass-reinforced plastic; or

[Note: The following codes and standards may be used to comply with paragraph (b)(1) of this section:

- (A) Underwriters Laboratories Subject 971, "UL Listed Non-Metal Pipe";
- (B) Underwriters Laboratories Standard 567, "Pipe Connectors for Flammable and Combustible and LP Gas";
- (C) Underwriters Laboratories of Canada Guide ULC-107, "Glass Fiber Reinforced Plastic Pipe and Fittings for Flammable Liquids"; and
- (D) Underwriters Laboratories of Canada Standard CAN 4-S633-M81, "Flexible Underground Hose Connectors."]

(2) The piping is constructed of steel and cathodically protected in the following manner:

- (i) The piping is coated with a suitable dielectric material;

- (ii) Field-installed cathodic protection systems are designed by a corrosion expert;
- (iii) Impressed current systems are designed to allow determination of current operating status as required in 2-3-3(b); and
- (iv) Cathodic protection systems are operated and maintained in accordance with 2-3-3(a); or

[Note: The following codes and standards may be used to comply with paragraph (b)(2) of this section:

- (A) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";
- (B) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems";
- (C) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"; and
- (D) National Association of Corrosion Engineers Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems."]

(3) The piping is constructed of metal without additional corrosion protection measures provided that:

- (i) The piping is installed at a site that is determined by a corrosion expert to not be corrosive enough to cause it to have a release due to corrosion during its operating life; and
- (ii) Owners/operators maintain records that demonstrate compliance with the requirements of paragraph (b)(3)(i) of this section for the remaining life of the piping; or

[Note: National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; and National Association of Corrosion Engineers Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems," may be used to comply with paragraph (b)(3) of this section.]

(4) The piping is construction and corrosion protection are determined by the Director to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in paragraphs (b)(1) through (3) of this section.

(c) Spill and overfill prevention equipment.

(1) Except as provided in paragraph (c)(2) of this section, to prevent spilling and overfilling associated with product transfer to the UST system, owners/operators must use the following spill and overfill prevention equipment:

(i) Spill prevention equipment that will prevent release of product to the environment when the transfer hose is detached from the fill pipe (e.g., a spill catchment basin); and

(ii) Overfill prevention equipment that will:

- (A) Automatically shut off flow into the tank when the tank is more than 95 percent full; or

- (B) Alert the transfer operator when the tank is more than 90 percent full by restricting the flow into the tank or triggering a high-level alarm.
- (2) Owners/operators are not required to use the spill and overfill prevention equipment specified in paragraph (c)(1) of this section if:
 - (i) Alternative equipment is used that is determined by the Director to be no less protective of human health and the environment than the equipment specified in paragraph (c)(1)(i) or (ii) of this section; or
 - (ii) The UST system is filled by transfers of no more than 25 gallons at one time.
- (d) Dispensers.
 - (1) Under-dispenser containment shall be required for all new motor fuel dispenser systems. A motor fuel dispenser system is considered new when:
 - (i) A dispenser is installed at a location where there previously was no dispenser (new UST system or new dispenser location at an existing UST system);
 - (ii) An existing dispenser is removed and replaced with another dispenser and the equipment used to connect the dispenser to the UST system is replaced at any point below the fire valve. This equipment may include unburied flexible connectors or risers or other transitional components that are beneath the dispenser and connect the dispenser to the piping; or
 - (iii) An existing dispenser is removed and replaced with another dispenser and the dispenser island has to be modified (i.e., concrete is broken) to install the dispenser.
 - (2) Under-dispenser containment shall not be required when an existing dispenser is removed and replaced with another dispenser that is not considered a new dispenser.
- (e) Minimum Secondary Containment Requirements. At a minimum, secondary containment systems must be designed, constructed, and installed to:
 - (1) Contain regulated substances released from the tank system until they are detected and removed. To meet this requirement, all secondary containment systems, including containment sumps, shall be tested for leaks at the time of installation and within 30 calendar days of a year thereafter using a testing method listed by the National Workgroup on Leak Detection Evaluations (NWGLDE) or an alternate testing method approved by the Director.
 - (2) Prevent the release of regulated substances to the environment at any time during the operational life of the UST system. Routine testing of the secondary containment system is not required. However, if free product is detected in a containment sump, the sump shall be tested at that time for leaks using a testing method listed by the NWGLDE or an alternate test method approved by the Director.
 - (3) Be checked for evidence of a release at least every 30 calendar days.
 - (4) Include interstitial monitoring that meets the requirements of 7 C.C.R. 1101-14 §2-3-4-2(g). If interstitial monitoring is the sole method of release detection for the UST system, sump sensors shall be installed and each sensor shall be tested for functionality by manual tripping on an annual basis.
- (f) Compatibility. Owners/operators must use an UST system made of or lined with materials that are compatible with the substance stored in the UST.

[Note: Owners/operators storing alcohol blends may use the following codes to comply with the requirements of this section:

- (A) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations"; and
- (B) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Cosolvent Blends at Distribution Terminals and Service Stations."]

2-2-2 Installation

No person may install, or cause to be installed, a new or replacement UST system or facility until:

- (a) An application, as described in 2-2-2-1 has been approved by the Director and an installation permit has been issued by the Director;
- (b) The installation plan has been reported to the local Fire Department having jurisdiction; and
- (c) The application/inspection fee described in 2-2-2-1(c) has been paid.

2-2-2-1 Installation Application

The Director will make available an application form to facilitate submission of required information. A complete installation application must be received by the Director no less than 20 working days prior to construction. The application must be approved before beginning construction:

- (a) On any new UST system used to store regulated substances.
- (b) On an UST system that is being upgraded to the standards described in these regulations or applicable statutes.
- (c) For each UST installation or upgrade construction plan submitted, the owner/operator must remit a fee of one hundred fifty (\$150) dollars to the Director to cover the costs of the site plan review and installation inspection.
- (d) Denial, Revocation, or Modification of Permit.
 - (1) An UST permit application may be denied if the UST installation or operation is not in conformance with these regulations; or is not in conformance with both Code 30 and Code 30-A of the National Fire Protection Association.
 - (2) An UST permit application may be denied if the permit application is not complete or is determined to be inaccurate.
 - (3) An UST installation permit may be revoked if the UST installation or operation is not in conformance with these regulations or is not in conformance with either Code 30 or Code 30-A of the National Fire Protection Association. If installation activities have not begun within six months of the issuance of the UST installation permit, the UST installation permit will be automatically revoked unless the Director grants an extension in writing.
 - (4) Six months or later after an UST installation permit is issued, the permit may be modified by subsequent statutory or regulatory changes.

2-2-2-2 Installation Requirements

- (a) Installation. All tanks and piping must be properly installed in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

[Note: Tank and piping system installation practices and procedures described in the following codes may be used to comply with the requirements of paragraph (a) of this section:

- (1) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System"; or
 - (2) Petroleum Equipment Institute Publication RP100, "Recommended Practices for Installation of Underground Liquid Storage Systems"; or
 - (3) American National Standards Institute Standard B31.3, "Petroleum Refinery Piping," and American National Standards Institute Standard B31.4 "Liquid Petroleum Transportation Piping System."]
- (b) Effective January 1, 2009 all tanks and piping must be properly installed by an installer certified by the Director. To obtain certification from the Director, applicants shall submit a completed Installer Certification Application with a copy of a current certificate issued by the International Code Council (ICC) indicating he or she has passed the ICC UST Installation/Retrofitting examination, or installer certification documentation from other states that have equivalent certification requirements.
- (c) Certification of installation. All owners/operators must demonstrate compliance with paragraph (a) of this section by providing a certification of compliance on the UST registration form in accordance with 2-2-3.

2-2-2-3 Installation Inspection

The Director will inspect the UST system before completion of installation activities to verify the requirements of Section 2-2 are being met.

- (a) The owner/operator shall provide the Director with a 72 hour notice prior to the time of inspection. This inspection will be as detailed as practicable; but does not exempt the owner/operator from certifying that the installation was made according to all the technical requirements of these regulations.
- (b) Any duly authorized agent or employee of the Director shall have authority to enter in or upon the premises of any facility that contains an UST system, containing a regulated substance, for the purpose of verifying that such UST system and its required records are in compliance with these regulations.

2-2-3 UST System Registration

- (a) Each owner/operator of a regulated UST system must register each UST system with the Director within 30 calendar days after the first day on which the system is actually used to contain a regulated substance. This registration must be renewed annually, on or before the calendar date of the initial registration, in each succeeding year after 1989. The owner/operator is required to pay a registration fee as set by statute for each tank registered.
- (b) All regulated UST systems and facilities must be registered on a form provided by the Director, regardless of use, size, or type of regulated substance stored therein; and regardless of whether the tanks and facilities are in service or in temporary closure.

[Note: Owners/operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the Colorado Department of Health in accordance with the Hazardous and Solid Waste Amendments of 1984, Public Law 98-616, on a form published by EPA on November 8, 1985 (50 FR 46602) unless notice was given pursuant to section 103(c) of CERCLA. Owners/operators who have not complied with the notification requirements may use the registration form described in 2-2-3(b)]

- (c) Owners required to register tanks under paragraph (a) of this section must register each tank they own. Owners may register several tanks using one registration form, but owners who own tanks located at more than one place of operation must file a separate registration form for each separate place of operation.
- (d) Any time there is a change in operation, including upgrading of the UST system, changes in operation including a change of owner or operator, or completed closure of an UST system, the owner/operator is required to submit an updated registration within 30 calendar days.
- (e) Registration forms required to be submitted under (a) and (d) of this section must provide all of the required information for each tank.
- (f) All owners/operators of new UST systems must certify in the registration form, compliance with the following requirements:
 - (1) Installation of tanks and piping under 2-2-2-2(a);
 - (2) Cathodic protection of steel tanks and piping under 2-2-1(a)(2);
 - (3) Financial responsibility under Article 7 of these regulations; and
 - (4) Release detection under 2-3-4.
- (g) All owners/operators of new UST systems must certify in the registration form that the method used to install the UST system complies with the requirements in section 2-2-2-2(a).
- (h) After July 1, 1989, any person who sells a tank intended to be used as an UST must notify the purchaser of such tank of the owner's registration obligations under (a) of this section.
- (i) The registration form supplied by the Director will meet the requirements of section 9002 of the federal Solid Waste Disposal Act as amended.
- (j) The required fee for UST registration is \$35.00 per tank per year as authorized by C.R.S. § 8-20.5-102; and the fee for the installation plan review and the installation inspection is set at \$150.00, as authorized by C.R.S. § 8-20.5-204, to cover the costs of administering this section.

2-2-4 Upgrading existing UST System

- (a) Alternatives allowed. Not later than December 22, 1998, all existing UST systems must comply with one of the following:
 - (1) New UST system performance standards under section 2-2-1; or
 - (2) Upgrading requirements in (b) through (d) of this section; or
 - (3) Closure requirements under section 2-4 of these regulations, including applicable requirements for corrective action under Article 5.

- (b) Tank upgrading requirements. Steel tanks must be upgraded to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:
- (1) Internal lining. A tank may be upgraded by internal lining if:
 - (i) The lining is installed in accordance with the requirements of section 2-2-5, and
 - (ii) Within 10 years after lining, and every 5 years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications.
 - (2) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of section 2-2-1(a)(2) and the integrity of the tank is ensured using one of the following methods:
 - (i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system; or
 - (ii) The tank has been installed for less than 10 years and is monitored monthly for releases in accordance with section 2-3-4-2(c) through (h); or
 - (iii) The tank has been installed for less than 10 years and is assessed for corrosion holes by conducting two (2) tightness tests that meet the requirements of section 2-3-4-2(c). The first tightness test must be conducted prior to installing the cathodic protection system. The second tightness test must be conducted between three (3) and six (6) months following the first operation of the cathodic protection system; or
 - (iv) The tank is assessed for corrosion holes by a method that is determined by the Director to prevent releases in a manner that is no less protective of human health and the environment than (b)(2)(i) through (iii) of this section.
 - (3) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:
 - (i) The lining is installed in accordance with the requirements of section 2-2-5; and
 - (ii) The cathodic protection system meets the requirements of section 2-2-1(a)(2).

[Note: The following codes and standards may be used to comply with this section:

- (A) American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks";
- (B) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection";
- (C) National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems"; and
- (D) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems."]

- (c) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground must be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and must meet the requirements of section 2-2-1(b)(2).

[Note: The codes and standards listed in the note following section 2-2-4(b)(3)(ii) may be used to comply with this requirement.]

- (d) Spill and overfill prevention equipment. To prevent spilling and overfilling associated with product transfer to the UST system, all existing UST systems must comply with new UST system spill and overfill prevention equipment requirements specified in section 2-2-1(c).

2-2-5 Repairs

Owners/operators of UST systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the UST system is used to store regulated substances. The repairs must meet the following requirements:

- (a) Repairs to UST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.

[Note: The following codes and standards may be used to comply with paragraph (a) of this section: National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines"; American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks"; and National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection."]

- (b) Repairs to fiberglass-reinforced plastic tanks may be made by the manufacturer's authorized representatives or in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory.
- (c) Metal pipe sections and fittings that have released product as a result of corrosion or other damage must be replaced. Fiberglass pipes and fittings may be repaired in accordance with the manufacturer's specifications.
- (d) If a release of regulated substance is identified during repairs to UST system equipment, the owner/operator shall report the release according to Article 4.

- (e) Post-repair testing

(1) Repaired tanks and piping must be tightness tested in accordance with 2-3-4-2(c) and 2-3-4-3 within 30 calendar days following the date of the completion of the repair unless:

- (i) The repaired tank is internally inspected in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory; or
- (ii) The repaired portion of the UST system is monitored monthly for releases in accordance with a method specified in section 2-3-4-2(d) through (h); or
- (iii) Another test method is used that is determined by the Director to be no less protective of human health and the environment than those listed above.

- (2) Within 6 months following the repair of any cathodically protected UST system the cathodic protection system must be tested in accordance with section 2-3-3(a) and (b) to ensure that it is operating properly.

Section 2-3 Operation

2-3-1 Operator Training

UST Operator Training is a requirement designed to ensure knowledge regarding operating and maintaining UST systems. These requirements apply to UST systems regulated under Subtitle I, except those excluded by these regulations.

2-3-1-1 Classes of Operators

For purposes of implementing the operator training requirements, these regulations establish Colorado specific operator training, testing and certification requirements for three classes of operators identified as Class A, Class B, and Class C. Owners/operators are required to identify and designate, for each UST system or group of UST systems at a facility, at least one named individual for each class of operator outlined in these regulations. All individuals designated as a Class A, B, or C operator must, at a minimum, be trained and certified according to these regulations by December 31, 2009.

Separate individuals may be designated for each class of operator described above or an individual may be designated to more than one of the above operator classes. An individual who is designated to more than one operator class must be trained in each operator class for which he or she is designated. Because an individual may be designated for more than one operator class, the Director will allow a training approach that encompasses training for more than one operator class.

To assist in identifying responsible individuals to be trained pursuant to these regulations, the following sections characterize, in general terms, each class of operator. These sections also identify general training requirements pertaining to operating and maintaining UST systems.

2-3-1-2 Class A Operator

A Class A operator has primary responsibility to operate and maintain the UST system. The Class A operator's responsibilities include managing resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements. The general and minimum requirements for a Class A operator are as follows:

- (a) General Requirements: This individual focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to operate and maintain the UST system. For example, this individual typically ensures that appropriate individual(s):
 - (1) Properly operate and maintain the UST system.
 - (2) Maintain appropriate records.
 - (3) Are trained to operate and maintain the UST system and keep records.
 - (4) Properly respond to emergencies caused by releases or spills from UST systems at the facility.
 - (5) Make financial responsibility documents available to the Director as required.
- (b) Minimum Requirements: The Class A operator must be trained in the following:
 - (1) A general knowledge of UST system requirements so he or she can make informed decisions regarding compliance and ensure appropriate individuals are fulfilling operation,

maintenance, and recordkeeping requirements and standards of these regulations regarding:

- (i) Spill prevention
 - (ii) Overfill prevention
 - (iii) Release detection
 - (iv) Corrosion protection
 - (v) Emergency response
 - (vi) Product compatibility
- (2) Financial responsibility documentation requirements.
 - (3) Notification requirements.
 - (4) Release and suspected release reporting.
 - (5) Temporary and permanent closure requirements.
 - (6) Class C operator training requirements.

2-3-1-3 Class B Operator

A Class B operator implements applicable UST regulatory requirements and standards in the field. This individual implements day-to-day aspects of operating, maintaining, and recordkeeping for USTs at one or more facilities. The general and minimum requirements for a Class B operator are as follows:

- (a) General Requirements: This individual typically monitors, maintains, and ensures:
 - (1) Release detection method, recordkeeping, and reporting requirements are met.
 - (2) Release prevention equipment, recordkeeping, and reporting requirements are met.
 - (3) All relevant equipment complies with performance standards.
 - (4) Appropriate individuals are trained to properly respond to emergencies caused by releases or spills from UST systems at the facility.
- (b) Minimum Requirements: Compared with training for the Class A operator, training for the Class B operator will provide a more in-depth understanding of operation and maintenance aspects, but may cover a more narrow breadth of applicable regulatory requirements. The Class B operators training must encompass the following:
 - (1) Components of UST systems.
 - (2) Materials of UST system components.
 - (3) Methods of release detection and release prevention applied to UST components.
 - (4) Operation and maintenance requirements of these regulations that apply to UST systems and include:

- (i) Spill prevention
 - (ii) Overfill prevention
 - (iii) Release detection
 - (iv) Corrosion protection
 - (v) Emergency response
 - (vi) Product compatibility
- (5) Reporting and recordkeeping requirements.
- (6) Class C operator training requirements.

2-3-1-4 Class C Operator

A Class C operator is an employee and is, generally, the first line of response to events indicating emergency conditions. This individual is responsible for responding to alarms or other indications of emergencies caused by spills or releases from UST systems. This individual notifies the Class B or Class A operator and appropriate emergency responders when necessary. It is not necessary that all employees of the facility are Class C operators, although at least one Class C Operator must be present during operating hours at attended facilities.

(a) General Requirements: This individual typically:

- (1) Controls or monitors the dispensing or sale of regulated substances, or
- (2) Is responsible for initial response to alarms or releases.

(b) Minimum Requirements: At a minimum, the Class C operator must be trained to:

- (1) Take action in response to emergencies (such as, situations posing an immediate danger or threat to the public or to the environment and that require immediate action) or alarms caused by spills or releases from an UST system.

2-3-1-5 Acceptable Training and Certification Processes

Operator training must evaluate operator knowledge of the minimum training requirements described for each class of operator in section 2-3-1(2), (3) and (4). The following is a list of acceptable approaches to meet training requirements stated in these regulations:

- (a) Possession of a current certificate issued by the International Code Council (ICC) indicating he or she has passed the Colorado UST System Class A or B Operator exam.
- (b) For Class C operator training, possession of a current certificate issued by the owner indicating that he or she has successfully completed training conducted by a certified Class A or Class B operator.
- (c) An operator training program that has received prior approval from the Director. The program may include in-class, on-line, or hands-on training. Such a program must include an evaluation of operator knowledge through testing, practical demonstration, or other tools determined as acceptable by the state.

- (d) To address operators responsible for UST systems in multiple states, the Director may accept operator training certification verification from other states that have equivalent operator training requirements.

2-3-1-6 Training and Certification Deadlines and Schedules

- (a) Effective January 1, 2010, designated Class A and B operators shall be trained and possess a current certificate issued by a Director-approved trainer indicating he or she has passed the Colorado UST System Class A or B operator exam.
- (b) Effective January 1, 2010, designated Class C operators shall be trained and possess a current certificate issued by a Class A or B operator that developed or conducted the training.
- (c) By January 1, 2010, owners of UST systems shall submit a signed statement to the Director indicating that the owner understands and is in compliance with all applicable UST requirements, and identifying the designated Class A or B operator(s) for each facility owned. The owner shall inform the Director of any change of designated Class A or B operator(s) no later than 30 calendar days after the change. Documentation identifying the designated Class C operators shall be maintained on site.
- (d) After January 1, 2010 new operators shall be trained within the following timeframes:
 - (1) Class A and Class B operators must be trained within 30 calendar days after assuming full operation and maintenance responsibilities at the UST system.
 - (2) Class C operators must be trained before assuming full responsibility for responding to emergencies.

2-3-1-7 Retraining Requirements

If the Director determines an UST system is out of compliance, the Class A and/or Class B operator must be retrained and recertified within 90 calendar days. At a minimum, an UST system is out of compliance if the system:

- (a) Meets any of the delivery prohibition criteria outlined in Section 6-2, or
- (b) Is not in significant compliance with other requirements, such as temporary or permanent closure, tank registration or financial responsibility.

2-3-2 Spill and Overfill Prevention

- (a) Owners/operators must ensure that releases due to spilling or overfilling do not occur. The owner/operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made and that the transfer operation is monitored constantly to prevent overfilling and spilling.
- (b) The owner/operator must report, investigate, and clean up any spills and overfills in accordance with Articles 4 and 5.
- (c) Owners/operators must maintain spill and overfill equipment according to section 2-2-1(c).

[Note: The transfer procedures described in National Fire Protection Association Publication 385 may be used to comply with this section. Further guidance on spill and overfill prevention appears in American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," and National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code."]

2-3-3 Corrosion Protection

All owners/operators of steel UST systems with corrosion protection must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as the UST system is used to store regulated substances or permanently closed in accordance with Section 2-4-2.

- (a) All UST systems equipped with cathodic protection systems must be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:
 - (1) Frequency. All cathodic protection systems must be tested within 6 months of installation and at least every 3 years thereafter or according to another reasonable time frame established by the Director; and
 - (2) Inspection criteria. The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.

[Note: National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," may be used to comply with paragraph (a)(2) of this section.]

- (b) UST systems with impressed current cathodic protection systems must also be inspected every 60 calendar days to ensure that the equipment is running properly.
- (c) Where internal lining was installed to satisfy corrosion protection requirements, the tank must meet the requirements listed in 2-2-4(b).

2-3-4 Release Detection

2-3-4-1 General requirements for all UST systems

- (a) Owners/operators of new and existing UST systems that contain a regulated substance or hazardous substance must provide a method, or combination of methods, of release detection that:
 - (1) Can detect a release from any portion of the tank and the connected underground piping that routinely contains product;
 - (2) Is installed, calibrated, operated, and maintained in accordance with the manufacturer's instructions, including routine maintenance and service checks for operability or running condition; and
 - (3) Meets the performance requirements in 2-3-4-2 and 2-3-4-3, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used after December 22, 1991 except for methods permanently installed prior to that date, must be capable of detecting the leak rate or quantity specified for that method in 2-3-4-2(b), (c), and (d) or 2-3-4-3, with a probability of detection of 0.95 and a probability of false alarm of 0.05.
- (b) When a release detection method operated in accordance with the performance standards in 2-3-4-2 and 2-3-4-3 indicates a release may have occurred, owners/operators must notify the Director in accordance with Article 4.
- (c) Owners/operators of all UST systems must have complied with the release detection requirements of 2-3-4 by December 22, of the year listed in the following table:

Schedule for Phase-in of Release Detection					
Year System Was Installed	Year When Release Detection is Required (by December 22 of the year indicated)				
	1989	1990	1991	1992	1993
Before 1965 or date unknown	RD	PP			
1965 - 1969		PP/RD			
1970 - 1974		PP	RD		
1975 - 1979		PP		RD	
1980 - 1988		PP			RD
New UST	PP/RD Immediately upon installation				

PP = Must have begun release detection for all pressurized piping in accordance with 2-3-4-3(a) and 2-3-4-4(b)(4).

RD = Must have begun release detection for tanks and suction piping in accordance with 2-3-4-2, 2-3-4-3(b) and 2-3-4-4.

(d) Any existing UST system that does not apply a method of release detection that complies with the requirements of this section must complete the closure procedures in 2-4 immediately.

2-3-4-2 Requirements for regulated substance USTs Systems

Owners/operators of UST system must provide release detection for tanks at least every 30 calendar days or as otherwise specified in these regulations. The methods that satisfy release detection requirements are listed below:

(a) Inventory Control.

(1) Product inventory control can be used as the sole method for release detection:

(i) Until 10 years after the tank is installed or upgraded according to 2-2-4, and

(ii) If tank tightness testing as described in (c) of this section is performed at least every 5 years after the tank is installed or upgraded.

(2) Product inventory control (or another test of equivalent performance) must be conducted monthly to detect a release of at least 1.0 percent of flow-through plus 130 gallons on a monthly basis in the following manner:

(i) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day;

(ii) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;

(iii) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;

- (iv) Deliveries are made through a drop tube that extends to within one foot of the tank bottom;
- (v) Product dispensing is metered and recorded within an accuracy of 6 cubic inches for every 5 gallons of product withdrawn; and
- (vi) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month.

[Note: Practices described in the American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," may be used, where applicable, as guidance in meeting the requirements of this subsection.]

(b) Manual tank gauging.

- (1) Manual tank gauging may be used as the sole method of release detection:
 - (i) For the life of a tank that has a nominal capacities of 1,000 gallons or less, or
 - (ii) For a tank with a nominal capacity of 1,001 to 2,000 gallons:
 - (A) Until 10 years after the tank is installed or upgraded according to 2-2-4, and
 - (B) If tank tightness testing as described in (c) of this section is performed at least every 5 years after the tank is installed or upgraded.
- (2) For tanks of greater than 2,000 gallons nominal capacity, manual tank gauging may not be used to satisfy release detection requirements of this section.
- (3) Manual tank gauging must meet the following requirements:
 - (i) Tank liquid level measurements are taken at the beginning and ending of a period of at least 36 hours during which no liquid is added to or removed from the tank;
 - (ii) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period;
 - (iii) The equipment used is capable of measuring the level of product over the full range of the tank's height to the nearest one-eighth of an inch;
 - (iv) A leak is suspected and subject to the requirements of Article 4 if the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table:

Tank Capacity (Gallons)	Tank Dimensions	Weekly Standard 1 Test (Gallons)	Monthly Standard Average of 4 Tests (Gallons)	Minimum Rest Period Duration
Up to 550	N/A	10	5	36 hours
551-1,000	N/A	13	7	36 hours
1,000	64" (diameter) x 73" (length)	9	4	44 hours
1,000	48" (diameter) x 128" (length)	12	6	58 hours
1,001 - 2,000	N/A	26	13	36 hours

- (c) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) must be capable of detecting a 0.1 gallon per hour leak rate, with a probability of detection of 0.95, from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.
- (d) Automatic tank gauging. Equipment for automatic tank gauging that tests for the loss of product and conducts inventory control must meet the following requirements:
- (1) The automatic product level monitor test can detect a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains product; and
 - (2) Inventory control (or another test of equivalent performance) is conducted in accordance with the requirements of (a) of this section.
- (e) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone must meet the following requirements:
- (1) The materials used as backfill are sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area;
 - (2) The stored regulated substance, or a tracer compound placed in the UST system, is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;
 - (3) The measurement of vapors by the monitoring device is not rendered inoperative by the groundwater, rainfall, or soil moisture or other known interferences so that a release could go undetected for more than 30 calendar days;
 - (4) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;
 - (5) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the UST system, a component or components of that substance, or a tracer compound placed in the UST system;
 - (6) In the UST excavation zone, the site is assessed to ensure compliance with the requirements in paragraphs (e)(1)-(4) of this section and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains product; and

- (7) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
- (f) Groundwater monitoring. Testing or monitoring for liquids on the groundwater must meet the following requirements:
- (1) The regulated substance is immiscible in water and has a specific gravity of less than one;
 - (2) Groundwater is never more than 20 vertical feet from the ground surface and the hydraulic conductivity of the soil(s) between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials);
 - (3) The slotted portion of the monitoring well casing must be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low groundwater conditions;
 - (4) Monitoring wells shall be sealed from the ground surface to the top of the filter pack;
 - (5) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;
 - (6) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the groundwater in the monitoring wells;
 - (7) Within and immediately below the UST system excavation zone, the site is assessed to ensure compliance with the requirements in paragraphs (f)(1)-(5) of this section and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains product; and
 - (8) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
- (g) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains product and also meets one of the following requirements:
- (1) For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains product;
- [Note: The provisions outlined in the Steel Tank Institute's "Standard for Dual Wall Underground Storage Tanks" may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.]
- (2) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.
 - (3) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier;
- (i) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (not more than 0.000001 cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;

- (ii) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;
 - (iii) For cathodically protected tanks, the secondary barrier must be installed so that it does not interfere with the proper operation of the cathodic protection system;
 - (iv) The groundwater, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than 30 calendar days;
 - (v) The site is assessed to ensure that the secondary barrier is always above the groundwater and not in a 25-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and,
 - (vi) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.
- (h) Other methods. Any other type of release detection method, or combination of methods, can be used if:
- (1) It can detect a 0.2 gallon per hour leak rate or a release of 150 gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or
 - (2) The Director may approve another method if the owner/operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in paragraphs (c)-(h) of this section. In comparing methods, the Director shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner/operator must comply with any conditions imposed by the Director on its use to ensure the protection of human health and the environment.

2-3-4-3 Requirements for Piping

Underground piping that routinely contains regulated substances must be monitored for releases in a manner that meets one of the following requirements:

- (a) Pressurized piping. Underground piping that conveys regulated substances under pressure must:
 - (1) Be equipped with automatic line leak detectors which alert the owner/operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour. An annual test of the operation of the leak detector must be conducted in accordance with the manufacturer's requirements; and
 - (2) Conduct periodic line release detection which will consist of:
 - (i) An annual test of piping that can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure; or
 - (ii) An applicable tank method conducted on a monthly basis. Any of the methods in 2-3-4-2(e)-(h) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances. Automatic tank gauges (ATG) as described in subsection (d) may be considered an applicable tank method to be used for release detection on lines if the ATG is connected to equipment that allows the capability for this type of monitoring.

- (b) Suction piping. Underground piping that conveys regulated substances under suction must either have a line tightness test conducted at least once every 3 years and in accordance with 2-3-4-3(a)(2)(i), or use a monthly monitoring method conducted in accordance with 2-3-4-3(a)(2)(ii). No release detection is required for suction piping that is designed and constructed to meet the following standards:
- (1) The below-grade piping operates at less than atmospheric pressure;
 - (2) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;
 - (3) Only one check valve is included in each suction line;
 - (4) The check valve is located directly below and as close as practical to the suction pump; and
 - (5) A method is provided that allows compliance with paragraphs (b)(1) – (4) of this section to be readily determined.

2-3-4-4 Requirements for hazardous substance UST systems

Owners/operators of hazardous substance UST systems must provide release detection that meets the following requirements:

- (a) Release detection at existing UST systems must meet the requirements for regulated substance UST systems in 2-3-4-2. By December 22, 1998, all existing hazardous substance UST systems must meet the release detection requirements for new UST systems in paragraph (b) of this section.
- (b) Release detection at new hazardous substance UST systems must meet the following requirements:
 - (1) Secondary containment systems must be designed, constructed and installed to:
 - (i) Contain regulated substances released from the UST system until they are detected and removed;
 - (ii) Prevent the release of regulated substances to the environment at any time during the operational life of the UST system; and
 - (iii) Be checked for evidence of a release at least every 30 calendar days.

[Note: The provisions of 40 CFR 265.193, Containment and Detection of Releases, may be used to comply with these requirements.]
 - (2) Double-walled tanks must be designed, constructed, and installed to:
 - (i) Contain a release from any portion of the inner tank within the outer wall; and
 - (ii) Detect the failure of the inner wall.
 - (3) External liners (including vaults) must be designed, constructed, and installed to:
 - (i) Contain 100 percent of the capacity of the largest tank within its boundary;
 - (ii) Prevent the interference of precipitation or groundwater intrusion with the ability to contain or detect a release of regulated substances; and
 - (iii) Surround the tank completely (i.e., it is capable of preventing lateral as well as vertical migration of regulated substances).

- (4) Underground piping must be equipped with secondary containment that satisfies the requirements of paragraph (b)(1) of this section (e.g., trench liners, jacketing of double-walled pipe). In addition, underground piping that conveys hazardous substances under pressure must be equipped with an automatic line leak detector in accordance with 2-3-4-3(a)(1).
- (5) Other methods of release detection may be used if owners/operators:
 - (i) Demonstrate to the Director that an alternate method can detect a release of the stored substance as effectively as any of the methods allowed in 2-3-4-2(b)-(h) can detect a release of petroleum;
 - (ii) Provide information to the Director on effective corrective action technologies, health risks, and chemical and physical properties of the stored substance, and the characteristics of the UST site; and,
 - (iii) Obtain written approval from the Director to use the alternate release detection method before the installation and operation of the new UST system.

[Note: Pursuant to 40 CFR § 302.6 and 355.40, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center under sections 12 and 1-3 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and to appropriate state and local authorities under Title III of the Superfund Amendments and Reauthorization Act of 1986.]

2-3-5 Compliance Inspections

This section describes the inspections required to be conducted by the owner or operator of the UST system, as well as periodic inspections completed by the Director.

2-3-5-1 Monthly Compliance Inspections

- (a) The designated Class A or B operator or a delegated designee shall perform monthly visual inspections of all UST systems for which they are designated. The results of each inspection shall be recorded on a monthly inspection checklist. The monthly visual inspection shall include the following:
 - (1) Inspecting for the presence of any sensor alarm conditions, and responding to alarm conditions appropriately.
 - (2) Inspecting the integrity of the spill containment or manholes (cracks, holes, bulges etc), and for the presence of regulated substance, water, or debris in spill containers (fill and vapor recovery).
 - (3) Inspecting hanging hardware on dispensers and/or other visible piping for the presence of regulated substance leakage.
- (b) The designated operator(s) or delegated designee shall provide the owner or operator with a copy of each monthly inspection checklist, and alert the owner or operator of any condition discovered during the monthly visual inspection that may require follow-up actions.
- (c) The owner or operator shall maintain a copy of the monthly inspection checklist and all attachments for the previous twelve months. The records shall be made available for review to OPS upon request.

2-3-5-2 Annual Operational Compliance Inspections

- (a) The designated Class A or B operator(s) shall perform an annual operational compliance inspection of all UST systems for which they are designated. The annual operational compliance inspection shall include, but is not limited to, the following:
- (1) Compiling and reviewing monthly release detection, visual inspection and corrosion protection records from the prior twelve months.
 - (2) Compiling and reviewing the alarm history report or log for the prior twelve months, and checking that each alarm condition was documented and responded to appropriately, including the reporting of suspected or confirmed releases.
 - (3) Conducting functionality testing on all line leak detectors, sump sensors and overfill prevention equipment in accordance with manufacturers specifications to ensure proper installation and operation.
 - (4) Checking that all required testing and maintenance for the UST system have been completed, and documenting the dates these activities occurred.
 - (5) Verifying that all designated Class C operators have been trained in accordance with 2-3-1-4 and 2-3-1-5 of these regulations.
 - (6) Completing an Annual Operational Compliance Inspection Report and Certification Form for each facility using forms provided by OPS.
- (b) The designated Class A or B operator(s) shall provide the owner or operator with a copy of the annual operational compliance inspection report, and alert the owner or operator of any condition discovered during the annual compliance inspection that may require follow-up actions.
- (c) The owner or operator shall submit a copy of the annual operational compliance inspection report and all attachments for the previous twelve months to OPS on an annual basis or within 60 calendar days of an OPS request for records.

2-3-5-3 Inspections Conducted by the Director

- (a) Any duly authorized agent or employee of the Director shall have authority to enter in or upon the premises of any facility that contains an UST system, containing a regulated substance, for the purpose of verifying that such UST system and its required records are in compliance with these regulations.
- (b) Per CRS Section 8-20-223.5, the Director shall conduct an emission inspection of all USTs that are located in the geographical area designated by Regulation #7 of the Colorado Department of Public Health and Environment 5 C.C.R. 1001-9 and which contain petroleum distillate such as gasoline, to insure pollution control equipment is installed and is in operating condition.

2-3-6 Record Keeping

Owners/operators of UST systems must cooperate fully with inspections, monitoring and testing conducted by the Director, as well as requests from OPS for document submission, testing, and monitoring pursuant to section 9005 of Subtitle I of the Resource Conservation and Recovery Act, as amended.

- (a) Record keeping. Owners/operators must maintain the following information:
- (1) A corrosion expert's analysis of site corrosion potential if corrosion protection equipment is not used 2-2-1(a)(4) and (b)(3)).
 - (2) Documentation of operation of corrosion protection equipment as required in 2-2-1(a) and (b) and 2-2-3;

- (i) The results of the last three 60-day inspections; and
 - (ii) The results from the last two system tests.
 - (3) Documentation of UST system repairs;
 - (4) Compliance with release detection requirements;
 - (i) All written performance claims pertaining to any release detection system used, and the manner in which these claims have been justified or tested by the equipment manufacturer or installer, must be maintained for 5 years, or for another reasonable period of time determined by the Director, from the date of installation;
 - (ii) The results of any sampling, testing, or monitoring must be maintained for at least 1 year, or for another reasonable period of time determined by the Director, except that the results of tank tightness testing conducted in accordance with 2-3-4-2(c) must be retained until the next test is conducted; and
 - (iii) Written documentation of all calibration, maintenance, and repair of release detection equipment permanently located on-site must be maintained for at least one year after the servicing work is completed, or for another reasonable time period determined by the Director. Any schedules of required calibration and maintenance provided by the release detection equipment manufacturer must be retained for 5 years from the date of installation.
 - (5) Records in accordance with this section that are capable of demonstrating compliance with closure requirements under section 2-4. The results of the excavation zone assessment required in 2-4-3(b) must be maintained for at least 3 years after completion of permanent closure or change-in-service in one of the following ways:
 - (i) By the owners/operators who closed the UST system;
 - (ii) By the current owners/operators of the UST system site; or
 - (iii) By mailing these records to the Director if they cannot be maintained at the closed facility.

[Note, all applicants to the Fund may be required to maintain closure records until reimbursement is complete.]
 - (6) Documentation of the emptying of a tank following seasonal operation, temporary closure, or prior to a repair.
- (b) Availability and Maintenance of Records. Owners/operators are required, upon request, to provide all records referenced in these regulations to the Director. Owners/operators must keep the required records either:
- (1) At the UST site and immediately available for inspection by the Director; or
 - (2) At a readily available alternative site so they can be sent to the Director upon request; or
 - (3) In the case of permanent closure records required under this section, owners/operators are also provided with the additional alternative of mailing closure records to the Director if they cannot be kept at the site or an alternative site as indicated above.
- (c) Notwithstanding the above, for Fund reimbursement purposes, persons may be required to maintain the above or other records in accordance with Fund requirements.

Section 2-4 Closure of UST Systems

2-4-1 Temporary Closure

- (a) Owners/operators shall notify the Director in writing at least 10 calendar days prior to placing an UST system in temporary closure, and at that same time submit records documenting the prior 12 months of release detection and corrosion protection testing (if applicable) for tanks and lines. In lieu of submitting these records, owner/operator may conduct a precision tightness test on the tanks and lines and complete a site assessment in accordance with 2-4-3, and submit these results with the temporary closure notification.
- (b) A temporarily closed UST system must be emptied by removing all materials using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remains in the system.
- (c) When an UST system is temporarily closed, owners/operators must continue operation and maintenance of corrosion protection in accordance with 2-3-4. Because the tanks must be emptied, release detection is not required.
- (d) When an UST system is temporarily closed, vent lines must be left open and functioning. If the temporary closure period is 3 months or more, all pumps, manways, ancillary equipment and lines other than vent lines must be capped and secured, unless an alternate schedule is approved by the Director.
- (e) When an UST system is temporarily closed for more than 12 months, owners/operators must permanently close the UST system in accordance with 2-4-2, unless the Director provides a written extension of the 12-month temporary closure period. Before requesting this extension, owners/operators must complete a site assessment as required by the Director.
- (f) Owner/operators shall notify the Director in writing no more than 30 calendar days prior to placing an UST back in service, and at that same time submit corrosion protection records (if applicable) for the period of temporary closure, and documentation of passing tightness tests to include ullage for the tanks conducted within the past 30 calendar days. The owner/operator shall obtain passing line tests immediately following the introduction of fuel into the lines and submit documentation of testing to the Director within 10 calendar days.
- (g) If an owner/operator operates a facility which has a specific period of time or season during the year when the tank system is empty, as described in (b) of this section, the requirements for maintaining corrosion protection and the following requirements below will apply:
 - (1) The owner/operator shall notify the Director that the facility does include seasonal operation on a form provided by the Director. If this information changes, the owner/operator shall complete and submit the form to the Director.
 - (2) The period may not exceed 6 consecutive months.
 - (3) The owner/operator shall maintain manifest documentation completed during emptying of the tank.
 - (4) At the end of the seasonal period, the owner/operator must conduct one of the following actions:
 - (i) Return the tank to service.

(ii) Place the tank into proper temporary closure. The owner/operator must notify the Director in writing within 10 calendar days, submit records according to (a) as applicable and complete requirements in (d) immediately.

(iii) Permanently close the tank as required by 2-4-2.

2-4-2 Permanent Closure

At least 10 calendar days before beginning either permanent closure or a change-in-service under this section, owners/operators must notify the Director of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action required by the Director. In addition to the requirements of this section, the owner/operator should contact local municipal officials, such as the fire department, to inform them of the intended closure activities.

(a) Removal

To permanently close a tank by removal, owners/operators must empty the tank by removing all liquids and accumulated sludges and inert the tank prior to removal. A site assessment must be conducted according to 2-4-3(b).

[Note: The following cleaning and closure procedures may be used to comply with this section:

- (A) American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks";
- (B) American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";
- (C) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks," may be used as guidance for compliance with this section; and
- (D) The National Institute for Occupational Safety and Health "Criteria for a Recommended Standard...Working in Confined Space" may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.]

(b) Closure in Place

All tanks permanently closed in place must be filled with an inert solid material and a site assessment must be conducted according to 2-4-3(b).

(c) Change in Service

Continued use of an UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, owners/operators must empty and clean the tank by removing all liquid and accumulated sludge and conduct a site assessment in accordance with 2-4-3.

2-4-3 Site Assessment

- (a) Before an extension to temporary closure, permanent closure or a change-in-service is completed, owners/operators must measure for the presence of a release where contamination is most likely to be present at the UST site. The requirements of this section are satisfied if one of the external release detection methods allowed in 2-3-4-2(e) or (f) is operating in accordance with the requirements in 2-3-4-2 at the time of closure, and indicates no release has occurred.
- (b) For assessments during storage tank system removal, the owner/operator must collect soil samples from beneath each tank, beneath each dispenser island, beneath areas of piping, and beneath any loading racks. For assessments during storage tank temporary closure, closure in-place or

change-in-service, the owner/operator shall collect samples of the type and at locations as specified by the Director.

- (c) Samples collected at all sites must be analyzed for individual chemicals of concern (COC) as described in 5-2.
- (d) If contaminated soils, contaminated groundwater, petroleum vapor or free product as a liquid is discovered under this section, or by any other manner, owners/operators must report the discovery in accordance with Article 4.
- (e) If the tank closure assessment does not identify a release, the owner/operator must submit documentation of the assessment to the Director within 30 calendar days of the tank closure.

ARTICLE 3 ABOVEGROUND STORAGE TANKS

Section 3-1 AST Program Scope and Applicability

Aboveground storage tank (AST) systems in Colorado are regulated to protect the people and environment of Colorado from the potentially harmful effects of the regulated substances contained within AST systems. The purpose of this article is to present to owner/operators of AST systems a description of the minimum general standards for design, construction, location, installation and operation of these systems to be in compliance with these regulations and Colorado statutes. Further description of these requirements can be found in guidance documents, policies and procedures provided by the Director.

(a) The provisions in these regulations apply to all regulated substance AST systems unless specifically restricted to a specific system. It is the owner/operator's responsibility to ensure compliance with all requirements.

(1) Aside from meeting these regulatory requirements:

(i) All AST systems must meet local fire district rules, zoning rules, and requirements of other authorities having jurisdiction over AST systems.

(ii) C.R.S. § 8-20-231 requires that the design, construction, location, installation, and operation of all liquid fuel product tank systems greater than 60 gallons conform to the minimum standards prescribed by the applicable sections of NFPA fire code. This includes the testing and inspection requirements contained therein.

(2) For the purposes of these regulations, a tank's capacity is determined by the aggregate capacity of all individual primary tank compartments contained within the outer shell or structure of the tank, whether there is a shared bulkhead or not. Each compartment of an AST must meet the operational requirements contained herein individually (e.g. venting, overfill prevention, release detection, etc.)

Example: A single concrete-encased UL 2085 AST whose construction consists of two individual 500 gallon UL 142 ASTs wrapped in a polyethylene liner is considered as having a capacity of 1,000 gallons. Each compartment (tank) must be equipped to meet operational requirements

(b) Per C.R.S. § 8-20.5-101(2)(b), the following ASTs or AST systems are excluded from these AST regulations:

(1) Notwithstanding requirements listed in (a)(1) of this section, any AST whose capacity is greater than 39,999 gallons or less than 660 gallons;

(2) Any AST system that contains a de minimis concentration of regulated substances;

(3) Any AST systems containing radioactive material that are regulated under the Atomic Energy Act;

(4) Any AST system that is part of an emergency generator system at nuclear power generation facilities;

(5) ASTs used to store liquefied petroleum gases that are not liquid at standard temperature and pressure;

(6) ASTs used to store liquids whose fluidity is less than that of 300 penetration asphalt when tested in accordance with ASTM D 5.

(7) A wastewater treatment tank system that is part of a wastewater treatment facility;

- (8) Equipment or machinery that contains regulated substances for operational purposes;
- (9) Farm and residential tanks or tanks used for horticultural or floricultural operations.
- (10) Aboveground storage tanks located at natural gas pipeline facilities that are regulated under state or federal natural gas pipeline acts;
- (11) Aboveground storage tanks associated with natural gas liquids separation, gathering, and production;
- (12) Aboveground storage tanks associated with crude oil production, storage, and gathering;
- (13) Aboveground storage tanks at transportation-related facilities regulated by the federal department of transportation;
- (14) Aboveground storage tanks used to store heating oil for consumptive use on the premises where stored
- (15) Aboveground storage tanks used to store flammable and combustible liquids at mining facilities and construction and earthmoving projects, including gravel pits, quarries, and borrow pits where, in the opinion of the Director, tight control by the owner or contractor and isolation from other structures make it unnecessary to meet the requirements of this article.

Section 3-2 AST System Design, Construction, Location and Installation

These performance standards apply to regulated AST systems that store stable liquids in atmospheric ASTs where internal operating pressures do not exceed 2.5 psi. Requirements for the storage of other liquids in other types of ASTs at greater operating pressures are found in NFPA 30, and must be followed.

3-2-1 Design

(a) Tank Design and Materials of Construction

- (1) All tanks shall be designed and built in accordance with recognized good engineering standards for the material of construction being used and shall be of steel or approved noncombustible material, with the following limitations and exceptions:
 - (i) The material of tank construction shall be compatible with the liquid to be stored. In case of doubt about the properties of the liquid to be stored, the supplier, producer of the liquid, or other competent authority shall be consulted.
 - (A) Tanks designed and intended for above ground use shall not be used as underground tanks.
 - (B) Tanks designed and intended for underground use shall not be used as aboveground tanks.
 - (ii) Tanks constructed of combustible materials shall be subject to the approval of the Director and limited to:
 - (A) Use where required by the properties of the liquid stored, or
 - (B) Storage of Class IIIB liquids above ground in areas not exposed to spill or leak of Class I or Class II liquid, or

(C) Storage of Class IIIB liquids inside a building protected by an approved automatic fire extinguishing system.

- (iii) Atmospheric tanks shall not be used for the storage of a liquid at a temperature at or above its boiling point. Atmospheric tanks shall be labeled and shall be built, installed, and used within the scope of a nationally recognized construction standard; such as U.L. 142, or API Standard 650, or an equivalent standard.

(b) Vent Piping

The design, fabrication, assembly, testing, and inspection of all piping systems for flammable and combustible liquids shall be in conformance with the applicable sections of ANSI B31, *American National Standard Code for Pressure Piping* and installed in conformance with the following requirements:

- (1) Where vent pipe outlets for tanks storing Class I liquids are adjacent to buildings or public ways, they shall be located so that the vapors are released at a safe point outside of buildings and not less than 12 ft (3.6 m) above the adjacent ground level. In order to aid their dispersion, vapors shall be discharged upward or horizontally away from closely adjacent walls. Vent outlets shall be located so that flammable vapors will not be trapped by eaves or other obstructions and shall be at least 5 ft (1.5 m) from building openings.

- (i) Vent piping that it is attached to or within a canopy or its supporting structure must extend a minimum of 5 ft (1.5 m) above the highest projection of the canopy, including the canopy fascia. When modifications to the canopy are made, this distance must be maintained.

Exception: Where the canopy or canopy modifications were installed before January 1, 2004, changes to existing vent piping are not required.

- (2) The manifolding of tank vent piping shall be avoided except where required for special purposes such as vapor recovery, vapor conservation, or air pollution control. When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are subject to the same fire exposure.

- (3) Vent piping for tanks storing Class I liquids shall not be manifolded with vent piping for tanks storing Class II or Class III liquids unless means are provided to prevent the vapors from Class I liquids from entering tanks storing Class II or Class III liquids, to prevent possible change in classification of the less volatile liquid.

(c) Normal Venting

- (1) Atmospheric tanks shall be adequately vented to prevent the development of vacuum or pressure that can distort or damage the tank or that exceeds the design pressure, as a result of filling or emptying the tank or atmospheric temperature changes.

- (2) For ASTs installed after September 30, 1994, normal vents shall be:

- (i) sized in accordance with American Petroleum Institute Standard No. 2000, Venting Atmospheric and Low-Pressure Storage Tanks, or another accepted standard; or

- (ii) at least as large as the filling or withdrawal connection, whichever is larger, but in no case less than 1 1/4 in. (3 cm) nominal inside diameter.

- (3) If any AST installed after September 30, 1994 has more than one fill or withdrawal connection and simultaneous filling or withdrawal can be made, the vent size shall be based on the maximum anticipated simultaneous flow.

- (4) Except for tanks containing Class III liquids, vents shall be equipped with venting devices.
 - (i) Tanks containing Class IA liquids shall be equipped with venting devices that are closed, except when venting under pressure or vacuum conditions.
 - (ii) Tanks containing Class IB and IC liquids shall be equipped with venting devices that are closed, except when venting under pressure or vacuum conditions, or with listed flame arresters.
 - (iii) Tanks containing Class II liquids shall be equipped with venting devices that will protect the tank against the intrusion of water, debris, or insects.
- (5) Adequate ventilation either natural or forced must exist to guarantee that flammable liquid vapors cannot build up to 25% of the lower flammable limit anywhere, because of the presence of the tank facility in question.

(d) Emergency Relief Venting

- (1) Every AST shall have some form of construction or device that will relieve excessive internal pressure caused by exposure to fires.
 - (i) This requirement shall also apply to each compartment of a compartmented tank, the interstitial space of secondary containment-type tanks, and the enclosed space of closed-top dike tanks, except where the tank was constructed prior to the publication of the 1996 edition of NFPA 30.

Exception: Tanks larger than 12,000 gallons capacity storing Class IIIB liquids do not require emergency relief venting unless they are within the diked area or the drainage path of Class I or Class II liquids.

- (2) In a vertical tank, the construction referred to in 3-2-1(d)(1) may take the form of a floating roof, lifter roof, a weak roof-to-shell seam, or other approved pressure-relieving construction. The weak roof-to-shell seam shall be constructed to fail preferential to any other seam. Design methods that will provide a weak roof-to-shell seam construction are contained in API 650, Welded Steel Tanks for Oil Storage, and UL 142, Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids.
- (3) Where entire dependence for emergency relief is placed upon pressure-relieving devices, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank if vertical, or of the shell or heads if horizontal.
- (4) The total capacity of both normal and emergency venting devices shall not be less than the requirements of NFPA 30.
- (5) Emergency relief vent devices shall be vapor tight and shall be permitted to be a self-closing manway cover, a manway cover provided with long bolts that permit the cover to lift under internal pressure, or additional or larger relief valve or valves.
- (6) Each commercial tank venting device shall be stamped with the operational pressures and capacities required by NFPA 30.
- (7) For the extension of emergency vent piping, piping to or from approved emergency vent devices shall be sized to provide emergency vent flows that limit the back pressure to less than the maximum pressure permitted by the design of the tank.
- (8) The required emergency relief venting capacities for tanks and devices, requirements for tanks storing unstable liquids, additional requirements for tanks other than atmospheric, and other requirements for emergency relief venting design are found in NFPA 30.

(e) Tank Openings Other than Vents

- (1) Each connection to an AST through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank.
- (2) Each connection below the liquid level through which liquid does not normally flow shall be provided with a liquid-tight closure. This may be a valve, plug, or blind, or a combination of these.
- (3) Openings for gauging on tanks storing Class I liquids shall be provided with a vapor-tight cap or cover. Such covers shall be closed when not gauging.
- (4) Fill pipes that enter the top of a tank shall terminate within 6 in (15 cm) of the bottom of the tank. Fill pipes shall be installed or arranged so that vibration is minimized.

Exception: Fill pipes in tanks whose vapor space, under normal operating conditions, is not in the flammable range need not meet this requirement.

- (5) Filling and emptying connections for Class I, Class II, and Class IIIA liquids that are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 ft. (1.5 m) away from any building opening. Such connections for any liquid shall be closed and liquid tight when not in use and shall be properly identified.

(f) Static Protection for all ASTs

(1) Grounding Required

All equipment such as tanks, machinery and piping, where an ignitable mixture may be present shall be bonded or connected to a ground.

(2) Bonding Facilities Required

The bond or ground or both shall be physically applied or shall be inherently present by the nature of the installation; and

- (i) Bonding facilities for protection against static sparks during the loading of tank vehicles through open domes shall be provided:
 - (A) Where Class I liquids are loaded, or
 - (B) Where Class II or Class III liquids are loaded into vehicles that may contain vapors from previous cargoes of Class I liquids; and
- (ii) Bonding facilities shall consist of a metallic bond wire permanently electrically connected to the fill stem, or to some part of the rack structure in electrical contact with the fill stem. The free end of such wire shall be provided with a clamp or equivalent device for convenient attachment to some metallic part in electrical contact with the cargo tank of the tank vehicle. (This can be a simple ground clamp used while loading).

(g) Standards for Piping, Valves, and Fittings

(1) General and Suction Systems.

- (i) For the purpose these regulations, piping connected to an AST is considered to be suction piping when the entire length of piping is at a higher elevation than the

AST it is connected to, and where there is no pump installed between the tank and piping. All other piping connected to an AST is pressurized piping.

- (A) ASTs with underground piping must meet **all** of the requirements for underground pressurized piping contained in Article 2 of these regulations, including the construction, corrosion protection, and installation requirements of 2-2-1 (b), the secondary containment requirements of 2-2-1(e) for piping installed after April 14, 2011, and release detection requirements of 2-3-4-3.
- (ii) Liquid shall not be dispensed from a tank by pressurization of the tank. Means shall be provided to prevent the release of liquid by siphon flow.
- (iii) On or after October 14, 2012, where an AST is at an elevation that produces a gravity head on a motor fuel dispensing device, the tank outlet shall be equipped with a device (such as a normally closed solenoid valve) that will prevent gravity flow from the tank to the dispenser. This device shall be located adjacent to and downstream of the main valve specified by 3-2-1(e)(1) of these regulations. The device shall be installed and adjusted so that liquid cannot flow by gravity from the tank to the dispenser in the event of failure of the piping or hose when the dispenser is not in use.
- (iv) Where a suction-type dispensing system includes a booster pump or where a suction-type dispensing system is supplied by a tank in a manner that produces a gravity head on the dispensing device, a listed, vacuum-actuated shutoff valve with a shear section or equivalent type valve shall be installed directly under the dispensing device.
 - (A) Suction-type dispensing systems installed before April 14, 2011 that include a solenoid valve at the tank outlet, and a listed, rigidly anchored emergency shutoff valve incorporating a fusible link or other thermally actuated device, designed to close automatically in event of severe impact or fire exposure are deemed to meet this requirement.
- (v) For ASTs installed after September 30, 1994, shutoff and check valves shall be equipped with a pressure-relieving device that will relieve the pressure generated by thermal expansion back to the tank.
- (vi) Piping shall be routed so that exposure to physical damage is minimized.
- (vii) Piping systems shall be supported and protected against physical damage, including damage from stresses arising from settlement, vibration, expansion, or contraction.

(2) Remote Pumping Systems

This section shall apply to systems for dispensing Class I liquids and Class II liquids where such liquids are transferred from storage to individual or multiple dispensing devices by pumps located other than at the dispensing devices.

- (i) Pumps shall be listed and designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure.
- (ii) Each pump shall have installed, on the discharge side, a listed leak detection device that will provide an indication if the piping and dispensers are not essentially liquid tight. Each leak-detecting device shall be checked and tested at least annually according to the manufacturer's specifications.

- (iii) Pumps installed above-grade and outside of buildings shall be located not less than 10 ft. (3 m) from lines of adjoining property that can be built upon and not less than 5 ft. (1.5 m) from any building opening. Pumps shall be substantially anchored and protected against physical damage.
- (iv) A listed rigidly anchored emergency shutoff valve, incorporating a fusible link or other thermally actuated device designed to close automatically in event of severe impact or fire exposure, shall be installed in accordance with the manufacturer's instructions in the supply line at the base of each individual island-type dispenser or at the inlet of each overhead dispensing device. An emergency shutoff valve incorporating a slip-joint feature shall not be used. The automatic closing feature of this valve shall be checked at the time of initial installation and at least once a year thereafter by manually tripping the hold-open linkage.
- (v) Any vapor return pipe inside the dispenser housing shall have a shear section or flexible connector so that the liquid emergency shutoff valve will function as described above.

(3) Breakaway devices

A listed emergency breakaway device designed to retain liquid on both sides of the breakaway point shall be installed on each hose dispensing Class I and Class II liquids. Such devices are not required at marine service stations.

(h) Compatibility Requirements

Owners/operators must use an AST system made of or lined with materials that are compatible with the substance stored in the AST.

[Note: Owners/operators storing alcohol blends may use the following codes to comply with the requirements of this section: (a) American Petroleum Institute Publication 1626, "Storing and Handling Ethanol and Gasoline-Ethanol Blends at Distribution Terminals and Service Stations"; and (b) American Petroleum Institute Publication 1627, "Storage and Handling of Gasoline-Methanol/Co-solvent Blends at Distribution Terminals and Service Stations."]

(i) Security

- (1) Where tanks are supported above the foundations, tank supports shall be installed on firm foundations. Steel supports or exposed piling supports for tanks storing Class I, Class II, or Class IIIA liquids shall be protected by materials having a fire resistance rating of not less than 2 hours.
- (2) Every tank shall be supported to prevent the excessive concentration of loads on the supporting portion of the tank shell.
- (3) The area within the fence (if applicable) and within any dike shall be kept free of vegetation, debris, and any other material that is not necessary to the proper operation of the tank and piping system.
- (4) After December 22, 1996, tanks that are not listed as UL 2085 Protected Tanks where fuel is dispensed into vehicles shall be protected against vehicular collision by suitable barriers, which may include buildings and open space which the Director approves in writing.
- (5) Tanks which are not enclosed in vaults shall be enclosed with a chain link fence at least 6 ft. high. The fence shall be separated from the tanks by at least 10 ft. and shall have a gate that is secured against unauthorized entry. This requirement applies to:
 - (i) Tanks at motor fuel dispensing facilities, and

- (ii) Tanks at all other facilities that have an individual or aggregate capacity of 12,000 gallons or more.

Exception: Tanks are not required to be enclosed with a fence if the property on which the tanks are located has a perimeter security fence.

- (6) Tanks that are unsupervised for any period of time, or are located in isolated/remote areas, shall be secured and shall be marked to identify the fire hazards of the tank and the tank's contents to the general public. Where necessary to protect the tank from tampering or trespassing, the area where the tank is located shall be secured.
- (7) For ASTs installed after September 30, 1994, tank supports and foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion to any part of the tank.

3-2-2 Location and Installation

3-2-2-1 Service Stations (Motor Fuel Dispensing Facilities and Repair Garages)

After September 30, 1994, new ASTs may only be installed at service stations if they meet all the general requirements for ASTs, and the service station requirements of this section. After December 22, 1996, tanks designed and built for underground use shall not be used as ASTs. All of the provisions in this section also apply to marine service stations and airport service stations.

- (a) For ASTs installed after September 30, 1994, tanks storing Class I and Class II liquids at an individual site shall be limited to a maximum individual capacity of 12,000 gallons and an aggregate capacity of 48,000 gallons unless such tanks are installed in vaults complying with 3-2-2-5, in which case the maximum individual capacity shall be permitted to be 15,000 gallons.
- (b) For ASTs installed after September 30, 1994, and before April 14, 2011, tanks shall be located in accordance with Table 1 in this section, except that for secondary containment tanks, "fire tested" tanks, "fire resistant" tanks or tanks installed in a vault, the distance requirement from tank to dispenser is waived, provided that all tanks, pipes and dispensers are satisfactorily protected from vehicular traffic.
- (c) For ASTs installed on or after April 14, 2011, ASTs shall be located in accordance with Table 1 below.

TABLE 1		AST Separation at Motor Fuel Dispensing Facilities and Repair Garages				
		<i>Minimum Distance (ft)</i>				
<i>Type of Tank</i>	<i>Individual Tank Capacity (gal)</i>	<i>From Nearest Important Building on the Same Property</i>	<i>From Nearest Fuel Dispensing Device</i>	<i>From Property Line That Is or Can Be Built Upon Including Opposite Side of Public Way</i>	<i>From Nearest Side of Any Public Way</i>	<i>Between Tanks</i>
Tanks in vaults (measured from vault perimeter)	0 – 15,000	0	0	0	0	Separate vault compartments for each AST
Protected ASTs (UL 2085)	≤ 6,000	5	0	15	5	3
	6,001 – 12,000	15	0	25	15	3
Fire-resistant ASTs (UL 2080)	0 – 12,000	25	25	50	25	3
Other ASTs meeting NFPA 30 requirements	0 – 12,000	50	50	100	50	3

(d) Bulk Plants with Motor Fuel Dispensing.

This section does not include facilities that meet the requirements of 3-2-2-3.

(1) For facilities existing before April 14, 2011:

- (i) ASTs shall meet the location and installation requirements of 3-2-2-4.
- (ii) Where the 50 ft distance requirement from tank to dispenser is met, the following shall apply to the ASTs used for both motor fuel dispensing **and** bulk operations:

ASTs storing Class I liquids shall be limited to a maximum individual capacity of 12,000 gallons, ASTs storing Class II liquids shall be limited to a maximum individual capacity of 20,000 gallons, and the aggregate capacity for all tanks shall be 80,000 gallons.

Note: There are no individual or aggregate capacity limits for ASTs used **solely** for bulk operations.

- (iii) Where the 50 ft distance requirement from tank to dispenser is not met, the following shall apply to the ASTs used for both motor fuel dispensing **and** bulk operations:

ASTs storing Class I and Class II liquids shall be limited to a maximum individual capacity of 12,000 gallons, and an aggregate capacity of 48,000 gallons.

Note: There are no individual or aggregate capacity limits for ASTs used **solely** for bulk operations.

(2) For new facilities installed on or after April 14, 2011:

- (i) ASTs used for motor fuel dispensing shall meet the capacity and location requirements of 3-2-2-1, except that the maximum individual tank capacity of 12,000 gallons, indicated in Table 1, shall be permitted to be increased to 20,000 gallons for Class II liquids, and the aggregate capacity for all tanks shall be 80,000 gallons.

Note: ASTs that are used for motor fuel dispensing shall not be used for bulk operations.

- (ii) ASTs used for bulk operations shall meet the location and installation requirements of 3-2-2-4.

Note: ASTs that are used for bulk operations shall not be used for motor fuel dispensing.

- (3) ASTs used solely for bulk operations shall not be connected by piping to ASTs or USTs used for motor fuel dispensing, and shall not supply dispensing devices used for motor vehicle fueling.

Exception: Where the total capacity of all ASTs used for motor fuel dispensing and all ASTs used solely for bulk operations is within the aggregate capacities allowed by 3-2-2-1 (d)(1) (ii) or (iii), changes to connected piping are not required.

- (4) The motor fuel dispensing operations shall be separated from areas in which bulk plant operations are conducted by a fence or an approved structure (building, retaining wall, etc.), preventing direct access from one area to the other.

3-2-2-2 Governmental, Industrial and Commercial AST Facilities (Fleet Vehicle Motor Fuel Dispensing)

AST installations are permitted at commercial, industrial, governmental, and manufacturing facilities where motor fuels are dispensed into vehicles used in connection with their business by employees, but only under one of the following conditions:

- (a) For ASTs installed before April 14, 2011, existing restricted-capacity fleet vehicle motor fuel dispensing operations that meet the following requirements are allowed:
- (1) The facility has been inspected and approved by the Director;
 - (2) No more than two (2) ASTs are in service at the facility;
 - (3) No AST at the facility has a capacity greater than 6,000 U.S. gallons;
 - (4) There is not more than one (1) tank at the facility containing Class I liquids; and
 - (5) The spacing requirements of Table 2 below are met.

TABLE 2		AST Separation at Restricted-Capacity Fleet Motor Fuel Dispensing Facilities (Before April 14, 2011)			
		<i>Minimum Distance (ft)</i>			
<i>Tank Capacity (gal)</i>	<i>From Nearest Important Building on the Same Property</i>	<i>From Nearest Fuel Dispensing Device</i>	<i>From Property Line That Is or Can Be Built Upon, Including the Opposite Side of a Public Way</i>	<i>From Nearest Side of Any Public Way</i>	<i>Between Tanks</i>
660 - 750	5	0	10	5	3
751 - 6,000	5	0	15	5	3

- (b) On or after April 14, 2011, new restricted-capacity fleet vehicle motor fuel dispensing operations shall be allowed where the following requirements are met:
- (1) The requirements of 3-2-2-2(a)(1) – (4) are met; and
 - (2) The spacing requirements of Table 3 below are met.

TABLE 3		AST Separation at Restricted-Capacity Fleet Motor Fuel Dispensing Facilities (On or after April 14, 2011)			
		<i>Minimum Distance (ft)</i>			
<i>Tank Capacity (gal)</i>	<i>From Nearest Important Building on the Same Property</i>	<i>From Nearest Fuel Dispensing Device</i>	<i>From Property Line That Is or Can Be Built Upon, Including the Opposite Side of a Public Way</i>	<i>From Nearest Side of Any Public Way</i>	<i>Between Tanks</i>
660 - 2,000	25	0	50	25	3
2,001 - 6,000	25	0	75	35	3

- (c) For ASTs installed before April 14, 2011, if the AST system meets the requirements of 3-2-2-1(b) it can operate under the service station capacity allowances.
- (d) On or after April 14, 2011, fleet vehicle motor fuel dispensing operations shall be allowed where the following requirements are met:
- (1) The spacing requirements of Table 4 below are met.

- (i) The maximum individual tank capacity of 12,000 gallons, indicated in Table 4 below, shall be permitted to be increased to 20,000 gallons for Class II and Class III liquids, and the aggregate capacity for all tanks shall be 80,000 gallons; and
- (ii) No minimum separation shall be required between the dispensing device and a tank in a vault, a protected aboveground tank, or a fire-resistant tank.

TABLE 4		AST Separation at Fleet Motor Fuel Dispensing Facilities				
		<i>Minimum Distance (ft)</i>				
<i>Type of Tank</i>	<i>Individual Tank Capacity (gal)</i>	<i>From Nearest Important Building on the Same Property</i>	<i>From Nearest Fuel Dispensing Device</i>	<i>From Property Line That Is or Can Be Built Upon Including Opposite Side of Public Way</i>	<i>From Nearest Side of Any Public Way</i>	<i>Between Tanks</i>
Tanks in vaults (measured from vault perimeter)	0 – 15,000	0	0	0	0	Separate vault compartments for each AST
Protected ASTs (UL 2085)	≤ 6,000	5	0	15	5	3
	6,001 – 12,000	15	0	25	15	3
Fire-resistant ASTs (UL 2080)	0 – 12,000	25	0	50	25	3
Other ASTs meeting NFPA 30 requirements	0 – 12,000	50	50	100	50	3

3-2-2-3 Unattended Cardlock Systems

- (a) On or after April 14, 2011, unattended cardlock systems are those motor fuel dispensing facilities already in existence which are located at bulk plants, governmental, industrial, and commercial facilities where only proprietary cards (or keys) issued by the facility, and that are specific to the facility's fuel management or point of sale system, can be used to dispense fuel. Proprietary cards do not include cards that are available for regional or national fleet fueling.
 - (1) Cardlock systems installed before October 1, 1994 shall meet the AST separation distances of 3-2-2-4(a).
 - (2) Cardlock systems installed on October 1, 1994 or thereafter shall meet the AST separation distances of 3-2-2-4(a), and the tank-to-dispenser separation distances of 3-2-2-1(b).
 - (3) Persons that are issued proprietary cards (or keys) must be knowledgeable in site-specific operating and emergency procedures for dispensing operations.

3-2-2-4 Bulk Plants (And Other Facilities Without Motor Fuel Dispensing)

This section applies to ASTs storing regulated substances, including emergency generator tanks, outdoors at bulk plants and other facilities (except those facilities covered by 3-2-2-1) where there is no motor fuel dispensing.

The following requirements and tables showing required minimum separation distances apply to facilities in this section that store stable liquids in atmospheric ASTs where internal operating pressures do not exceed 2.5 psi. Requirements for the storage of other liquids in other types of ASTs at greater operating pressures are found in NFPA 30, and must be followed.

- (a) Every AST which is installed after September 30, 1994 and used for the storage of Class I, Class II, or Class IIIA stable liquids and operating at pressures not in excess of 2.5 psig (17.2 kPa) and designed with a weak roof-to-shell seam, or equipped with emergency venting devices that will

not permit pressures to exceed 2.5 psig (17.2 kPa), shall be located in accordance with Table 5 in this section. Where tank spacing is contingent on a weak roof-to-shell seam design, the user shall present evidence certifying such construction to the Director, upon request.

Exception: Vertical tanks with weak roof-to-shell seams that store Class IIIA liquids shall be permitted to be located at one-half the distances specified in Table 5, provided the tanks are not within the same diked area as, or within the drainage path of, a tank storing a Class I or Class II liquid.

- (b) Every AST which is installed after September 30, 1994 and used for the storage of Class I, Class II, or Class IIIA stable liquids and operating at pressures exceeding 2.5 psig (17.2 kPa) or equipped with emergency venting that will permit pressures to exceed 2.5 psig (17.2 kPa), shall be located in accordance with, and meet the requirements of NFPA 30.
- (c) Every AST which is installed after September 30, 1994 and used for the storage of liquids with boil-over characteristics shall be located in accordance with, and meet the requirements of NFPA 30.
- (d) Every AST which is installed after September 30, 1994 and used for the storage of unstable liquids shall be located in accordance with, and meet the requirements of NFPA 30.
- (e) For ASTs installed before April 14, 2011, spacing (Shell-to-Shell) between any two adjacent ASTs, where one AST is installed after September 30, 1994, with tanks storing Class I, II, or IIIA stable liquids shall be separated in accordance with Table 5 in this section.
- (f) On or after April 14, 2011, tanks used only for storing Class IIIB liquids shall not be required to be separated by more than 3 ft provided they are not within the same diked area as, or within the drainage path of, a tank storing a Class I or II liquid. If located within the same diked area as, or within the drainage path of, a tank storing a Class I or II liquid, the tank storing Class IIIB liquid shall be spaced in accordance with the requirements for Class IIIA liquids in Table 5.
- (g) Every AST which is installed after September 30, 1994 and used for the storage of Class IIIB stable liquids shall be located in accordance with Table 7 in this section.

Exception: If located within the same diked area as, or within the drainage path of, a tank storing a Class I or Class II liquid, the tank storing Class IIIB liquid shall be located in accordance with 3-2-2-4(a).

TABLE 5		Location of Atmospheric ASTs Storing Stable Liquids (Class I, II, IIIA) Internal Pressure Not to Exceed a Gauge Pressure of 2.5 psi		
		<i>Minimum Distance (ft)</i>		
<i>Type of Tank</i>	<i>Protection</i>	<i>From Property Line That Is or Can Be Built Upon, Including the Opposite Side of a Public Way</i>	<i>From Nearest Side of Any Public Way or from Nearest Important Building on the Same Property</i>	<i>Minimum Tank Shell-to-Shell Spacing</i>
Floating Roof	Protection for exposures	1/2 x tank diameter	1/6 x tank diameter	Greater of 1/6 x sum of adjacent tank diameters <u>or</u> 3 ft
	None	Tank diameter	1/6 x tank diameter	
Vertical with weak roof-to-shell seam	Approved foam or inerting system	1/2 x tank diameter	1/6 x tank diameter	Greater of 1/6 x sum of adjacent tank diameters <u>or</u> 3 ft
	Protection for exposures	Tank diameter	1/3 x tank diameter	
	None	2 x tank diameter	1/3 x tank diameter	
Horizontal and vertical tanks with emergency relief venting to limit pressures to 2.5 psi	Approved foam or inerting system	1/2 x value in table 6	1/2 x value in table 6	Greater of 1/6 x sum of adjacent tank diameters <u>or</u> 3 ft
	Protection for exposures	Value in table 6	Value in table 6	
	None	2 x value in table 6	Value in table 6	
Protected aboveground tank	None	1/2 x value in table 6	1/2 x value in table 6	Greater of 1/6 x sum of adjacent tank diameters <u>or</u> 3 ft
<i>In most cases "protection for exposures" will apply.</i>		Greater of values shown above <u>or</u> 5 ft		3 ft min. where sum of adjacent tank diameters is ≤ 18 ft
PROTECTION FOR EXPOSURES - Fire protection for structures on property adjacent to liquid storage that is provided by (1) a public fire department or (2) a private fire brigade maintained on the property adjacent to the liquid storage, either of which is capable of providing cooling water streams to protect the property adjacent to the liquid storage.				

TABLE 6		Distances for Use with Table 5 (Above)	
		<i>Minimum Distance (ft)</i>	
<i>Tank Capacity (gal)</i>		<i>From Property Line That Is or Can Be Built Upon, Including the Opposite Side of a Public Way</i>	<i>From Nearest Side of Any Public Way or from Nearest Important Building on the Same Property</i>
660 - 750		10	5
751 - 12,000		15	5
12,001 - 30,000		20	5
30,001 - 39,999		30	10

TABLE 7		Location of ASTs Storing Class IIIB Liquids	
		<i>Minimum Distance (ft)</i>	
<i>Tank Capacity (gal)</i>		<i>From Property Line That Is or Can Be Built Upon, Including the Opposite Side of a Public Way</i>	<i>From Nearest Side of Any Public Way or from Nearest Important Building on the Same Property</i>
12,000 or less		5	5
12,000 - 30,000		10	5
30,001 - 39,999		10	10

3-2-2-5 ASTs in Vaults

The provisions in this section apply only to ASTs installed after September 30, 1994.

- (a) There shall be no openings in the vault enclosure except those necessary for access to, inspection of, and filling, emptying, and venting of the tank. The walls and floor of the vault shall be constructed of reinforced concrete at least 6 inches (15 cm) thick. The top shall be constructed of non-combustible material constructed to be weaker than the walls. The top, floor, and tank foundation shall be designed to withstand the anticipated loading. The vault shall be substantially liquid tight (able to contain the product for enough time until any release therein can be cleaned up) and there shall be no backfill material around the tank. There shall be sufficient space between the tank and vault to allow for inspection of the tank and its appurtenances.
- (b) Each vault and its tank shall be suitably anchored to withstand uplifting by groundwater or flooding, including when the tank is empty.
- (c) A vault shall be designed to be wind and earthquake resistant in accordance with good engineering practice. The vault shall be resistant to damage from the impact of a motor vehicle, or suitable collision barriers shall be provided.
- (d) Each tank shall be in its own vault. Adjacent vaults may share a common wall.
- (e) Connections shall be provided to permit venting of each vault to dilute, disperse, and remove any vapors prior to personnel entering the vault.
- (f) Vaults that contain tanks of Class I liquids shall be provided with continuous ventilation at a rate of not less than 1 cubic foot per minute per square foot of floor area ($0.3\text{m}^3/\text{min}\text{-m}^2$), but not less than 150 cfm ($4\text{m}^3/\text{min}$). Failure of the exhaust air flow shall automatically shut down the dispensing system. The exhaust system shall be designed to provide air movement across all parts of the vault floor. Supply and exhaust ducts shall extend to within 3 in. (7.6 cm), but not more than 12 in. (30.5 cm), of the floor. The exhaust system shall be installed in accordance with the provisions of NFPA 91, *Standard for Exhaust Systems for Air Conveying of Materials*. Means shall be provided to automatically detect any flammable vapors and to automatically shut down the dispensing system upon detection of such flammable vapors in the exhaust duct at or above a concentration of 25 percent of the lower flammable limit.
- (g) Each vault shall be equipped with a detection system capable of detecting liquids, including water, and of activating an alarm.
- (h) Means shall be provided to recover liquid from the vault. If a pump is used to meet this requirement, the pump shall not be permanently installed in the vault. Electric powered portable pumps shall be suitable for use in Class I, Division 1 locations, as defined in NFPA 70, National Electrical Code.
- (i) Vent pipes that are provided for normal tank venting shall terminate at least 12 ft. (3.6m) above ground level.
- (j) Emergency vents shall be vapor tight and shall be permitted to discharge inside the vault. Long-bolt manhole covers shall not be permitted for this purpose.
- (k) Each vault shall be provided with a means for personnel entry. At each entry point, a warning sign indicating the need for procedures for safe entry into confined spaces shall be posted. Each entry point shall be secured against unauthorized entry and vandalism.
- (l) Each vault shall be provided with a suitable means to admit a fire suppression agent.

- (m) The interior of any vault containing a tank that stores a Class I liquid shall be designated a Class I, Division 1 location, as defined in NFPA 70, *National Electrical Code*.

3-2-2-6 Tanks Inside Buildings

Exception: Tanks storing Class IIIB liquids need not comply with these provisions.

Tanks shall not be permitted inside of buildings unless the storage of liquids in outside aboveground or underground tanks is not practical because of government regulations, temperature considerations or production considerations. Tanks may be permitted inside of buildings or structures only when permitted by the Director and only under the following conditions:

- (a) ASTs installed after September 30, 1994 inside buildings shall be permitted only in areas at or above grade that have adequate drainage and are separated from other parts of the building by construction having a fire resistance rating of at least 2 hours. Day tanks, running tanks, and surge tanks are permitted in process areas. Class I, Class II and Class IIIA liquids that may be heated above their flash points shall not be stored in basements. Openings to other rooms or buildings shall be provided with noncombustible liquid tight raised sills or ramps at least 4 in. (10 cm) in height, or the floor in the storage area shall be at least 4 in. (10 cm) below the surrounding floor. As a minimum, each opening shall be provided with a listed, self-closing 1 1/2-hr (B) fire door installed in accordance with the current versions of NFPA 80, *Standard for Fire Doors and Fire Windows*; NFPA 90A *Standard for the Installation of Air Conditioning and Ventilating Systems*, or NFPA 91, *Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying*. The room shall be constructed without floor drains and with seals between walls and floor of the room in order to contain the product in case of leakage or spillage from the tank.
- (1) Secondary containment tanks do not remove the requirement for the raised sills or ramps at openings to other rooms or buildings, or lowered floor requirements described in (a) above. An open-grated trench across the width of the opening inside of the room that drains to a safe location shall be permitted to be used as an alternative to a sill or ramp.
 - (2) The room shall be liquid tight where the walls join the floor and for at least 4 in. above the floor.
 - (3) Access aisles of at least 3 ft. width shall be maintained for movement of firefighting personnel and fire protection equipment.
- (b) Each connection to a tank inside buildings through which liquid can normally flow shall be provided with an internal or an external valve located as close as practicable to the shell of the tank; and connections for all tank openings shall be liquid tight.
- (c) Tanks for storage of Class I or Class II liquids inside buildings shall be provided with either:
- (1) A normally closed remotely activated valve,
 - (2) An automatic-closing heat-activated valve, or
 - (3) Another approved device on each liquid transfer connection below the liquid level, except for connections used for emergency disposal, to provide for quick cutoff of flow in the event of fire in the vicinity of the tank. This function can be incorporated in the valve required in subsection (b) above and, if a separate valve, shall be located adjacent to the valve required in subsection (b).
- (d) Vents for tanks inside of buildings shall be as required in 3-2-1(c), 3-2-1(d), 3-2-2-5, except that emergency venting by the use of weak roof seams on tanks shall not be permitted. Vents shall terminate outside the buildings.

- (1) Section 3-2-1(c)(5) requires that adequate ventilation exist to guarantee that flammable liquid vapors cannot build up to 25% percent or more of the lower flammable limit, including inside buildings.
- (e) Vent piping shall be constructed and equipped as in 3-2-1(b) and 3-2-1(c).
- (f) Openings for manual gauging of Class I or Class II liquids, if independent of the fill pipe, shall be provided with a vapor tight cap or cover. Openings shall be kept closed when not gauging. Each such opening for any liquid shall be protected against liquid overflow and possible vapor release by means of a spring-loaded check valve or other approved device. Substitutes for manual gauging include, but are not limited to, heavy-duty flat gauge glasses, magnetic, hydraulic, or hydrostatic remote reading devices, and sealed float gauges.
- (g) The inlet of the fill pipe and the outlet of a vapor recovery line for which connections are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 ft. (1.5 m) away from any building opening. Such connections shall be closed and tight when not in use and shall be properly identified.
- (h) Tanks storing Class I, Class II, and Class IIIA liquids inside buildings shall be equipped with a device, or other means shall be provided to prevent overflow into the building. Suitable devices include, but are not limited to, a float valve, a preset meter on the fill line, a valve actuated by the weight of the tank contents, a low head pump incapable of producing overflow, or a liquid tight overflow pipe at least one pipe size larger than the fill pipe, discharging by gravity back to the outside source of liquid or to an approved location.
- (i) Tank openings provided for purposes of vapor recovery shall be protected against possible vapor release by means of a spring-loaded check valve or dry-break connections, or other approved device, unless the opening is pipe-connected to a vapor processing system. Openings designed for combined fill and vapor recovery shall also be protected against vapor release unless connection of the liquid delivery line to the fill pipe simultaneously connects the vapor recovery line. All connections shall be vapor tight.

3-2-2-7 Separation from Propane ASTs

- (a) The minimum horizontal separation between an LP-Gas container and a Class I, Class II or Class IIIA liquid storage tank installed after September 30, 1994 shall be 20 ft (6 m). When flammable or combustible liquids storage tanks are within a diked area, the LP-Gas containers shall be outside the diked area and at least 10 ft (3 m) away from the centerline of the wall of the diked area. For all tanks, suitable measures shall be taken to prevent the accumulation of Class I, Class II, or Class IIIA liquids under adjacent LP-Gas containers such as by dikes, diversion curbs, or grading.
- (b) Subsection (a) shall not apply when LP-Gas containers of 125 gal (475 L) or less capacity are installed adjacent to fuel oil supply tanks of 660 gal (2498 L) or less capacity. No horizontal separation is required between aboveground LP-Gas containers and underground flammable and combustible liquids tanks installed in accordance with UST rules.

3-2-3 Installation, Upgrade, and Repairs

- (a) Application for Permit for ASTs
 - (1) An application must be submitted to and approved by the Director before beginning construction;
 - (i) On any new or used/reinstalled AST system that will store a regulated substance; or
 - (ii) Before beginning construction on any existing regulated substance AST system at a facility that is being upgraded to the standards described in these regulations or applicable statutes.

- (A) This requirement applies to alterations made to tanks, piping, or equipment affecting their operation, to containment (diking or impounding), and to the security provisions of 3-2-1(i)(5) or (6).

[Note: Where a tank will be moved from and returned to its original location in order to allow an alteration to its containment (e.g., changing from bare earthen diking to lined earth or concrete diking), or where a tank will be moved to a new location outside of its current footprint, a permanent closure must be performed in accordance with 3-4-2, and an application must be submitted for its reinstallation. For tanks installed before October 1, 1994 that will be moved from and returned to their original location, requests for variance from separation requirements of 3-2-2 that cannot be met must be made in writing at the time of application.]

(2) The application must include:

- (i) Site Plan - A dimensioned drawing of the facility, showing the name and address of the facility, the location of existing tanks and piping that will remain at the facility, as well as new tanks and piping proposed in the application, the location of dispensers and buildings at the facility, the location of loading/unloading facilities, the location of guard posts and fences, the location of property lines, and the location and names of streets adjacent to the facility; and
- (ii) A written application, using the form supplied by the Director, containing information about the proposed construction.

[Note: If a used AST will be installed/reinstalled, the requirements of 3-2-3(d) apply, and the results of the required inspections and testing must be submitted with the application.]

(b) AST Facility Inspections Required

- (1) Except in emergencies, if underground piping will be replaced or added to the AST system, the Director must be notified at least 72 hours prior to beginning the air pressure/soap solution test of the piping in order that an inspection of the system may be scheduled at that time. Emergency situations will be dealt with individually by the Director, possibly by delegation of the inspection.
- (2) The Director will make an inspection of the AST system, to verify that the facility was constructed according to plan. This inspection will be as detailed as practicable, but does not exempt the owner/operator from certifying that the installation was made according to all the requirements of these regulations. The owner/operator shall provide the Director with a 72 hour notice prior to the filling of the tank system.

(c) Denial or Revocation of Permit

- (1) An AST permit application may be denied or revoked if the AST installation or operation is not in conformance with these AST regulations or is not in conformance with all applicable sections of the National Fire Protection Association codes.
- (2) An AST permit may be denied or revoked if the AST permit application is not complete or is determined to be inaccurate.
- (3) An AST permit may be revoked if the AST installation or operation is not in conformance with the NFPA Codes in effect at the time of installation, and may be revoked for misrepresentation of facts in the application.

- (4) An AST permit may be revoked if an inspection by the Director reveals that the construction performed is not in accordance with the installation plan submitted for approval; and may be revoked for failure to meet the operating or fire safety rules established by these regulations or established by the various provisions of the NFPA Codes that apply to the AST facility.
- (5) An AST system permit is automatically revoked six months after the date of issue unless the Director grants an extension in writing.
- (6) Six months or later, after an AST permit is issued, the permit may be modified by subsequent statutory or regulatory changes.

(d) Reinstallation of ASTs

- (1) Used ASTs being installed to store a regulated substance must meet the following requirements:
 - (i) The AST itself must meet all of the fabrication, construction and performance requirements, and be equipped with all of the required equipment listed in 3-2 of these regulations.
 - (ii) The tank must be inspected per 3-3-4-2, and manufacturer reinstallation/relocation requirements.
 - (iii) The AST installation and registration requirements of 3-2-3 and 3-2-4.
 - (iv) Emergency relief vent devices must be tested and certified to be in good working order.

(e) Upgrading AST Systems

The deadlines for the upgrading of AST systems that existed prior to AST regulations being promulgated have expired. This section remains in this revision for historical reference.

- (1) On or before December 22, 1996, AST systems must meet the requirements of these regulations or permanently close the tanks in accordance with these regulations. The following requirements take effect December 22, 1996:
 - (i) Each AST must be sound and have an emergency relief venting device which is equivalent to those described in these regulations. The owner/operator is required to provide proof that the tank meets this requirement.
 - (ii) Secondary containment methods or devices must be provided and in regular use at the facility as described in 3-3-1.
 - (iii) The facility must meet the security requirements of 3-2-1(i).
- (2) By December 22, 1998 certain AST systems must be equipped with a solenoid valve or a vacuum-actuated shutoff valve, with a shear section as described in 3-2-1(g).

[Note: In applying these requirements, the following quotation will be carefully considered by the Director - "Existing plants, equipment, buildings, structures, and installations for the storage, handling or use of flammable or combustible liquids that are not in strict compliance with the terms of this code may be continued in use at the discretion of the Director provided they do not constitute a recognized hazard to life or adjoining property. The existence of a situation that might result in an explosion or sudden escalation of a fire, such as inadequate ventilation of confined spaces, lack of adequate emergency

venting of a tank, failure to fireproof the supports of elevated tanks, or lack of drainage or dikes to control spills, may constitute such a hazard."]

(f) Repairs Allowed

- (1) If an AST system is damaged, it must be repaired to meet applicable requirements, or be properly closed. Owners/operators of AST systems must ensure that repairs will prevent releases due to structural failure or corrosion as long as the AST system is used to store regulated substances.
- (2) The repairs must meet the following requirements:
 - (i) Repairs to AST systems must be properly conducted in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory. [Note: The following codes and standards may be used to comply with this section: National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code"; American Petroleum Institute Publication 2200, "Repairing Crude Oil, Liquefied Petroleum Gas, and Product Pipelines"];
 - (ii) Above ground metal pipe that has released product must be immediately repaired or replaced and appropriately tested. [Note: repaired piping that has previously contained flammable liquid must not be subjected to an air pressure test unless the piping has been completely cleaned and rendered vapor free]
 - (iii) Underground metal pipe sections and fittings connected to an AST that have released product as a result of corrosion or other damage must be replaced immediately and protected from future corrosion. Fiberglass pipes and fittings may be repaired in accordance with the equipment manufacturer's specifications.
 - (iv) Repaired AST underground piping must be tightness tested in accordance with 2-3-4-3(a)(2)(i) within 30 calendar days following the date of the completion of the repair. New replacement piping runs that have never contained product may be tested by an air pressure/soap bubble test at 1.5 times operating pressure if inspected and approved by the Director.
- (3) If a release of regulated substance is identified during repairs to AST system equipment, the owner/operator shall report the release according to Article 4.

3-2-4 AST System Registration and Transfer of Ownership

(a) Registration and Notification for ASTs.

- (1) AST Registration Required. All ASTs and facility data must be registered, re-registered or updated on a form provided by the Director, regardless of whether the ASTs and facilities are currently in service or in temporary closure, according to the following provisions:
 - (i) The registration form must be filled out as completely as possible by the owner/operator of the AST; and must include each tank owned or operated at the facility.
 - (ii) Owners/operators may provide notice for several tanks at a single facility using one notification form, but owners/operators who own or operate tanks located at more than one facility must file a separate notification form for each separate facility.

- (2) **Registration Timing.** Each owner/operator of an AST must register each AST with the Director as follows:
- (i) By July 1, 1993 if the tanks were not registered previously.
 - (ii) Within 30 calendar days after the first day on which any AST is actually used to contain a regulated substance.
 - (iii) This registration information must be updated within 30 calendar days after any additional tank construction, AST system upgrading, temporary or permanent closure, or changes in operation including a change of owner or operator, has been completed.
 - (iv) This registration must be renewed annually during the month designated by the Director, and during the same month in each succeeding year thereafter.
- (3) **Registration Fee Required.** The owner/operator is required to pay an annual registration fee in the amount allowed by the current state law for each regulated tank owned or operated, until the regulated AST is permanently closed as in 3-4-2 or until the owner/operator has instituted a change-in-service to a substance other than a regulated substance as in 3-4-3.
- (4) **Tank Vendor Responsibility.** Any person who sells a tank intended to be used as an AST must notify the purchaser of such tank of the purchaser's registration and registration fee obligations under this section.

Section 3-3 Operation

3-3-1 Spill and Overfill Protection

(a) General Requirements

- (1) After December 22, 1996, facilities shall be provided so that any accidental discharge of any Class I, II or IIIA liquids will be prevented from endangering important facilities, and adjoining property, or reaching waterways, as provided for in subsections (b) or (c) except that tanks storing Class IIIB liquids do not require special drainage or diking provisions for fire protection purposes.
- (2) Owners/operators of ASTs must ensure that releases due to spilling or overfilling do not occur. The owner/operator must ensure that the volume available in the tank is greater than the volume of product to be transferred to the tank before the transfer is made; and that the transfer operation is monitored constantly to prevent overfilling and spilling.
- (i) Where electronic or mechanical gauges are used for determining tank volume (ground-level tape gauges, clock face gauges, etc.), the gauge shall be calibrated annually, per manufacturer instructions. These calibrations shall be documented and maintained.
- (3) Spill and overfill prevention equipment is required for all ASTs installed after September 30, 1994. Means shall be provided for determining the liquid level in each tank and be accessible to the delivery operator. Specifically, for all ASTs installed after September 30, 1994 at service stations, and for all secondary containment type tanks without diking or impounding protection, the equipment shall automatically stop the delivery of liquid to the tank when the liquid level in the tank reaches 95 percent of capacity or sound an audible alarm when the liquid level in the tank reaches 90 percent of capacity.
- (4) Delivery operations shall comply with the following requirements:

- (i) The delivery vehicle shall be separated from any AST by at least 25 ft. (7.6 m) for class I liquids and by at least 15 ft. for class II and class III liquids, measured from the nearest fill spout or transfer connection.
- (ii) Tank filling shall not begin until the delivery operator has determined tank ullage (available capacity) based on direct liquid level measurement converted to gallons or some equivalent method.
 - (A) Where spill and overfill prevention equipment that will automatically stop the delivery of liquid to the tank or sound an audible alarm that can be heard by the delivery operator described in 3-3-1-(a)(3) does not exist, tank ullage and the amount of product delivered must be documented and maintained.
- (iii) For ASTs installed after September 30, 1994, a check valve and a shutoff valve with a quick-connect coupling or a check valve with a dry-break valve shall be installed in the piping at a point where connection and disconnection is made for delivery from the bulk delivery vehicle to the AST. This device shall be protected from tampering and physical damage.

(5) The owner/operator must report, investigate, and clean up any spills and overfills in accordance with Articles 4 and 5 of these Regulations.

(b) Remote Impounding.

Where protection of adjoining property or waterways is by means of drainage to a remote impounding area, so that impounded liquid will not be held against tanks, such systems shall comply with the following:

- (1) A slope of not less than 1 percent away from the tank shall be provided for at least 50 ft. toward the impounding area.
- (2) The impounding area shall have a net capacity not less than that of the largest tank that can drain into it plus an allowance for precipitation.
- (3) The route of the drainage system shall be so located that, if the liquids in the drainage system are ignited, the fire will not seriously expose tanks or adjoining property.
- (4) The confines of the impounding area shall be located so that, when filled to capacity, the liquid level will not be closer than 50 ft. from any property line that can be built upon, or from any tank.

(c) Impounding Around Tanks by Diking

Exception: Size and spacing requirements for dikes enclosing existing ASTs may be reduced or waived by the Director if he determines that there are equivalent safety measures at the facility.

When protection of adjoining property or waterways is by means of impounding by diking around the tanks, such system shall comply with the following:

- (1) For ASTs installed after September 30, 1994, a slope of not less than 1 percent away from the tank shall be provided for at least 50 ft. or to the dike base, whichever is less.
- (2) After December 22, 1996, the volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. To allow for volume occupied by tanks, the capacity of the diked area enclosing more than one tank shall be calculated after deducting the volume of the tanks, other than the largest tank, below the height of the dike.

- (3) For ASTs installed after September 30, 1994, to permit access, the outside base of the dike at ground level shall be no closer than 10 ft. to any property line that is, or can be, built upon.
 - (4) After December 22, 1996, walls of the diked area shall be of non-permeable earth, steel, concrete, or solid masonry designed to be liquid tight and to withstand a full hydrostatic head for enough time until any release therein can be cleaned up. For all AST dikes installed after September 30, 1994, the floor of the diked area must be impervious enough to contain the product for enough time until any release therein can be cleaned up. Earthen walls 3 ft. or more in height shall have a flat section at the top not less than 2 ft. wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed. Diked areas for tanks containing Class I liquids located in extremely porous soils may require special treatment to prevent seepage of hazardous quantities of liquids to low-lying areas or waterways in case of spills.
 - (5) Except as provided in subsection (6) below, the walls of the diked area shall be restricted to an average interior height of 6 ft. above interior grade.
 - (6) Dikes may be higher than an average of 6 ft. above interior grade where provisions are made for normal access and necessary emergency access to tanks, valves, and other equipment, and safe egress from the diked enclosure.
 - (i) Where the average height of the dike containing Class I liquids is over 12 ft high, measured from interior grade, or where the distance between any tank and the top inside edge of the dike wall is less than the height of the dike, provisions shall be made for normal operation of valves and access to tank roof without entering below the top of the dike. These provisions may be met through the use of remote-operated valves, elevated walkways, etc.
 - (ii) Piping passing through dike walls shall be designed to prevent excessive stresses as a result of settlement or fire exposure.
 - (iii) For ASTs installed after September 30, 1994, the minimum distance between tanks and toe of interior dike walls shall be 5 ft.
 - (7) Where provision is made for draining water from diked areas, such drains shall be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers, or public drains. Control of drainage shall be accessible under fire conditions from outside the dike.
 - (8) Storage of combustible materials, empty or full drums, or barrels, shall not be permitted within the diked area.
- (d) Secondary Containment Tanks may be installed without special drainage or diking if they are constructed to meet all the following requirements:
- (1) The capacity of the tank shall not exceed 12,000 gallons for Class I liquids or 20,000 gallons for Class II and IIIA liquids; and
 - (2) All piping connections to the tank are made above the normal maximum liquid level; and
 - (3) Means are provided to prevent the release of liquid from the tank by siphon flow; and
 - (4) The outer tank must contain a release from any portion of the inner tank within the outer wall; and
 - (5) For ASTs installed after September 30, 1994, spacing between adjacent tanks shall be not less than three (3) feet (0.9 M); and

- (6) Tanks that are not listed as UL 2085 Protected Tanks must be protected from collisions as described in 3-2-1(i); and
- (7) The system must prevent spills by being equipped with:
 - (i) A check valve and a shutoff valve with a quick-connect coupling or a check valve with a dry-break valve which is installed in the piping at a point where connection and disconnection is made for delivery from the vehicle to any AST; or
 - (ii) If the delivery hose is connected directly to the tank, the fill line at the tank shall be equipped with a tight-fill device for connecting the hose to the tank to prevent or contain any spill at the fill opening during delivery operations; and
- (8) ASTs must prevent overfills by means of equipment that will shut off liquid flow to the tank when the liquid level in the tank reaches 95% of capacity or sound an audible alarm when the liquid level in the tank reaches 90% of capacity.
- (e) Secondary containment areas must be maintained free of accumulations of water, leaves, weeds, flammable material, non U.L. listed tanks or drums, and anything else that might interfere with the containment purpose of such areas.

3-3-2 Corrosion Protection

- (a) Internal Corrosion Protection For ASTs Installed After September 30, 1994.

When ASTs installed after September 30, 1994, are not designed in accordance with the American Petroleum Institute, American Society of Mechanical Engineers, or the Underwriters Laboratories Inc. Standards, or if corrosion is anticipated beyond that provided for in the design formulas used, additional metal thickness or suitable protective coatings or linings shall be provided to compensate for the corrosion loss expected during the design life of the tank.

- (b) External Corrosion Protection for ASTs installed after September 30, 1994.

For those portions of an AST system installed after September 30, 1994, including the product pipelines that normally contain regulated substances and are in contact with the soil or with an electrolyte that may cause corrosion of the AST system, tanks and piping must be protected by either:

- (1) A properly engineered, installed and maintained cathodic protection system in accordance with recognized standards of design, such as:
 - (i) National Association of Corrosion Engineers Standard RP-01-69, "*Control of External Corrosion of Underground or Submerged Metallic Piping Systems*";
 - (ii) National Association of Corrosion Engineers Standard RP-02-85, "*Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems*"; or;
- (2) Approved or listed corrosion-resistant materials or systems, which may include special alloys, fiberglass reinforced plastic, or fiberglass reinforced plastic coatings.

- (c) External Coating of all Elevated Tanks.

For installations where tanks and piping are not in contact with soil or with an electrolyte, corrosion protection may consist of an appropriate external coating.

- (d) Cathodic Protection Requirements.

Owners/operators must comply with the following requirements to ensure that releases due to corrosion are prevented for as long as a cathodically protected AST system is used to store regulated substances:

- (1) All corrosion protection systems must be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain regulated substances and are in contact with the ground.
 - (2) Performance criteria - The criteria that are used to determine that cathodic protection is adequate as required by this section must be in accordance with a code of practice developed by a nationally recognized association.
 - (3) Periodic Inspections - AST systems with impressed current cathodic protection systems must be inspected every 60 calendar days to ensure that the equipment is running properly.
- (e) Tanks that are not cathodically protected must be tested within 5 years after October 1, 1994; and once every two years thereafter by either;
- (1) An external visual inspection, that includes the bottom of the tank, for corrosion or other visible damage; or
 - (2) A leakage test of any type approved by the Director; or
 - (3) An internal inspection for corrosion or other visible damage; or
 - (4) Comply with some other alternative test for corrosion or leakage as specified by and approved by the Director in the future.

3-3-3 Release Detection

- (a) General Requirements for all AST Systems.
- (1) ASTs that are not in contact with the ground or any electrolyte that might cause corrosion of the tank must be visually inspected at least once per month by operating personnel to detect any leakage from tank seams, connections, and fittings, including piping. Any such leakage must be repaired immediately and reported under the repair and reporting requirements of these regulations.
 - (2) ASTs, including metal supporting structures, that are in contact with the soil or that are in contact with an electrolyte that may promote corrosion of the tank must be inspected as in subsection (1) above and be protected from corrosion or tested periodically to prove that they are not seriously corroded, as described in 3-3-2(e).
 - (3) AST system piping that is not in contact with the soil or with an electrolyte that might cause corrosion of the piping must be inspected at least once each month to detect leakage from pipe seams, connections, and fittings. Any such leakage that may exceed the reportable quantity (25 gallons) must be repaired immediately and reported as in Article 4.
 - (4) Underground AST piping shall meet the release detection requirements in 2-3-4-3.
 - (i) Pressurized piping described in 3-2-1 (g)(1)(i) shall meet the release detection requirements (automatic leak detector and line tightness testing) in 2-3-4-3(a), except that where there is no pump installed between the tank and underground piping, the requirement for an automatic line leak detector in 2-3-4-3(a)(1) does not apply.

(ii) Suction piping described in 3-2-1(g)(1)(A) shall meet the release detection requirements in 2-3-4-3(b).

(5) Inventory control shall be performed and documented for all single-wall ASTs installed on earthen materials, and all ASTs connected to underground pressurized piping that is not being monitored for releases in accordance with 2-3-4-3(a)(2)(ii). Accurate daily inventory records shall be maintained and reconciled for all applicable storage tanks.

(b) Release Detection for Secondary Containment Tanks

Secondary Containment tanks that are installed without special drainage or diking according to 3-3-1(b) or (c) must be visually inspected at least once each month to ensure that there has been no failure of the outer wall of the secondary containment tank. An interstitial liquid detector or some other positive means of leak detection must be installed to detect leaks from the inner wall of the tank; and operation of that leak detector must be verified at least monthly. A record of the inspection must be maintained [See § 3-3-5].

(c) All AST system tank and piping fittings, connections, valves, auxiliary equipment that contains product, secondary containment areas, etc. must be maintained free of obstructions that would interfere with visual detection of leaks and spills.

3-3-4 Testing and Compliance Inspections

3-3-4-1 Testing

(a) Initial Testing

(1) All new ASTs shall be tested before they are placed in service in accordance with the requirements of the standard or code under which they were built.

(i) An AST marked with an approved listing is considered to be in compliance with this requirement, as the testing is part of the standard to which it was constructed. Tanks not marked with an approved listing shall be tested before they are placed in service in accordance with recognized engineering standards.

(b) Tightness Testing

(1) In addition to the initial testing of 3-3-4-1(a), all new and used tanks and connections shall be tested for tightness after installation/reinstallation and before being placed in service in accordance with manufacturer instructions, or NFPA 30 where no manufacturer instructions exist. This test shall be made at operating pressure with air, inert gas, or water.

(i) Air pressure shall not be used to test tanks that contain flammable or combustible liquids or vapors.

(ii) Where the vertical length of the fill and vent pipes is such that, when filled with liquid, the static head imposed on the bottom of the AST exceeds a gauge pressure of 10 psi, the tank and its related piping shall be tested hydrostatically to a pressure equal to the static head, using recognized engineering standards. Under no circumstances should the test pressure exceed the design pressure of the AST.

3-3-4-2 Inspections

(a) All steel ASTs shall be inspected and maintained in accordance with STI SP001, *Standard for the Inspection of Aboveground Storage Tanks*, or API Standard 653, *Tank Inspection, Repair, Alteration, and Reconstruction*, whichever is applicable.

(b) Monthly Visual Inspections

The owner/operator must conduct visual inspections of the tank system each month and document the results of the inspection on a form provided by the Director or on an equivalent form. These monthly visual inspections satisfy the requirements described in 3-3-3 (a)(1) through (3).

(c) Annual Visual Inspections

(1) Annual inspections of all steel ASTs shall be performed, documented, and retained according to the requirements of STI SP001.

(i) This inspection does not include ultrasonic testing (UT), and can be performed by an individual knowledgeable of storage facility operations, the type of AST and its associated components, and characteristics of the liquid stored.

(ii) Annual inspections shall be performed within 12 months after April 14, 2011, and during the same month in each year thereafter.

(d) Periodic Inspections

(1) External and internal inspections, and leak testing, shall be performed and documented according to the requirements of the standard being followed.

(i) These inspections shall be performed by inspectors meeting the qualifications required by the standard being followed.

(ii) The applicability and frequency of these inspections is determined by the AST type, capacity, type of installation, corrosion rate, inspection history, and standard being followed according to guidance provided by OPS.

(iii) For any new or used AST being installed, and all existing ASTs, the first inspections and testing required by this subsection are due as indicated in Table 8 below.

[Note: For Table 8, inspection frequency shall be determined based on the requirements in the selected inspection standard listed in (c)(1).]

TABLE 8		First External and Internal Inspections, and Leak Testing Due			
Type of AST	Age of AST	Previous inspections conducted?	Re-inspection due date is exceeded ?	The inspection is due	
AST Installations	New	at the time of installation is new	No	N/A	when the age of the AST = the inspection frequency
	Used	at the time of installation is \leq the inspection frequency	Yes	Yes	before installation **
	Used	at the time of installation is \leq the inspection frequency	Yes **	No	re-inspect per subsection (iv) below
	Used	at the time of installation is \leq the inspection frequency	No	N/A	when the age of the AST = the inspection frequency
	Used	at the time of installation is $>$ the inspection frequency	Yes	Yes	before installation **
	Used	at the time of installation is $>$ the inspection frequency	Yes **	No	re-inspect per subsection (iv) below
	Used	at the time of installation is $>$ the inspection frequency	No	N/A	before installation **
Existing	on 10/14/2012 is \leq the inspection frequency	Yes	Yes	before 10/14/2012	
Existing	on 10/14/2012 is \leq the inspection frequency	Yes	No	re-inspect per subsection (iv) below	
Existing	on 10/14/2012 is \leq the inspection frequency	No	N/A	when the age of the AST = the inspection frequency	
Existing	on 10/14/2012 is $>$ the inspection frequency	Yes	Yes	before 10/14/2012	
Existing	on 10/14/2012 is $>$ the inspection frequency	Yes	No	re-inspect per subsection (iv) below	
Existing	on 10/14/2012 is $>$ the inspection frequency	No	N/A	before 10/14/2012	

****A copy of the inspection report must be included with the installation application required by 3-2-3(a).**

(iv) Re-inspection of all ASTs shall occur in the same month as the previous inspection, during the next inspection year established by the applicable inspection frequency.

(e) The Director shall have authority to enter in or upon the premises of any facility that contains an AST system containing a regulated substance, for the purpose of verifying that such AST system and its required records are in compliance with these regulations.

3-3-5 Record Keeping

(a) Owners/operators must maintain the following records for an AST site as applicable:

- (1) Installation permits for newly installed tanks, reinstalled used tanks or permits for upgrading existing tanks must be maintained for 5 years.
- (2) Tank registration records or record of facility ID number retained until closure.
- (3) Records of repairs that have been performed within the last 5 years.
- (4) Monthly and annual visual inspection records of the AST system must be kept for one year. Formal inspection reports and supporting documents shall be retained for the life of the tank.
- (5) Most recent underground piping precision test records must be maintained.
- (6) Records showing the history of each AST in terms of which Class and type of product has been stored in that tank, shall be maintained for at least one year.
- (7) Electronic/mechanical tank gauge calibration documentation required by 3-3-1(a)(2)(i) must be kept for one year.
- (8) Tank ullage documentation required by 3-3-1(a)(4)(ii)(A) must be kept for one year.

- (9) Inventory control records required by 3-3-3(a)(5) must be kept for one year.
 - (10) Free product removal records must be maintained to document proper operation following any release of product within the last five years.
 - (11) Records showing the changes in status of tanks that have been temporarily closed at times then returned to service, should be maintained for at least two (2) years. Records need not be kept for tanks that have been permanently closed.
 - (12) Records of the operation of the cathodic protection system including results of 60-day inspection as required in 3-3-2 (d)(3).
- (b) Records must be maintained at the AST site and immediately available for inspection by the Director; or at a readily available alternative site and be provided for inspection within 24 hours to the Director upon request.
 - (c) Notwithstanding the above, to be eligible for the Fund, persons may be required to maintain the above or other records in accordance with Fund requirements.

Section 3-4 Closure of AST Systems

3-4-1 Temporary Closure

- (a) Owners/operators shall notify the Director in writing at least 10 calendar days prior to placing an AST system in temporary closure, and at that same time submit records documenting the prior 12 months of monthly visual inspections, inventory control, ullage records, piping release detection records, and corrosion protection testing (if applicable) for tanks and piping. In lieu of submitting these records, the owner/operator may conduct a tightness test of the tanks and underground piping, and complete a site assessment as required by the Director, and submit these results with the temporary closure notification.
- (b) Temporarily closed tanks must be emptied of liquid, rendered vapor free and safeguarded against trespassing by means of locked gates, fences etc. When an AST system is temporarily closed, owners/operators must continue the operation, maintenance, inspection, and testing of corrosion protection in accordance with these regulations. Because the tanks must be emptied, release detection is not required.
- (c) When an AST system is temporarily closed, vent lines must be left open and functioning. If the temporary closure period is 3 months or more, all pumps, manways, ancillary equipment and lines other than vent lines must be capped and secured, unless an alternate schedule is approved by the Director.
- (d) When an AST system is temporarily closed for more than 12 months, owners/operators must permanently close the AST system in accordance with 3-4-2, unless the Director provides a written extension of the 12-month temporary closure period. Before requesting this extension, owners/operators must complete a site assessment as required by the Director.
- (e) Owner/operators shall notify the Director in writing no more than 30 calendar days prior to placing an AST back in service, and at that same time submit corrosion protection records (if applicable) for the period of temporary closure, and documentation of passing tightness tests for the AST conducted within the past 30 calendar days. The owner/operator shall obtain passing tightness tests for underground lines immediately upon introduction of fuel into the lines and submit documentation of testing to the Director within 10 calendar days.
- (f) If an owner/operator operates a facility which has a specific period of time or season during the year when the tank system is empty, as described in (b) of this section, the requirements for maintaining corrosion protection and the following requirements below will apply:

- (1) The owner/operator shall notify the Director that the facility does include seasonal operation on a form provided by the Director. If this information changes, the owner/operator shall complete and submit the form to the Director.
- (2) The period may not exceed 6 consecutive months.
- (3) The owner/operator shall maintain manifest documentation completed during emptying of the tank.
- (4) At the end of the seasonal period, the owner/operator must conduct one of the following actions:
 - (i) Return the tank to service.
 - (ii) Place the tank into proper temporary closure. The owner/operator must notify the Director in writing within 10 calendar days, submit records according to (a) as applicable and complete requirements in (c) immediately.
 - (iii) Permanently close the tank as required by 3-4-2.

3-4-2 Permanent Closure

- (a) Owners/operators shall notify the Director in writing at least 10 calendar days prior to placing an AST system in permanent closure, and at that same time submit records documenting the prior 12 months of monthly visual inspections, inventory control, ullage records, piping release detection records, and corrosion protection testing (if applicable) for tanks and piping.

Exception: Records do not need to be submitted where they have already been submitted as part of placing the tank into temporary closure as required by 3-4-1.

- (b) Empty and clean the tank by removing all liquids and accumulated sludges as described in 3-4-5; and
- (c) Clean out and plug both ends of all connected piping; and
- (d) Remove all dispensers; and
- (e) Render all connected loading facilities completely inoperative; and
- (f) Safeguard the AST system from trespassing as described in 3-4-1, or remove the tanks from the facility; and

3-4-3 Change in Service

- (a) Continued use of an AST system to store a substance other than a regulated substance is considered a change-in-service. Before a change-in-service, owners/operators must empty and clean the tank, connected piping, and any other equipment that previously contained a regulated substance as described in 3-4-5; then notify the Director in writing of the change of service.

3-4-4 Site Assessment

- (a) Before an extension to temporary closure, permanent closure or a change-in-service is completed, or upon request by the Director for previously closed sites, owners/operators must measure for the presence of a release where contamination is most likely to be present at the site. In selecting sample types, sample locations, and measurement methods, owners/operators must consider the method of closure, the nature of the stored substance, the depth to groundwater, and other factors appropriate for identifying the presence of a release.

- (1) For assessments when the tank system is removed during permanent closure, the owner/operator must collect soil samples from beneath each tank, beneath each dispenser island, beneath areas of piping, and beneath any loading racks.
 - (2) For assessments when the tank system is left in-place during permanent closure, prior to placing the tank into temporary closure, or when there is a change-in-service, the owner/operator shall collect samples of the type and at locations as specified by the Director. Samples collected at all sites must be analyzed for individual chemicals of concern (COC) as described in 5-2.
- (b) If contaminated soils, contaminated groundwater, or free product as a liquid or vapor is discovered, owners/operators must report a release in accordance with Article 4.
- (c) If the tank closure assessment does not identify a release, the owner/operator must submit documentation of the assessment to the Director within 30 calendar days of the tank closure.

[Note 1: Permanently closed or non-regulated ASTs may be returned to active regulated substance service only after meeting the reinstallation rules described in 3-2-3(d).]

[Note 2: These closure rules are the minimum required in Colorado; they do not preempt local fire district rules, local building codes, or local zoning rules. In fire districts where the Uniform Fire Code is in effect, the fire district may require that temporarily closed ASTs be removed or demolished.]

[Note 3: The following procedures may be used to comply with 3-4:

- (A) American Petroleum Institute Publication 2015, "*Cleaning Petroleum Storage Tanks*";
- (B) American Petroleum Institute Publ. 2015A, "*Lead Hazard Associated with Tank Entry*";
- (C) American Petroleum Institute 2015B, "*Cleaning Open Top and Floating Roof Tanks*";
- (D) National Institute for Occupational Safety and Health "*Criteria for a Recommended Standard...Working in Confined Space*" may be used as guidance for conducting safe closures.]

3-4-5 Waste Handling

- (a) All liquids and accumulated sludges must be removed and disposed of according to the rules adopted pursuant to the Solid Waste Disposal Regulations and the Colorado Hazardous Waste Regulations adopted by the Colorado Department of Public Health and Environment.

Section 3-5 Oil Pollution Prevention - SPCC Plan

The US EPA's SPCC rule regulates non-transportation-related onshore and offshore facilities that could reasonably be expected to discharge oil into navigable waters of the United States or adjoining shorelines. It is the responsibility of the facility owner/operator to make the determination whether the facility is subject to the requirements of the SPCC rule. This determination is subject to review by the EPA's Regional Administrator. All requests for information regarding SPCC should be directed to the US EPA.

Compliance with the US EPA's SPCC rule is required. Documentation used to demonstrate compliance with the US EPA's SPCC rule may be used to demonstrate compliance with this section.

ARTICLE 4 RELEASE IDENTIFICATION AND REPORTING

Section 4-1 Suspected Releases

The following conditions require reporting of a suspected release from a regulated UST or AST system to the Director within 24 hours by telephone (303-318-8547) or facsimile (303-318-8546). If outside normal working hours or on a weekend and emergency assistance is needed, call the emergency response number (877-518-5608) at the Colorado Department of Public Health and Environment:

- (a) A failed line or tank tightness test.
- (b) Unusual operating conditions such as the erratic behavior of product dispensing equipment.
- (c) The presence of water in the tank if investigation results indicate the UST system is not liquid tight.
- (d) Inventory loss as indicated by the release detection method (unless the release detection equipment is found to be defective, is immediately repaired, and the correctly operating release detection equipment does not identify a loss of fuel).
- (e) Inconclusive or failed SIR results that are not overturned by the third-party SIR vendor within 24 hours of the receipt of the report from the vendor.
- (f) Identification of a regulated substance in secondary containment:
 - (1) Under dispenser container (UDC), sump containments, tank or line interstitial space, when that regulated substance is in contact with a penetration point or damage (crack) to containment equipment.
 - (2) Spill prevention devices (spill bucket), when that regulated substance is in contact with a damaged portion of the device, or when damage to the bottom of the device is identified and the device is free of liquid.
- (g) The discovery of released regulated substances at the site or in the surrounding area, such as the presence of contamination, free phase hydrocarbons, or vapors in soils, basements or utility lines, or the presence of contamination in surface, ground, well or drinking water when the source of the contamination is not known.

Section 4-2 Response to Suspected Releases

In response to a suspected release, the owner/operator shall:

- (a) Perform a system test that determines whether a leak exists in that portion of the tank system that routinely contains product (i.e. tanks and attached delivery piping) or secondary containment devices (e.g. under dispenser containment) that is suspected of releasing regulated substance. Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release. All system test results shall be submitted to the Director within 10 calendar days of the suspected release. If the system test has a failed result, a site check must be performed according to (b) of this section.
- (b) Perform a site check, if stained soils, soils with petroleum odors, or field screening readings is the basis for suspecting a release (4-1(g)). Owner/operators must collect soil and groundwater samples for laboratory analysis as described in 5-2(a). These samples must be collected from appropriate locations and depths in the vicinity of the suspected source(s) (i.e. tanks, lines, dispensers) to determine if a release to the environment has occurred. All site check results shall be submitted to the Director within 30 calendar days of the suspected release.

Section 4-3 Confirmed Releases

The following conditions require reporting of a confirmed release to the Director within 24 hours by telephone (303-318-8547) or facsimile (303-318-8546). If outside normal working hours or on a weekend and emergency assistance is needed, call the emergency response number (877-518-5608) at the Colorado Department of Public Health and Environment.

- (a) The site check or other sample analyses indicate a release (any detection of any chemical(s) of concern),
- (b) A released regulated substances at the site or in the surrounding area is observed, such as the presence of fuel outside of the storage tank system, identification of contamination during system repairs, installation, replacement or other sub-pavement work, the presence of contamination, free phase hydrocarbons or vapors in soils, basements or utility lines, or the presence of contamination in surface, ground, well or drinking water when the source of the contamination is known to be the owner/operator's UST or AST system, or
- (c) If a fuel spill or overfill of regulated substance of any volume is not cleaned up within 24 hours or if a fuel spill or overfill of regulated substance that exceeds 25 gallons is observed.

[Note: Pursuant to 40 CFR § 302.6 and 355.40, a release of a hazardous substance equal to or in excess of its reportable quantity must also be reported immediately (rather than within 24 hours) to the National Response Center under sections 12 and 1-3 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 and to appropriate state and local authorities under Title III of the Superfund Amendments and Reauthorization Act of 1986.]

ARTICLE 5 RELEASE RESPONSE

Section 5-1 Response to Confirmed Releases

The owner/operator of a regulated substance system ~~must~~shall, in response to a confirmed release, comply with the requirements of these regulations, which incorporate a risk-based corrective action (RBCA) approach. ~~Any work performed or required under these regulations does not automatically qualify the owner/operator for reimbursement from the Petroleum Storage Tank Fund (PSTF).~~ The obligation of the owner/operator responsible for the release remains with that owner/operator in the event that the tank system and/or ~~the~~ property changes ownership.

5-1-1 Acute human health hazards

Upon discovery of a regulated substance on ground surface or surface water, or if a regulated substance has the potential to create a fire, explosion, or acute health hazard, emergency response action ~~must~~shall be initiated immediately. ~~The owner/operator responsible for the release must:~~

~~(a)~~

The owner/operator responsible for the release shall:

(a) Identify and mitigate fire, explosion, vapor, and acute health hazards by contacting the local fire department or other first-responder and conducting other mitigation activities as capability allows; and

(b) ~~(b)~~ Identify and mitigate impacts to water supply wells, supply lines or surface intake;

(c) Initiate containment and removal of any free-phase hydrocarbons observed on the ground surface or surface water body; and

(d) Report identification of either (a), (b) or (c) of this subsection to OPS within 24 hours of discovery.

5-1-2 Chronic and secondary human health hazards and other environmental impacts

After abatement of any acute human health hazards, the owner/operator responsible for the release ~~must~~shall:

(a) ~~(a)~~ Take action to prevent any further release into the environment;

(b) ~~(b)~~ Repair/Identify the source of the release and repair, replace or upgrade the portion of the PST/petroleum storage tank system that ~~was the source of the release~~ failed;

(c) ~~(c)~~ Monitor and mitigate any health hazards posed by vapors or free-phase hydrocarbons that have entered into subsurface structures (such as sewers or basements); and

(d) ~~(d)~~ Remedy hazards posed by contaminated media that are excavated or exposed as a result of abatement activities. -The owner/operator must comply with applicable state and local requirements if these remedies include treatment or disposal of contaminated media.

Section 5-2 ~~Initial Site Risk Assessment~~Characterization

The purpose of ~~the Initial Site Risk Assessment~~site characterization is to ~~determine~~define the ~~severity and extent of~~ source area(s) of the release, ~~to determine the distribution of contamination in the subsurface, determine if POEs are impacted or potentially impacted,~~ evaluate ~~the potential~~all exposure

~~pathways and determine whether active remediation is required. Site characterization results must be submitted to OPS within 180 days of the release to impact Points of Exposure (POE) and to determine the site risk classification for discovery in the report format provided on the release. OPS website.~~

Upon confirmation of a release and completion of emergency response, the owner/operator ~~will:~~

~~(a) Evaluate on-site conditions and collect geologic and hydrogeologic data;~~

~~(1) Collect soil and groundwater samples from, at a minimum, shall complete the following locations: tasks.~~

~~(a) Define the presumed extent of the source area(s), the (topographically) downgradient) and determine the distribution and extent of sorbed, dissolved, vapor and free-phase contamination. Access must be obtained to off-site properties, including rights-of-way, if the extent of contamination extends beyond the release property boundary, and a location.~~

~~(1) Collect environmental samples to complete a triangular pattern to estimate a groundwater flow direction. If a separation between define the vertical extent of contamination in soil and the local groundwater table subsurface. Groundwater must be assessed unless there is observed, reason to believe that it is not impacted and with the concurrence of the Director. A quarterly monitoring program must be implemented upon installation of groundwater monitoring environmental wells may not be required, at the discretion of the Director.~~
~~(2)~~

~~(2) Laboratory analysis of samples shall be as follows:~~

~~(i)~~

~~(i) Soil samples:~~

~~(A)~~

~~(A) Benzene, toluene, ethyl benzene, xylenes (BTEX); and~~

~~(B)~~

~~(B) The appropriate range(s) of total petroleum hydrocarbons (TPH). The Petroleum Storage Tank Owner/Operator Guidance Document contains additional information regarding COCs, the required sampling protocols and procedures for the sampling and analysis of certain;~~

~~(C) Priority poly-nuclear aromatic hydrocarbons (PAHs) in the event that must be analyzed for from the sample with the highest TPH concentration if TPH exceeds the Tier 1 screening level (of 500 mg/Kg).kg; and~~

~~(ii)~~

~~(D) Other petroleum fuel additives or petroleum compounds that are suspected to have been released.~~

~~(ii) Groundwater samples:~~

~~(A) Benzene, toluene, ethyl benzene, xylenes (~~

~~(A) BTEX), methyl tertiary-butyl ether (MTBE); and~~

~~(B)~~

~~(B) The appropriate range(s) of total petroleum hydrocarbons (TPH). The Petroleum Storage Tank Owner/Operator Guidance Document contains additional information regarding COCs; and the required sampling protocols.~~

~~(iii) Other sample types and analyses as determined by the Director.~~

(3)

(C) Other petroleum fuel additives or regulated compounds that are suspected to have been released.

(iii) Soil vapor samples:

(A) Benzene.

(3) Identify ~~any~~all concentrations that are greater than relative to the Tier 1 risk-based screening levels (RBSLs) listed in Table 5-1.

Table 5-1. Tier 1 RBSLs.

Table 5-1 - Tier 1 Risk-Based Screening Levels (RBSLs)							
Media	Complete Exposure Pathway	Land Use	Benzene	Toluene	Ethyl-benzene	Xylenes	MTBE
Surficial Soil [mg/kg]	Ingestion/Dermal/Inhalation	Residential	2.8	4,000	2,100	10,000	N/A
		Industrial	6.8	31,000	16,000	90,000	N/A
Subsurface Soil [mg/kg]	Leachate to Groundwater Ingestion	Residential and Industrial	0.26	140	190	>Sat* or 260**	N/A
Soil Vapor [$\mu\text{g}/\text{m}^3$]	Indoor Air Inhalation	Residential	2,900	>VP	>VP	>VP	N/A
		Industrial	37,000	>VP	>VP	>VP	N/A
Groundwater [mg/l]	Indoor Air Inhalation	Residential	0.016	10	26	2.9	N/A
		Industrial	0.44	490	>Sol	140	N/A
Groundwater [mg/l]	Groundwater Ingestion	Residential and Industrial	0.005	1.0	0.7	10* or 1.4**	0.020

> VP Denotes that even at a concentration equal to the vapor pressure of the chemical, a hazard quotient of 1 is not exceeded.

~~> Sol Denotes that even at a concentration equal to the solubility of the chemical, a hazard quotient of 1 is not exceeded.~~

> Sat Denotes that even at a concentration equal to the saturation of the chemical, a hazard quotient of 1 is not exceeded.

N/A Not applicable. No established RBSL.

* This RBSL will be in effect for releases that occurred prior to September 14, 2004.

** This RBSL will be in effect for releases that occurred on or after September 14, 2004.

~~(4) Determine if free phase hydrocarbons are present on the groundwater table, and notify the Director within 24 hours if they are present. Abatement measures must be initiated and continue until the free phase hydrocarbons are removed to the extent practical. Technical and economic feasibility should be considered when selecting a method or methods of free phase hydrocarbon recovery.~~

~~(5) Survey the groundwater monitoring wells, identify groundwater elevations to determine the general~~

~~(b) Collect site-specific geologic and hydro-geologic data.~~

~~(1) Determine the predominant lithology in the unsaturated and saturated zones;~~

~~(2) Determine the depth to water, hydraulic gradient and groundwater flow direction and calculate a hydraulic gradient for the site.;~~

~~(6) Estimate a~~

~~(3) Determine the site-specific hydraulic conductivity using accepted industry standards or using data from another site in close proximity with similar lithology.;~~ and

~~(7) Conduct preliminary fate and transport modeling of groundwater contaminants (and of soil contaminants if applicable) to estimate the length of the contaminant plume and the potential for the plume to impact potential POEs. Where modeling input values are unknown, use Colorado default values provided in the Petroleum Storage Tank Owner/Operator Guidance Document.~~

~~(8) Based on the fate and transport modeling results, document offsite properties including rights-of-way that may need to be assessed to complete the site characterization and remediation activities. Offsite property access request efforts shall be initiated immediately.~~

~~(b) Report the results of the initial investigation in the Initial Site Risk Assessment report format provided on the OPS website within 60 calendar days of the release discovery. All reports required to be submitted by the owner/operator under these regulations must be submitted in the format specified by the Director unless otherwise determined by the Director.~~

Section 5-3 Monitoring Program

~~A monitoring and reporting program must be established and continue throughout the investigation and remediation phases of the project. Monitoring must be conducted on a quarterly basis and reports must be submitted within 60 days of monitoring event, unless an alternative schedule is approved by the Director.~~

Section 5-4 Site Characterization

~~The purpose of site characterization is to define the source of the release, determine the distribution of contamination in the subsurface, identify impacted or potential impact to POEs, to determine whether active remediation is required, and to calculate Site-Specific Target Levels (SSTLs) for on-site contamination. Upon completion of the Initial Risk Assessment, the owner/operator will:~~

~~(a) Determine distribution and extent of the contamination in all media;~~

~~(b) Collect site specific geologic and hydrogeologic data (e.g., hydraulic conductivity, flow direction, gradient, soil types,~~

~~(4) Evaluate other geologic conditions that influence groundwater flow);~~

~~(c) (c) Identify Evaluate all exposure pathways and identify impacted or potentially impacted POEs.;~~

~~(d) Evaluate the need for active remediation and calculate Site-Specific Target Levels~~

~~(d) Calculate Tier II site-specific target levels (SSTLs) for on-site contamination; and evaluate the need for active remediation.~~

~~(e)~~

~~(e) Obtain concurrence of the Director that active remediation is warranted and conduct appropriate pilot testing.;~~

~~(f) Report results according to Table 5-2.~~

Table 5-2. Site Characterization Report Due Dates.

Site Risk Classification	Immediate Threat 4.1-4.6	High Threat 2.1-2.5, 2a1-2a.2	Moderate Threat 2.6-2.7, 3.1-3.4	Low Threat 4.1-4.3
SCR Due Date*	≤120 calendar days from release discovery	≤150 calendar days from release discovery	≤180 calendar days from release discovery	≤210 calendar days from release discovery

*Site Characterization Report due dates will be based upon the maximum Site Risk Classification (i.e. lowest classification number) since the release was discovered. The Site Risk Classification can be determined by completing the Site Risk Classification checklist in the Petroleum Storage Tank Owner/Operator Guidance Document. For example, a site that mitigates explosive vapors will retain a "High Risk" classification for Site Characterization Report deadline purposes.

Section 5-53 Corrective Action

To remediate contamination identified during site characterization, the owner/operator shall develop and implement a Corrective Action Plan (CAP). The purpose of the CAP is to develop an approach to reach cleanup goals of less than Tier ~~1~~ RBSLs at the impacted POEs and to Tier II SSTLs on-site and calculate the time frame to achieve the cleanup goals. A completed CAP report must be submitted to OPS within 60 days of the request in the report format provided on the OPS website. Proposed scope of work costs must be presented if the release event is eligible for reimbursement from the PSTF.

~~(a)~~ ~~(a)~~ Upon OPS approval of the Site Characterization Report and with OPS concurrence that:

~~(1)~~

(1) Active remedial action is not warranted, the owner/operator ~~will~~shall:

~~(i)~~ ~~(i)~~ Calculate the time frame to achieve the remediation goals; utilizing site-specific natural attenuation rates;

~~(ii)~~ ~~Present an implementation schedule.~~

~~(ii)~~ ~~(iii)~~ Present milestones to evaluate the ~~remediation~~natural attenuation progress; and

~~(iii)~~ ~~(iv)~~ Present a monitoring and reporting schedule.

~~(v)~~ ~~Present the costs to implement the CAP if the release event is eligible for reimbursement from the Petroleum Storage Tank Fund.~~

~~(vi)~~ ~~Submit the CAP within 60 calendar days of the request or according to the OPS-approved submittal schedule.~~

(2) ~~(2)~~ Active remedial action is warranted, the owner/operator ~~will~~shall:

~~(i)~~ ~~(i)~~ Extrapolate the pilot test data to prepare a full-scale remediation design;:

~~(ii)~~ ~~Complete (i) through (vi) of subsection (1) above.~~

~~(ii)~~ ~~(b)~~ Upon approval of Calculate the CAP or as directed by time frame to achieve the Director, the remediation goals;

(iii) Present an implementation schedule;

(iv) Present milestones to evaluate remediation progress; and

(v) Present a monitoring and reporting schedule.

(b) The owner/operator must implement the CAP ~~within 90 calendar days from its approval~~ ~~or immediately~~ in accordance with the implementation schedule of the approved CAP ~~-, or as directed by the Director.~~ The owner/operator must report the results of CAP implementation in accordance with a schedule and in a format approved by the Director. Any deviation from the approved CAP, including schedule revisions, must be approved by the Director.

Section 5-~~64~~ No Further Action Request

The owner/operator may request No Further Action (NFA) for a release when the owner/operator can demonstrate that contamination is at concentrations ~~less than Tier I RBSLs at any and that are~~ protective of human health and the environment at all POE(s) and that data collected confirms no future risk according to the RBCA process. ~~NFA can be requested under Tier I and Tier II closure criteria at any time when the conditions are met. Tier III and Tier IV closure criteria will only be considered after corrective action measures have been implemented, contamination has been removed to the maximum extent practicable and all other closure conditions are met.~~

~~An~~ NFA determination will be based on the empirical data provided, fate and transport modeling, current property use, and exposure to known contamination. ~~Upon an NFA determination, OPS will not require any further investigation or remedial action. The release event may be re-opened if subsequent information indicates a change in exposure scenarios.~~ OPS cannot release the owner or operator from any liability that may be associated with any contamination at or from this site.

~~OPS must be contacted~~ In order to reduce the potential for risk of exposure to contamination, the owner/operator must contact OPS immediately if the function of the property is modified for a different use and the new use does not include dispensing of petroleum products ~~in order to reduce the potential for risk of exposure to contamination.~~

ARTICLE 6 ENFORCEMENT

Section 6-1 Enforcement Program

The Director provides these regulations to assist owners/operators with safe and proper operation of regulated storage tank systems. When a facility is found to be out of compliance with these regulations (7 C.C.R. § 1101-14) and/or statutes (C.R.S. § 8-20 and 8-20.5), the Director will pursue enforcement actions against the owner/operator. The enforcement process will include requiring the owner/operator to make repairs and/or upgrades, perform system tests, keep records, and other actions to bring the facility back into compliance. During and following the enforcement process, the Director will continue to assist the owner/operator to remain in compliance. The enforcement process may include monetary penalties up to five thousand dollars (\$5,000) per tank per day according to statute (C.R.S. § 8-20.5-107) if the enforcement obligations are not implemented according to the required schedule. Additionally, reductions to reimbursement amounts may be applied in accordance with Article 8.

6-1-1 Notice of Violation

- (a) The Director may issue a Notice of Violation (NOV) when an owner/operator does not fully respond to actions as required by the Director:
 - (1) Request for records.
 - (2) Requested actions as indicated by Director's inspector.
 - (3) Request for reports or information regarding release identification or response.
- (b) The Director may issue a NOV upon the discovery of a significant violation that poses an imminent threat to human health or safety or to the environment.
- (c) Within ten (10) working days after a NOV has been issued, the owner/operator may file a written request with the Division Director for an informal conference regarding the NOV. If the owner/operator does not request an informal conference within this time frame, all provisions of the NOV shall become final and not subject to further discussion. If the NOV is not resolved within the time frame prescribed in the NOV, the Division Director may seek judicial enforcement of the NOV, or an Enforcement Order may be issued.

6-1-2 Enforcement Order

- (a) An Enforcement Order may be issued when the violations included within a NOV or Settlement Agreement are not resolved within the prescribed time frame. The Enforcement Order may include increased fines up to five thousand dollars (\$5,000) per tank for each day of violation. In addition, the Enforcement Order may include Delivery Prohibition (Section 6-2).
- (b) Within ten (10) working days after an Enforcement Order has been issued, the owner/operator may file a written request with the Executive Director (or designee) for an informal conference regarding the Enforcement Order. If the owner/operator does not request an informal conference within this time-frame, all provisions of the Enforcement Order shall become final and not subject to further discussion. If the Enforcement Order is not resolved within the prescribed time frame, the Director may then seek judicial enforcement of the Enforcement Order.

6-1-3 Informal Conference

- (a) Upon receipt of the request, the Director shall provide the owner/operator with notice of the date, time and place of the informal conference. The Director shall preside at the informal conference,

during which the owner/operator and OPS personnel may present information and arguments regarding the allegations and requirements of the NOV or the Enforcement Order.

- (b) Within twenty working days after the informal conference, the Director shall issue a Settlement Agreement in which the issues from the NOV and/or Enforcement Order will be upheld, modified or stricken. The Settlement Agreement will include a schedule of required activity for resolution of the violations. If the terms and/or schedule in the Settlement Agreement are not satisfied, either an Enforcement Order will be issued, re-issued, or the Director may seek judicial enforcement.
- (c) The Settlement Agreement issued by the Director may be appealed within twenty working days to the Executive Director of the department. The Executive Director may either conduct the hearing personally or appoint an administrative law judge from the office of administrative courts in the department of personnel to conduct the hearing.

Section 6-2 Underground Storage Tank Delivery Prohibition

Delivery prohibition is an enforcement action prohibiting the delivery, deposit, or acceptance of product to an UST that has been determined by OPS to be ineligible for such delivery, deposit, or acceptance. For purposes of this section, the term "UST" means those tanks that satisfy the definition of UST in C.R.S. §8-20.5-101, except for those tanks identified in §8-20.5-101 17(b) and as defined in 2-1-1(b) as excluded or deferred storage tanks. These requirements apply to regulated substance USTs. OPS will prohibit delivery, deposit, or acceptance of product on an individual UST basis, instead of to every UST at a facility, except if warranted.

UST owners/operators and product deliverers are responsible for not delivering, depositing, or accepting product to a UST identified by OPS as ineligible to receive product.

6-2-1 Criteria for Delivery Prohibition

- (a) Field Inspection: OPS shall prohibit delivery, deposit, or acceptance of product during an inspection if any of the following conditions exist.
 - (1) Required spill prevention equipment is not installed or functional.
 - (2) Required overfill protection equipment is not installed, or functional.
 - (3) Required leak detection equipment is not installed, or functional.
 - (4) Required corrosion protection equipment is not installed or functional.
 - (5) Failure to register or maintain current registration on an UST.
 - (6) Upon the discovery of a significant violation that poses an imminent threat to human health or safety or the environment. In addition to delivery prohibition, OPS may also require the removal of product from the tank:
- (b) Enforcement Notice: OPS shall prohibit delivery, deposit, or acceptance of product if the owner/operator of that tank has been issued a written warning or citation (Settlement Agreement or Notice of Violation per C.R.S. § 8-20.5-107) under any of the following circumstances and the owner/operator has failed to take corrective action within the requested time frame.
 - (1) Inability to demonstrate proper operation and/or maintenance of leak detection equipment.
 - (2) Inability to demonstrate proper operation and/or maintenance of spill, overfill, or corrosion protection equipment.

- (3) Discovery of a significant violation that poses an imminent threat to human health or safety, or to the environment. In addition to delivery prohibition, OPS may also require the removal of product from the tank.

6-2-2 Red Tag Mechanisms Used to Identify Ineligible USTs

Upon determination that any of the criteria for delivery prohibition have been met, including the discovery of a significant violation that poses an imminent threat to human health or safety or the environment, OPS will attach a red tag to each fill pipe of the ineligible UST clearly identifying the tank as ineligible for delivery, deposit, or acceptance of product. Before affixing a red tag to the fill pipe of an UST system, OPS shall document the level of stored product in the tank.

- (a) The red tag will be attached to the fill pipe using a tamper-resistant wire seal so that the tag is visible to any person attempting to deliver a regulated substance to the UST.
- (b) The tag shall be red in color and made of plastic or other durable and damage resistant material and shall bear the following information:
 - (1) The following wording, printed in white at the top of the tag in all capital letters in at least 36 point bold-faced type: "DELIVERY PROHIBITED!"
 - (2) The following wording, printed in white below the wording described in subsection (b)(1) in at least 16 point type: "Delivering a regulated substance, or removing, defacing, altering, or otherwise tampering with this tag may result in civil penalties of up to \$5000 per day."
 - (3) Printed below the wording described in subsection (b)(2), the following wording in at least 16 point type: "If you have questions call OPS (303) 318-8547"
 - (4) Following the wording described above, there shall be a blank area at least 1/2 inch wide by four inches long in which the OPS inspector shall, at the time of placement, write legibly in permanent ink the date, facility identification number, product type, and the inspector's initials.

No owner or operator of a facility or delivery person may deposit or allow the deposit of a regulated substance into an UST system that has a red tag affixed to the system's fill pipe. Unless authorized by OPS, no person shall remove, deface, alter, or otherwise tamper with a red tag such that the information contained on the tag is not legible.

6-2-3 Notification Processes For UST Owners/Operators and Product Deliverers

- (a) Immediately after affixing a red tag, OPS shall notify the operator, if present on site, of the significant violation(s) for which the red tag was issued, along with a written report noting the violations. OPS shall also request current owner/operator contact information for future notifications.
- (b) Within 24 hours of affixing a red tag, OPS shall notify the owner in writing of the significant violation(s) for which the red tag was issued.
- (c) Within 24 hours of affixing a red tag, OPS shall add the red tagged tank(s) to the OPS website list of facilities that have delivery prohibitions.
- (d) If a permit is required by OPS in order to correct one or more significant violations identified, OPS shall, to the extent feasible, expedite its review and issuance of such permit(s).

6-2-4 Reclassifying Ineligible USTs as Eligible to Receive Product

- (a) Upon notification by the owner or operator documenting to the satisfaction of OPS that there was not a significant violation or the significant violation has been corrected, or an emergency condition

as described in 6-2-6 exists, OPS shall provide verbal and written authorization to the owner or operator to remove the red tag. If OPS disputes the notification provided by the owner or operator, then the procedural provisions of C.R.S. § 8-20.5-107 shall apply, except that the owner/operator may request and be entitled to an informal conference with the Director within three working days. A delivery prohibition required by a red tag shall remain in effect during the time that the procedural provisions of C.R.S. § 8-20.5-107 are invoked, unless the owner or operator requests and the Director grants a stay of the effect of the red tag.

- (b) By close of business (5pm) on that same day, OPS will also remove that tank from the OPS website list of facilities that have delivery prohibitions.
- (c) OPS may inspect the UST system within five working days of notification to determine whether the system continues to be in significant violation, regardless of whether it has authorized removal of the red tag by the owner or operator. If, upon inspection, OPS determines that the system is no longer in significant violation and it has not already authorized removal of the red tag, OPS shall immediately remove the red tag.
- (d) Upon removing a red tag from an UST system, OPS shall document the level of stored product in the tank. If the owner or operator removes a red tag pursuant to written authorization by the field inspector, the owner or operator shall document the level of stored product in the tank immediately after removing the red tag.
- (e) A red tag that has been removed by the owner or operator shall be returned to the OPS within five working days, or sooner if requested by the field inspector.

6-2-5 Delivery Prohibition Deferral in Rural and Remote Areas

OPS may decide not to identify an UST as ineligible for delivery, deposit, or acceptance of product if such a prohibition would jeopardize the availability of, or access to, motor fuel in any rural and remote areas. However, OPS shall only defer application of delivery prohibition for 30 calendar days after determining that an UST is ineligible for delivery, deposit, or acceptance of product.

6-2-6 Delivery Prohibition Deferral in Emergency Situations

In emergency situations, the Director may decide not to identify an UST as ineligible for delivery, deposit, or acceptance of product if such a prohibition is not in the best interest of the public, even in the cases of significant and/or sustained noncompliance. In such emergency situations, OPS shall only defer application of delivery prohibition for up to 180 calendar days after determining an UST is ineligible for delivery, deposit, or acceptance of product.

6-2-7 Removal of Red Tag from Emergency Generator Tank Systems

OPS may remove or authorize the removal of a red tag from an emergency generator tank system before a significant violation has been corrected if OPS determines that an emergency situation exists requiring operation of the system and the delivery of petroleum is necessary for the continued operation of the system during the emergency.

ARTICLE 7 FINANCIAL RESPONSIBILITY REQUIREMENTS FOR OWNERS/OPERATORS OF PETROLEUM UNDERGROUND STORAGE TANKS

Section 7-1 Applicability

- (a) Owners and operators of petroleum underground storage tanks are required to demonstrate compliance with the financial responsibility (FR) requirements in federal regulations by any of the mechanisms described in 40 CFR 280.94 through 280.103. Per C.R.S. § 8-20.5-206, FR is required for underground storage tanks. Approved mechanisms per these Colorado regulations are described later in this article. FR is intended to ensure that adequate monies are available in the event of an accidental release from a petroleum storage tank system to provide for cleanup of the release (corrective action) and to potentially compensate impacted third parties for bodily injury and property damage resulting from the release. According to 40 CFR 280.93, the amount of FR required ranges from \$500,000 up to \$2 million depending on the type of facility, monthly throughput of petroleum product and number of tanks. If an owner or operator cannot meet the required deductible amounts listed in Article 8, another FR mechanism must be identified and obtained in order for the owner or operator to remain in compliance and continue operation of the storage tank system.
- (b) This FR requirement applies to the following:
- (1) Owners/operators of all petroleum UST systems except as otherwise provided in this section.
 - (2) If the owner and operator of a petroleum UST are separate persons, only one person is required to demonstrate FR; however, both persons are jointly liable for release cleanup and third-party damages, if neither person complies with Article 7.
- (c) This FR requirement does not apply to the following:
- (1) State and federal government entities whose debts and liabilities are the debts and liabilities of a state or the United States.
 - (2) Owners/operators of any UST system described in 2-1.

Section 7-2 Financial Responsibility Mechanisms

Mechanisms to satisfy FR as described in 7-1 are listed below:

- (a) 40 CFR Part 280.101 designates state funds as an approved mechanism. The Colorado Petroleum Storage Tank Fund, referred to in this section as the "Fund", is an EPA approved Fund to provide FR to tank owners and operators in the State of Colorado. Moneys in the Fund, created pursuant to section C.R.S. § 8-20.5-103, may be used by certain owners and operators of petroleum storage tanks to demonstrate their compliance with the FR requirements in federal regulations.
- (b) Owners and operators not eligible for access to the Fund shall be solely responsible for securing independent financial assistance, but may use any federally approved financial assurance mechanism identified in 40 C.F.R. 280.94 through 280.103 to help fund the cost of complying with such requirements. These federally approved mechanisms are as follows.
- (1) Financial Test of Self-Insurance.
 - (i) An owner/operator may satisfy the requirements of C.R.S. § 8-20.5-206 by passing a financial test as specified in this section. To pass the financial test of self-insurance, the owner/operator's net worth must be based on year-end financial statements for the latest fiscal year.

- (ii) The fiscal year-end financial statements of the owner/operator must be examined by an independent certified public accountant and be submitted along with the accountant's report of the examination.
- (iii) The owner/operator's year-end financial statements must not include an adverse auditor's opinion, a disclaimer of opinion, or a "going concern" qualification.
- (iv) To demonstrate that it meets the financial test under this subsection the chief financial officer of the owner/operator must sign, within 120 calendar days of the close of each financial reporting year, a letter stating that the owner/operator has met the financial test for self-insurance covering USTs at the facilities listed. The letter must contain a list of the facilities covered, and the following information must be provided for each facility: the name and address of the facility, the number of tanks at the facility, the size of each tank and the regulated substance contained in each tank.
- (v) If an owner/operator using the test to provide FR finds that he or she no longer meets the requirements of the financial test based on the year-end financial statements, the owner/operator must obtain alternate coverage as described in this article within 150 calendar days of the end of the year for which financial statements have been prepared or within 30 calendar days of the date of the financial statement, whichever is earlier.
- (vi) The Director may require reports of financial condition from the owner/operator at any time. If the Director finds, on the basis of such reports or other information, that the owner/operator no longer meets the financial test requirements of this subsection, the owner/operator must obtain alternate coverage within 30 calendar days after notification of such a finding.
- (vii) If the owner/operator fails to obtain alternate FR within 60 calendar days of finding that he or she no longer meets the requirements of the financial test based on the year-end financial statements, or within 30 calendar days of notification by the Director that he or she no longer meets the requirements of the financial test, the owner/operator must notify the Director of such failure within 10 calendar days.

(2) Insurance Coverage.

- (i) An owner/operator may satisfy the requirements of C.R.S. § 8-20.5-206 by obtaining a liability insurance policy that conforms to the requirements of this section from a qualified insurer or risk retention group.
- (ii) If the policy contains any type of deductible, the policy must state that the insurer will be liable for such deductible amount in the event of a default by the owner/operator.
- (iii) Each insurance policy must be issued by an insurer that is authorized to transact the business of insurance or authorized to provide insurance as an excess or surplus lines insurer in Colorado. The insurer must be in compliance with all applicable regulations, policies and procedures of the Colorado Division of Insurance.
- (iv) Each owner/operator must obtain a certificate of insurance from the insurer showing the name and address of each covered location, the policy number, period of coverage, name and address of the insurer and the name and address of the insured for each facility covered by insurance. In the policy, the insurer must certify the following with respect to the insurance described herein.

- (A) Bankruptcy or insolvency of the insured shall not relieve the insurer of its obligations under the policy to which this certificate applies.
- (B) When requested by the Director, the insurer agrees to furnish a signed duplicate original of the policy.
- (C) Notice of cancellation of the insurance by the insurer must be sent to the Director and to the insured at least 60 calendar days prior to the effective date of the cancellation of the insurance. However, if the cancellation is based on one or more of the following reasons, then such notice may be sent less than 60 calendar days prior to the effective date of the cancellation of the insurance: fraud; material misrepresentation; nonpayment of premium; or any other reason approved by the Commissioner of Insurance.
- (D) The insurance covers claims for any occurrence that commenced during the term of the policy that is discovered and reported to the insurer within six months of the effective date of the cancellation or other termination of the policy.

(3) Letter of Credit.

- (i) An owner/operator may satisfy the requirements of C.R.S. § 8-20.5-206 by obtaining an irrevocable letter of credit that conforms to the requirements of this section. The issuing institution must be an entity that has the authority to issue letters of credit in Colorado and whose letter of credit operations are regulated and examined by the Colorado Department of Regulatory Agencies.
- (ii) The letter of credit must be irrevocable for a term specified by the issuing institution. The letter of credit must provide that credit be automatically renewed for the same term as the original term, unless, at least 90 calendar days before the current expiration date, the issuing institution notifies the Director by certified mail of its decision not to renew the letter of credit. Under the terms of the letter of credit, the 90 calendar days will begin on the date when the Director receives the notice, as evidenced by the return receipt.
- (iii) The letter of credit must be payable to the Director and may be drawn on to cover corrective action and/or compensating third parties for bodily injury and property damage caused by accidental releases arising from operating the UST(s) identified in the letter of credit.
- (iv) The letter of credit must list the name(s) and address(es) of the covered facility(ies) where the tanks are located, the number of tanks at each facility and the regulated substances contained by the tanks at each facility.

(4) Trust Fund.

- (i) An owner/operator may satisfy the requirements of C.R.S. § 8-20.5-206 by establishing a trust fund that conforms to the requirements of this section. The trustee must be an entity that has the authority to act as a trustee and whose trust operations are regulated and examined by the Colorado Department of Regulatory Agencies.
- (ii) The trust fund, when established, must be funded for the full required amount of coverage.

- (iii) The trustee must be instructed to disburse funds from the trust fund to pay the costs of corrective action and/or third-party bodily injury and property damage only as directed or approved by the Director.

(5) Certificate of Deposit or Other Secured Financial Instrument.

A certificate of deposit or another financial instrument secured by an agency of Colorado or the US Government may be used to satisfy the requirements of C.R.S. § 8-20.5-206 provided that such financial instrument is made payable to the Director. Any interest or dividends payable by such instrument may be made payable to the owner/operator using this method of assuring FR. This financial instrument will be returned to the owner/operator by the Director only after the instrument has been replaced by an alternate FR mechanism or the owner/operator is released from the FR requirement under 7-3(f) below.

Section 7-3 Maintenance of Financial Responsibility

(a) Substitution of FR Mechanisms.

- (1) An owner/operator may use any alternate FR mechanism specified above provided that at all times the owner/operator maintains an effective FR mechanism that satisfies the requirements of C.R.S. § 8-20.5-206.
- (2) After obtaining alternate FR as specified in this Article 7, an owner/operator may cancel a prior FR mechanism by providing notice to the provider of FR.

(b) Cancellation by a Provider of FR.

If a provider of FR cancels or fails to renew for reasons other than incapacity of the provider as specified in subsection (c) below, the owner/operator must obtain alternate coverage within 60 calendar days after receipt of the notice of termination. If the owner/operator fails to obtain alternate coverage within 60 calendar days after receipt of the notice of termination, the owner/operator must notify the Director of such failure and submit:

- (1) The name and address of the provider of FR;
- (2) The effective date of termination; and
- (3) The evidence of the FR mechanism subject to termination, maintained in accordance with subsection (d).

(c) Reporting by Owner/Operator.

- (1) An owner/operator must submit current evidence of FR to the Director:
 - (i) Within 30 calendar days after the owner/operator identifies a release from an UST, which is required to be reported under Article 4.
 - (ii) Within 30 calendar days after the owner/operator receives notice of any of the following and fails to obtain alternate coverage as required by Article 7.
 - (A) Commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), US Code, naming a provider of FR as a debtor;
 - (B) Suspension or revocation of the authority of a provider of financial responsibility to issue a FR mechanism; or
 - (C) Any other incapacity of a provider of FR. or

- (iii) As required by 7-2(b)(1) (vii) and 7-3 (b).
 - (2) An owner/operator must certify compliance with the FR requirements of Article 7 as specified in the new tank registration form when notifying the Director of the installation of a new UST under 2-2-3(f)(3).
 - (3) The Director may require an owner/operator to submit evidence of FR as described in subsection (d)(2) or other information relevant to compliance with Article 7 at any time.
- (d) Record keeping.
- (1) Owners/operators must maintain evidence of all FR mechanisms used to demonstrate financial responsibility for an UST until released under subsection (f). An owner/operator must maintain such evidence at the site or at the owner's or operator's place of business. Records maintained off-site must be made available upon request by the Director.
 - (2) An owner/operator must maintain the following types of evidence of FR:
 - (i) An owner/operator using a financial test of self-insurance must maintain a copy of the chief financial officer's letter based on year-end financial statements for the most recent financial reporting year. Such evidence must be on file no later than 120 calendar days after the close of the financial reporting year or 30 calendar days from the date of the financial statement, whichever is earlier.
 - (ii) An owner/operator using a letter of credit must maintain a copy of the signed agreement and copies of any amendments to the agreement.
 - (iii) An owner/operator using an insurance policy must maintain a copy of the signed insurance policy, the certificate of insurance specified in subsection 7-2(b)(2)(iv) and any amendments to the policy.
- (e) Drawing on FR Mechanisms.
- (1) The Director shall require the insurer, trustee, or institution issuing a letter of credit or certificate of deposit to make available the amount of funds stipulated by the Director, up to the limit of funds provided by the financial responsibility mechanism if:
 - (i) The owner/operator fails to establish alternate FR within 60 calendar days after receiving notice of cancellation of insurance, letter of credit, or other FR mechanism; and
 - (ii) The Director determines or suspects that a release from an UST covered by the mechanism has occurred and so notifies the owner/operator or the owner/operator has notified the Director of a release from an UST covered by the mechanism.
 - (2) The Director may draw on these available funds when:
 - (i) The Director makes a final determination that a release has occurred and immediate or long term corrective action for the release is needed, and the owner/operator, after appropriate notice and opportunity to comply, has not conducted corrective action as required; or
 - (ii) The Director has received either:
 - (A) Certification from the owner/operator, and the third-party liability claimant(s) and from the attorneys representing the owner/operator and the third-party liability claimant(s) that a third-party liability claim should be paid; or

- (B) A valid final court order establishing a judgment against the owner/operator for bodily injury or property damage caused by an accidental release from an UST covered by FR under Article 7; and the Director determines that the owner/operator has not satisfied the judgment.
- (f) Release from the Requirements. An owner/operator is no longer required to maintain FR under Article 7 for an UST after any necessary corrective action has been completed and the tank has been properly closed as required by these regulations.
- (g) Bankruptcy or Other Incapacity of Owner/Operator or Provider of FR.
 - (1) Within 10 calendar days after the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), US Code, naming an owner/operator as debtor, the owner/operator must notify the Director by certified mail of such commencement and submit a list of all affected UST facilities.
 - (2) An owner/operator will be deemed to be without the required FR in the event of a bankruptcy or incapacity of its provider of FR, or a suspension or revocation of the authority of the provider of FR to issue an insurance policy, letter of credit, or other FR mechanism. The owner/operator must obtain alternate FR as specified in Article 7 within 30 calendar days after receiving notice of such an event. If the owner/operator does not obtain alternate coverage within 30 calendar days after such notification, the owner/operator must notify the Director immediately.
- (h) Reestablishment of FR.
 - (1) Whenever the required amount of FR has been reduced by payment of claims due to a release at any facility, and the owner/operator is responsible for another facility or other facilities then the owner/operator must immediately reestablish the ability to pay the required amounts for any release at the other facility(ies).
 - (2) Whenever the required amount of FR for the owner/operator of a single facility has been reduced by payment of claims due to a release at a facility and the period of corrective action for that release has been completed, the owner/operator must then immediately reestablish the required amount of FR.

ARTICLE 8 PETROLEUM STORAGE TANK FUND

Section 8-1 Eligibility

- (a) Only the following persons are potentially eligible for reimbursement from the Fund, provided they meet the other criteria:
- (1) The current owner/operator of a regulated UST or AST system;
 - (2) Any past owner/operator of a regulated UST or AST system; or
 - (3) Other persons considered not responsible for the release as set forth in C.R.S. § 8-20.5-206 (3)(a) through (e) and CRS 8-20.5-303 (3)(a) through (e).
- (b) Insurance companies or their agents are not eligible to make claims against the fund.
- (c) An applicant making any claim against the Fund shall be held accountable for compliance with the following requirements.
- (1) Each applicant must meet the owner/operator criteria for corrective action as established by the Director.
 - (2) When required by the Director, an owner/operator must demonstrate that accurate and complete records are maintained that confirm a release detected on or after July 1, 1989, except for those releases discussed in 8-1(g).
 - (3) Each owner/operator must have registered the tank(s) and paid the current and past annual tank registration fees. Payment penalties and percent reductions may be imposed by the Committee for non-payment or late payment of registration fees for each petroleum storage tank owned.
 - (4) Each owner/operator must have paid the environmental response surcharge applied to petroleum products in Colorado and must not be in default on any obligation caused by the environmental response surcharge.
 - (5) Each owner/operator must be in substantial compliance (as determined by the Committee) with all Colorado laws and regulations that address the handling, storage, record keeping, and dispensing of regulated substances, including but not limited to C.R.S. § 8-20-230, 8-20-231, all of 8-20.5, and Code 30 and Code 30A of the NFPA, to be eligible for participation in the Fund.
 - (6) Each owner/operator must demonstrate evidence of FR of \$10,000 for corrective action and \$25,000 for compensation of third-party personal injury or property damage through the mechanisms or combination of the mechanisms contained in the financial responsibility established by the Director and in C.R.S. Sections 8-20.5-206 and 303.
 - (7) Each owner/operator must demonstrate that allowable costs have exceeded the deductible (as described in subsection (6)) for assessment and corrective action per C.R.S. § 8-20.5-208, 209, and 304.
 - (8) Each owner/operator must comply with the criteria for reporting of a release to the Director, including but not limited to C.R.S. § 8-20.5-208.

- (d) A mortgagee making any claim against the Fund shall comply with the following requirements:
- (1) A mortgagee whose mortgage or deed of trust is dated before September 30, 1995 is eligible to participate in the Fund if the mortgagee has acquired, by foreclosure or receipt of a deed in lieu of foreclosure, the property on which the petroleum tank system is located and each of the following conditions has been met:
 - (i) The mortgagee has not actively managed the property during the period that it held a security interest;
 - (ii) The mortgagee has notified the Director of his/her acquisition of the property by certified mail (return receipt requested) or other documented delivery within 30 working days of the acquisition, if acquired after September 30, 1995;
 - (iii) The mortgagee has complied with all applicable corrective action requirements; and
 - (iv) The mortgagee is not affiliated with or related to the mortgagor.
 - (2) A mortgagee whose mortgage or deed of trust is dated on or after September 30, 1995, is eligible to participate in the Fund if the mortgagee meets all provisions of subsection (1) above and has a Certificate of Eligibility issued pursuant to subsection (3) below. There must be an operating petroleum storage tank system, which is not orphaned or abandoned, on the property at the time a Certificate of Eligibility is issued. A Certificate of Eligibility may be issued at any time before foreclosure or receipt of a deed in lieu of foreclosure; however, if the certificate is issued prior to the loan closing, the certificate will only be effective upon closing. A Certificate of Eligibility will not cover contamination detected on a property before the Certificate of Eligibility is issued.
 - (3) A Certificate of Eligibility may be issued to a mortgagee if the site is in compliance with all applicable laws, a Petroleum Storage Tank Status Sheet has been properly completed, and one of the following conditions has been satisfied:
 - (i) For a petroleum UST system:
 - (A) Documentation has been provided to the Director showing that all petroleum storage tanks and tank lines at the site passed a tightness test no more than 60 calendar days prior to the completion of the Petroleum Storage Tank Status Sheet; or
 - (B) Documentation has been provided to the Director showing tanks and lines at the site are monitored by a properly installed and operating third-party certified monthly monitoring device; or
 - (C) Documentation has been provided to the Director showing that an environmental site assessment performed no more than 60 calendar days prior to completion of the Petroleum Storage Tank Status Sheet indicates the site does not require site characterization or corrective action.
 - (ii) For an AST system, documentation has been provided to the Director showing that all underground lines at the site passed a tightness test no more than 60 calendar days prior to completion of the Petroleum Storage Tank Status Sheet and:
 - (A) The AST system meets the standards in 3-2-3(e) if installed before October 1, 1994;
 - (B) The AST system meets the standards for ASTs installed after September 30, 1994; or

(C) Documentation has been provided to the Director showing that an environmental site assessment performed no more than 60 calendar days prior to completion of the Petroleum Storage Tank Status Sheet indicates the site does not require initial site characterization or corrective action.

(4) A mortgagee who is eligible to participate in the Fund pursuant to these regulations may sell the property and transfer the Certificate of Eligibility to the buyer. The buyer may participate in the Fund pursuant to C.R.S. § 8-20.5-206 (3) and 303 (3) C.R.S., provided that:

(i) The buyer is not a former tank owner/operator of the site or an affiliate or relation to such a former tank owner/operator;

(ii) The buyer, within three months of acquiring the property from the mortgagee, completes and submits to the Director sufficient documentation to show that the site is in compliance with applicable regulations; or, within three months of acquiring the property, the Director approves a plan, submitted by the buyer, showing how and when the site will be brought into compliance; and,

(iii) Within six months of acquiring the property, the buyer either provides documentation to the Director showing that an environmental site assessment indicates the site does not require initial site characterization or corrective action, in which case the transferred Certificate of Eligibility is no longer a valid document; or, provides to the Director documentation that petroleum contamination is present on the property, in which case the transferred Certificate of Eligibility remains valid for the balance of the remediation, provided such remediation is conducted pursuant to Colorado statutes and regulations.

(e) Eligible Releases

Only releases satisfying all of the following criteria shall be considered eligible:

- (1) The release must be accidental in nature;
- (2) The storage tanks and related piping are regulated under these regulations and contain petroleum product regulated by these regulations;
- (3) Subject to any Committee policies on reimbursement, the Director has approved the design for corrective action at the site; and
- (4) Subject to any Committee policies on reimbursement, the Director has determined that the corrective action has, or when completed will have, adequately addressed the release in terms of protecting public health, welfare and the environment.

(f) Releases Not Eligible

Releases with the following criteria shall be considered not eligible:

- (1) Releases from USTs and ASTs used to store petroleum products intended for aviation purposes.
- (2) Releases from USTs and ASTs used to store petroleum products intended for use by railroad equipment or locomotives.
- (3) Releases from USTs and ASTs that are exempt or deferred in 2-1-1(b) and (c) and 3-1(b).

- (4) Releases at sites on the National Priorities List (NPL) or sites being cleaned up by the State under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). Owners and operators of tanks containing regulated substances other than petroleum are not eligible to the Fund but must demonstrate FR using some other approved FR mechanism.

(g) Eligibility of Expenses

- (1) Only expenses incurred on or after July 1, 1989 are potentially eligible for reimbursement. All expenses incurred before July 1, 1989 are not eligible for reimbursement.
- (2) For releases detected on or after December 22, 1988 but before July 1, 1989, expenses incurred on or after July 1, 1989, are potentially eligible for reimbursement only if the original application was submitted before January 1, 1992. This January 1, 1992 deadline does not apply to applicants determined to bear no responsibility for the release pursuant to statute.
- (3) Expenses related to releases detected before December 22, 1988 are not eligible for reimbursement.
- (4) Expenses related to tanks closed in place or removed before December 22, 1988 are not eligible for reimbursement. This December 22, 1988 deadline does not apply to applicants determined to bear no responsibility for the release pursuant to statute.

(h) In addition to the above, the following subsections apply to all ASTs,

- (1) The Director will make positive eligibility recommendations to the Committee for facilities that were in operation prior to October 1, 1994 provided that:
 - (i) Existing ASTs were installed and operated in substantial compliance with the applicable statutes and regulations that were in effect at the time the tank system was installed; and
 - (ii) Existing ASTs that were required to prepare and implement a "Spill Prevention, Control and Countermeasures" (SPCC) plan as specified in the 40 CFR Part 112 were in substantial compliance with that requirement.

[Note: Installation and operating rules can be found in NFPA Codes 30 and 30A that were in effect at the time of installation.]

- (2) The Director will also make positive eligibility recommendations to the Committee for facilities that were in operation prior to October 1, 1994, that are not able to demonstrate 100% compliance with the regulations in effect at the time the ASTs were installed, provided that:
 - (i) There are no serious safety violations, and the safety concerns listed here are satisfied.
 - (A) Adequate ventilation, either natural or forced must exist to guarantee that flammable liquid vapors cannot build up to 25% of the lower flammable limit anywhere because of the presence of the tank facility in question.
 - (B) Normal vent lines must be of sufficient capacity to ensure that no fuel drop will cause the pressure inside the tank to exceed the test pressure. A spark arrester cap is required at the end of the vent line and it must be located "in the clear" and at least 12 feet above ground level.

- (C) A label such as U.L. 142, UL ABOVEGROUND TANK, or equivalent must be attached to the tank to verify that it meets the emergency relief venting requirement of NFPA 30.
 - (D) Adequate spill control, overflow prevention control, and secondary containment methods or devices must be provided and in regular use at the facility; and
- (ii) A SPCC plan, if required for the facility, has been developed, approved and followed.
- (3) The Director will consider closure of a facility and/or removal of non-compliant tanks to be a mitigating factor in making the recommendation to the Committee.
 - (4) Nothing herein shall be construed to prevent the Committee from imposing percentage reductions upon applicants who are in substantial compliance with regulations but not in total compliance.

Section 8-2 Reimbursement

- (a) The owner/operator of the petroleum storage tanks from which a release has occurred, or another person eligible pursuant to statute, and for which corrective action has been performed, or his duly authorized agent; may file an application for reimbursement.
- (b) An application for reimbursement shall include a completed application form provided by the Director and shall contain the following:
 - (1) Legible copies of invoices according to the format required by the Director.
 - (2) The application shall provide proof of payment of invoices as follows:
 - (i) The amounts shown on the invoices for which reimbursement is requested have been paid in full by the applicant according to one of the following methods;
 - (A) Business receipts, indicating payments received;
 - (B) Fronts and backs of cancelled checks;
 - (C) The certification of a certified public accountant that the expenses for which reimbursement is requested have been paid in full;
 - (D) Provided the parties are unaffiliated and unrelated, a notarized affidavit signed by the person that performed the corrective action affirming that the amounts which the applicant represents as being paid were paid in full; or
 - (ii) Provided the parties are unaffiliated and unrelated, a notarized affidavit stating that the invoices relative to the referenced application for reimbursement from the Fund will be paid in full by the applicant upon receipt of the reimbursement in accordance with a promissory agreement.
 - (3) Any other information which the Committee may reasonably require.
- (c) Subject to Committee policies regarding reimbursement, all applicants must comply with all corrective action requirements and a corrective action plan (including a technical and economic feasibility summary) must be approved before costs, associated with the corrective action, are eligible. The applicant can be required to provide proof that all corrective action requirements have been met.

- (d) The applicant may file the application at any phase of the corrective action subject to any policies adopted by the Committee.
- (e) Incomplete submittals shall suspend processing of applications.
- (f) Technical information may be required by the Committee or the Director as part of any application for reimbursement:
 - (1) A detailed account of what corrective action has been taken, why specific actions were taken, when, by whom, and with what results.
 - (2) An estimate of other corrective action measures that may be required to remediate the facility and the estimated time required to complete such measures.
 - (3) Line and tank tightness tests, release detection and release prevention records. These records may include time periods ranging from six months to three years prior to a release or detection of contamination.
 - (4) Documentation that a release being cleaned up is not a new release requiring payment of a separate deductible, if the Director or the Committee has any information indicating a separate release may have occurred.
- (g) Applications for reimbursement shall be submitted according to the electronic format and location as required by the Director and by hard copy to:

Petroleum Storage Tank Committee
Department of Labor and Employment
Division of Oil and Public Safety
633 17th St, Ste 500
Denver, CO 80202-3610

- (h) The date of filing of any document shall be the receipt date stamped on the document.

Section 8-3 Allowable Costs

- (a) Allowable costs are those costs and expenses which arise directly from the performance of necessary corrective action in accordance with the requirements of the Director and are deemed reasonable by the Committee subject to the limitations prescribed by this section.
- (b) Allowable costs shall include but not be limited to the following:
 - (1) Abatement of impacts and immediate threats of impact to human health, safety, and the environment;
 - (2) Temporary provision of a water supply utilized specifically for domestic consumption;
 - (3) Collection and analysis of surface and subsurface soil and water, free phase hydrocarbons, and vapor samples;
 - (4) Emplacement of soil borings and/or monitor wells for remediation purposes;
 - (5) Removal, storage, treatment, recycling, transport, and disposal of free phase hydrocarbons, vapors, contaminated soils, contaminated water in accordance with applicable laws;
 - (6) Removal and disposal (including transport) of soils and pavement where removal is necessary to the performance of corrective action;

- (7) Identification and testing of affected or potentially affected drinking water sources;
- (8) Design of plans for site assessment and remediation;
- (9) Permitting, acquisition, installation, startup, operation and maintenance of site assessment and remediation systems, including monitoring;
- (10) Temporary relocation of utility structures when necessary to the performance of corrective action;
- (11) Preparation of technical reports required pursuant to the requirements of these regulations;
- (12) The fair market value of access to property outside of the facility boundaries where such access is necessary for the performance of corrective action;
- (13) Performance of any corrective action measure, which is specifically required by a section of these regulations, or an order of the Director, or a written request or confirmation by the Committee;
- (14) Equipment costs which are related solely to remediation. If the costs of the equipment is reimbursed by the Fund, when the equipment is no longer needed any salvage value of the equipment shall be returned to the Fund.
- (15) Bodily injury or property damage suffered by third parties.
- (16) Any other costs determined by the Committee to be allowable in accordance with the provisions of these regulations.
- (17) Costs associated with preparing and filing an application for reimbursement not to exceed 1% of the net allowable reimbursement per application up to a maximum of \$2,000 per event.

Section 8-4 Unallowable Costs

- (a) Costs and expenses which are not applicable to the performance of necessary corrective action in accordance with the requirements of the Director or are deemed unreasonable by the Committee are unallowable for reimbursement.
- (b) The following types of costs are not allowable for reimbursement.
 - (1) The cost of replacement, repair, maintenance, testing and upgrading of affected tanks and associated piping.
 - (2) The loss of income or profits, including without limitation, the loss of business income arising out of the review, processing, or payment of an application or request for assistance under these regulations.
 - (3) Decreased property values.
 - (4) Bodily injury or property damage except for injuries or damages suffered by third parties.
 - (5) Fees for legal services.
 - (6) Any costs associated with prosecuting an application for reimbursement under these regulations.
 - (7) The costs of making improvements to the facility beyond those that are required for corrective action.

- (8) Costs, including those associated with contamination assessments performed, for any purpose, where no corrective action is required by Colorado statutes and regulations.
 - (9) Costs of compiling and storing records.
 - (10) Any activities, including those required by these regulations, which are not conducted in compliance with applicable state and federal environmental laws, including laws relating to the transport and disposal of waste.
 - (11) Penalties or payment for damages assessed by the Committee, Director, the Department of Public Health and Environment, and/or the Federal government.
 - (12) At the Committee's sole discretion, claims for reimbursement relating to a tank owned or operated by a person who has been convicted of a violation of any law or rule that relates to the installation, operation, or management of petroleum storage tanks.
 - (13) Costs in excess of those considered reasonable by the Committee.
 - (14) At the Committee's sole discretion, cleanup costs resulting from negligence or misconduct on the part of the owner/operator or applicant.
 - (15) Subject to Committee policy, costs incurred during the closure of a tank.
 - (16) Costs for the rental of equipment owned by the applicant if the equipment was previously reimbursed by the Fund.
 - (17) Interest paid on loans.
 - (18) Costs that are a part of normal business expenses (i.e. insurance charges).
- (c) Any attempt by an applicant to claim reimbursement under circumstances when the applicant knew or should have known (this includes knowledge held by the applicant's environmental consultant) that some or all costs would be unallowed authorizes the Committee to reduce otherwise allowable costs submitted by the applicant (whether on the same or a different application). Any reduction imposed under this section shall be equal to the amount of the unallowed costs. This subsection applies only to the unallowed costs in subsections 8-4(b)(1), (6), (7), (8), (11), (15) and (16) above and only to applications received after March 1, 1997.

Section 8-5 Committee Review of Application

- (a) The Committee shall review each eligible original application received and make a determination of reimbursement, inform the applicant of its determination and, as appropriate, reimburse the applicant from the Fund.
- (b) Prior to approval of reimbursement, the Committee shall affirmatively determine that:
 - (1) Requested reimbursement expenses are:
 - (i) Eligible costs;
 - (ii) Reasonable as determined by the Committee;
 - (iii) Actually, necessarily incurred for the preparation or implementation of a corrective action plan approved by the Director or for eligible third-party damages.
 - (2) The applicant is:
 - (i) Eligible for reimbursement; and

- (ii) In substantial compliance with all applicable rules and regulations.
- (c) An application which does not contain all of the information required, may be rejected by the Committee, without prejudice. Rejection of the application by the Committee does not prevent the applicant from filing another application for the same release.
- (d) The Committee is not required to commence the substantive review of an application until receipt of all information required from the applicant and the Director determines the application is properly and fully completed.
- (e) If during the course of the substantive review, additional information of the type required by these regulations is needed to evaluate the application, the applicant may be required to provide such additional information. Further review of the application may be suspended until such information is received.
- (f) The Committee's approval of the proposed corrective action(s) shall not be considered a finding or guarantee of safety or effectiveness of the plan(s). Nothing in these regulations shall be construed to abrogate or limit the immunity or exemption from civil liability of any agency, entity or person under any statute including the Colorado Governmental Immunity Act, Article 10 of Title 24 or C.R.S. § 13 21 108.5.
- (g) The approval and disbursement of funds by the Fund and/or Committee does not constitute transfer of ownership of any contaminated soils, equipment, or related items relating to corrective action. Ownership of any and all items relating to corrective action will remain the property of the applicant.
- (h) Multiple releases at a facility may be considered by the Committee either as single or separate releases to make the most efficient use of the Fund or to provide the most effective protection to human health or the environment.

Section 8-6 Fund Payment Report

- (a) Upon completion of the review of an application, the Committee shall prepare a Fund Payment Report (FPR) indicating which of the applicant's costs the Committee believes should be reimbursed and which costs should not be reimbursed. If the Committee finds that any cost should not be paid to the full amount requested, it shall briefly state the reasons in its report. The Committee shall submit a copy of its report to the applicant.
- (b) The applicant shall review the FPR and shall, if dissatisfied with any facts therein, file a written protest with the Committee within 60 calendar days of the date of the FPR. If the applicant does not file a written protest within the 60 calendar days, the applicant will have waived his/her right to object to anything covered by the FPR. After the 60 calendar days, everything regarding the application, including the amount of reimbursement and percentage reductions (including any reductions applicable to future applications), will be deemed final. However, costs determined to be not eligible cannot be protested.
- (c) The protest of the FPR must be signed by the applicant and contain any information required by the Committee or the Director, including a clear statement of each item which the applicant disputes on the FPR.
- (d) The protest shall be submitted on a form provided by the Committee or the Director.

Section 8-7 Miscellaneous Regulations

- (a) Nothing in these regulations precludes the Committee or the Director from issuing orders, assessing administrative penalties, or taking any other action permitted by law against any person for violation of any statute, regulation or order.

- (b) Nothing in these regulations changes the responsibilities of an owner/operator of a storage tank to respond to a release of regulated substances or to comply with any other state or Federal requirements, statutes, regulations or orders.
- (c) No person shall knowingly submit false information to the Committee as part of any materials required to be submitted under these regulations.
- (d) If an applicant owes money to the Fund or to the Director, including but not limited to penalties or past due registration fees, or owes money to any other State agency via the Vendor Offset Subsystem pursuant to CRS § 24-30-202.4, the amount owed will be deducted from any proposed reimbursement amount to the applicant.

ARTICLE 9 PETROLEUM CLEANUP AND REDEVELOPMENT FUND (REDEVELOPMENT FUND)

Section 9-1 Redevelopment Fund Purpose

The Redevelopment Fund is administered by OPS.

(a) The Redevelopment Fund will enable investigation and cleanup of petroleum contamination at petroleum storage tank sites that are not eligible for reimbursement from the Petroleum Storage Tank Fund (PSTF). Cleaning up these sites will minimize risk to Colorado's groundwater resources and enhance the potential for these properties to be redeveloped or reused.

(b) Redevelopment Fund monies are available in the form of reimbursement to property owners upon completion of one or more of the following approved activities:

- (1) Petroleum UST removal.
- (2) Site assessment to determine if contamination from petroleum storage tanks is present on the property (Level I activity).
- (3) Site characterization if petroleum contamination is discovered on the property (Level II activity).
- (4) Cleanup of the petroleum contamination (Level III activity).

(c) This article includes sections pertaining to eligibility criteria, eligible activities, the application and funding process, establishing project costs and required cost-matching for assessment and cleanup actions. Additionally, this article defines the mechanism for distributing monies from the Redevelopment Fund.

Section 9-2 Eligibility Criteria

(a) Eligibility to participate in the Redevelopment Fund is dependent on the applicant satisfying all of the following criteria:

- (1) Applicant is the current property owner.
- (2) Applicant can provide evidence that petroleum storage tanks are present or existed on the property.
- (3) Applicant is not eligible for reimbursement from the PSTF.
- (4) Applicant has a plan for redevelopment or reuse of the property.

Section 9-3 Eligible Activities

(a) Petroleum UST Removal

- (1) Approved applicants shall be eligible for up to \$2,000 in reimbursement of direct costs associated with each petroleum UST removed.
- (2) Requests for reimbursement can be made at any time following the documented completion of the tank removal.

(b) Level I Site Assessment

- (1) The Level I site assessment to measure for the presence of a petroleum release from a storage tank system is considered an eligible activity. To meet the requirement to obtain a NFA determination, the petroleum storage tank area, product line and dispenser locations must be evaluated.
- (2) All proposed work conducted in Level I must be clearly identified in a project work plan prior to beginning the assessment activities. The work plan shall include a budget projection and estimated project completion timeline. Work plans shall be submitted prior to conducting Level I activities.
- (3) All approved applicants shall be responsible for 10% of the Level I site assessment costs, which will be deducted from the reimbursement award.
- (4) The maximum amount payable from the Redevelopment Fund for a Level I site assessment is \$20,000.

(c) Level II Site Characterization

- (1) The Level II site characterization to establish the extent of petroleum contamination that exceeds the current OPS Tier 1 RBSLs and a simple activity, such as limited excavation of petroleum-impacted soils or the development of a cleanup corrective action plan, are considered eligible activities.
- (2) All proposed work conducted in Level II must be clearly identified in a project work plan prior to beginning the characterization activities. The work plan shall include a budget projection and estimated project completion timeline. Work plans shall be submitted prior to conducting Level II activities.
- (3) All approved applicants shall be responsible for 10% of the Level II site characterization costs, which will be deducted from the reimbursement award.
- (4) The maximum amount payable from the Redevelopment Fund for a Level II site characterization is \$30,000.

(d) Level III Cleanup

- (1) The Level III cleanup activities associated with an economically and technically feasible approach to mitigate petroleum contamination to an acceptable level are considered eligible activities.
- (2) Requests for cleanup funding must include a project work plan that contains a discussion of the project technical feasibility and cleanup goals, budget projection and estimated project completion timeline.
- (3) All approved applicants shall be responsible for 50% of the Level III cleanup costs, which will be deducted from the reimbursement award.

- (4) The maximum amount payable from the Redevelopment Fund for a Level III cleanup is 50% of the eligible cost or \$500,000, whichever is less.

Section 9-4 Advisory Committee

- (a) The Director will create an advisory committee comprised of five members who have expertise and knowledge in the fields related to environmental site assessment and corrective actions taken to mitigate petroleum storage tank releases, as well as the redevelopment and reuse of real property. Committee membership shall include OPS and four representatives, one from each of the following groups: federal, state, or local government; a petroleum storage tank owner or property owner; a subject matter professional from the legal, petroleum, real estate, and/or property development industry; and an environmental consultant or contractor.
- (b) Members of the committee shall serve a minimum of a one-year term.
- (c) The committee shall meet at least quarterly to review applications and make eligibility recommendations to the Director for approval.

Section 9-5 Application Process

- (a) Applications for environmental assessment, characterization and cleanup financial assistance can be submitted at any time utilizing application forms posted on the OPS website. Applications will be periodically reviewed and evaluated by the advisory committee based on the applicant's ability to demonstrate the following:
- (1) Project plan results in reducing risk to the environment from petroleum contamination.
 - (2) Applicant has the ability to meet Level I and II deductibles and has leveraged matching funds for Level III cleanup activities.
 - (3) Redevelopment or reuse plan generates a positive economic and/or social impact on the community.
- (b) Successful applicants will be notified at least quarterly, subject to the availability of money in the Redevelopment Fund.
- (c) Applicants from the same corporate family are not eligible for awards at more than one property per year.

Section 9-6 Eligible Costs and Reimbursement

- (a) Costs associated with eligible activities completed during the application process and subsequent project site assessment, characterization and cleanup will be reimbursed.
- (b) In general, project costs shall not exceed the current Reasonable Cost Guideline unit rates.
- (c) Requests for reimbursement must include the following:
- (1) Documentation of the work performed per project work plan.
 - (2) Proof of payment for all invoices submitted for reimbursement.
 - (3) Affidavit of work performed, with regards to services, material, and equipment procured by the applicant.

(d) Reimbursement of Level III cleanup costs shall be contingent upon completion of project milestones in the approved cleanup work plan.

Section 9-7 Contractual Agreements

Property owners that are eligible for Level I, II and III activities shall enter into a contractual agreement with OPS for the appropriate level. Upon execution of a contractual agreement, OPS will issue the property owner a notice to proceed that affirms a commitment to reimburse a specified amount of money from the Redevelopment Fund.

Notice of Rulemaking Hearing

Tracking number

2014-00684

Department

1505 - Department of State

Agency

1505 - Secretary of State

CCR number

8 CCR 1505-1

Rule title

ELECTIONS

Rulemaking Hearing

Date

08/14/2014

Time

01:00 PM

Location

Aspen Conference Room (3rd floor) of the Secretary of State's Office, 1700 Broadway, Denver CO 80290

Subjects and issues involved

Please see the attached Notice of Rulemaking, including the draft Statement of Basis and Preliminary Draft Rules. The Secretary is considering amendments to the election rules in order to improve the administration and enforcement of Colorado elections law and to increase the transparency and security of the election process. Specifically, the Secretary is considering permanent adoption of rules to implement Senate Bills 14-161 and 14-158, and House Bill 14-1164.

Statutory authority

Sections 1-1-107(2)(a), 1-1-109(3), 1-1.5-104(1)(b), 1-1.5-104(1)(e), 1-1.5-105, 1-2-217.7(7), 1-5-407(7), 1-5-504.5(1)(e), 1-7-509(1)(b), 1-7-509(6), 1-7.5-104, 1-7.5-106, 1-8.3-105(2), 1-8.5-112, 1-

Contact information**Name**

Andrea Gyger

Title

Department Rulemaking Manager

Telephone

303-894-2200 ext 632

Email

sos.rulemaking@sos.state.co.us

Preliminary Draft of Proposed Rules

Office of the Colorado Secretary of State Election Rules 8 CCR 1505-1

July 15, 2014

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the August 14, 2014 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than **August 8, 2014**.²

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>Italic blue font text</i>	Annotations

[Amendments to 8 CCR 1505-1]

Amendments to Current Rule 1:

[Currents 21.1.1, 21.1.2, 21.1.3, 21.1.4, 21.1.5, 21.1.6, 21.1.9, 21.1.10, 21.1.13, 21.1.18, 21.1.21 are amended and incorporated into Rule 1 as follows]

Rule 1. Definitions

1.1 As used in these Rules, unless stated otherwise:

~~21.1.1~~ 1.1.1 “Audio ballot” means a voter interface containing the list of all candidates, ballot issues, and ballot questions upon which an eligible elector is entitled to vote in an election. It also provides the voter with audio stimuli and allows the voter to communicate voting intent to the voting system through vocalization or physical

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2013). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2013). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

actions.

~~21.1.2~~ 1.1.2 “Audit log” means a ~~system-generated~~ record GENERATED BY A VOTING SYSTEM, in printed or electronic format, providing a record of activities and events relevant to initializing election MANAGEMENT software and hardware, INCLUDING the identification of files containing election parameters, initializing the tabulation process, processing voted ballots, and terminating the tabulation process.

~~21.1.3~~ 1.1.3 “Ballot image” means a DIGITALLY CAPTURED IMAGE OF A PAPER BALLOT OR A ~~corresponding~~ representation in electronic form of the marks or vote positions of a cast ballot ~~that are captured by~~ ON a DRE or a ~~digitally retained image of a~~ ballot.

~~21.1.4~~ 1.1.4 “Ballot marking device” (BMD) means a device that may integrate components such as an optical scanner, printer, touch-screen monitor, audio output, and a navigational keypad and uses electronic technology to:

- (a) Mark a paper ballot at voter direction;;
- (b) Interpret the ballot selections;;
- (c) Communicate the interpretation for voter verification;; and ~~then~~
- (d) Print a voter-verified ballot.

~~1.1.1~~ 1.1.5 “Ballot measure” means a ballot issue or ballot question as defined in sections 1-1-104(2.3) and (2.7), C.R.S.

~~1.1.2~~ 1.1.6 “Blank ballot” means a ballot on which the voter has made no marks in any voting position, has marked with an unreadable marker, or has consistently marked outside of the “read” area of the scanner.

~~21.1.5~~ 1.1.7 “Ballot style” means a specific ballot layout or content for an election. The ballot style is the presentation of the unique combination of contests and candidates for which the voter is eligible to vote. It includes the order of contests and candidates, the list of ballot positions for each contest, and the binding of candidate names to ballot positions within the presentation. Multiple precincts may use a single ballot style. Multiple styles may appear in a single precinct where voters are split between two or more districts or other categories defining voter eligibility for particular contests and candidates.

~~1.1.3~~ 1.1.8 “Canvass workers” means workers appointed or hired by the designated election official to assist in the preparation and conduct of the canvass.

~~1.1.4~~ 1.1.9 “Central count” means the county’s principal ballot counting and processing location.

- ~~1.1.5~~1.1.10 “Chain-of-custody log” means a written record showing that a voting system component or data, election record or other item is secured and in the documented and uninterrupted possession and control of an election official through the entire time of a jurisdiction’s ownership, use or retention.
- ~~21.1.6~~1.1.11 “Closed network” means a network CONFIGURATION IN WHICH VOTING SYSTEM COMPONENTS CONNECT TO AND COMMUNICATE ONLY WITH EACH OTHER AND NOT WITH THE INTERNET OR ANY OTHER COMPUTER NETWORK. ~~structure in which devices are not connected to the internet or other office automation networks, except as allowable under this Rule.~~
- ~~1.1.6~~1.1.12 “Damaged ballot” means a ballot that is torn, bent, or otherwise mutilated or rendered unreadable, so that it cannot be processed by the optical scanner ballot reader. Damaged ballots include:
- (a) All ballots that contain a foreign substance that could interfere with the optical scan machine (e.g. food, drink, etc.).
 - (b) Ballots that are marked in a medium or manner other than indicated in the ballot instructions.
 - (c) Ballots that the elector marked in a way that would disclose his or her identity.
- ~~1.1.7~~1.1.13 “Data entry county” means a county using an election management system that exports a file to be directly uploaded to the Election Night Results system.
- ~~1.1.8~~1.1.14 “Designated election official” includes the designated election official’s sworn, deputized designee.
- ~~1.1.9~~1.1.15 “Direct Recording Electronic voting device” (DRE) means a voting device that visually displays or audibly presents a ballot and records an elector’s votes directly into electronic storage media.
- ~~1.1.10~~1.1.16 “Duplicated ballot” means a ballot for which a true copy must be made for the ballot to be properly processed and counted because of damage, improper marking, or any issue that would prevent a ballot tabulating machine from accurately counting the ballot.
- ~~1.1.11~~1.1.17 “Election complaint” means a complaint filed with the Secretary of State under Articles 1 through 13 of Title 1, C.R.S.
- ~~21.1.9~~1.1.18 “Election management system” MEANS THE HARDWARE AND SOFTWARE APPLICATIONS USED TO CONFIGURE, PROGRAM, AND REPORT ELECTION RESULTS FROM ONE OR MORE VOTING SYSTEM COMPONENTS, ~~includes,~~ INCLUDING the ballot definition ~~subsystem~~ and the election reporting subsystem. The election

management system may provide utilities for other election administration tasks, including maintaining equipment inventories, estimating ballot printing needs, and maintaining information on voter service and polling centers.

~~21.110~~ 1.1.19 “Election media” means any device including a cartridge, card, memory device, or hard drive used in a voting system for the purposes of storing election setup records (ballot or card styles), recording voting results from electronic vote tabulating equipment, or any other data storage required by the voting system for a particular election function. The election management system typically downloads ballot style information to the election media and uploads results and ballot images from the election media.

~~1.1.12~~ 1.1.20 “Election setup records” means the electronic records, often in the form of a database or a set of databases, generated by election MANAGEMENT software to create and define ballots, tabulation instruction, and other functions related to the election.

~~1.1.13~~ 1.1.21 “Election MANAGEMENT software” means the software for election equipment or computers that controls election setup vote recording, vote tabulation, and reporting.

~~1.1.14~~ 1.1.22 “Electronic ballot” means a non-paper ballot such as on a touch screen or through audio feedback. After a voter casts an electronic ballot, the voter’s choices must be:

- (a) Marked and printed on a paper ballot for subsequent counting by a paper ballot scanning device; or
- (b) Digitally recorded and counted by the touch screen device, commonly referred to as a Direct Recording Electronic (DRE) device.

~~1.1.15~~ 1.1.23 “Electronic Transmission” means:

- (a) For the purpose of sending an unvoted ballot:
 - (1) To a military or overseas elector under Article 8.3 of Title 1, C.R.S., by fax, email, or online ballot delivery.
 - (2) To an elector requesting a replacement for an emergency under section 1-7.5-115, C.R.S., by fax or email.
 - (3) To an affected elector requesting a ballot because of a disaster emergency ~~under Rule 7.4.7.~~
- (b) For the purpose of returning a voted ballot to the county clerk fax or email.

- ~~1.1.16~~-1.1.24 “Firmware” means computer programs stored on read-only memory devices or other electronic circuitry in voting devices that control the basic operation and function of those devices.
- ~~1.1.17~~-1.1.25 “Help America Vote Act complaint” or “HAVA complaint” means a complaint filed with the Secretary of State under Title III of the Help America Vote Act (HAVA) and Article 1.5 of Title 1, C.R.S.
- ~~1.1.18~~-1.1.26 “Immediate voting area” means the area that is within six feet of the voting equipment, voting booths, and the ballot box.
- ~~1.1.19~~-1.1.27 “Manual entry county” means a county that does not use an election management system to export data to the Election Night Results system.
- ~~1.1.20~~-1.1.28 “Official Observer” means either an observer appointed by the Secretary of State or an observer appointed by the federal government and approved by the Secretary of State. Official Observers may be present in all phases of the election process and perform duties as may be assigned by the Secretary of State, but are subject to Rules and regulations as prescribed by the Secretary of State.
- ~~21.1.13~~-1.1.29 “Optical scanner” means an ELECTROMECHANICAL DEVICE THAT INTERPRETS, TABULATES, AND STORES IN DIGITAL FORM MARKINGS ON PAPER BALLOTS. ~~optical or digital ballot scanner.~~
- ~~1.1.21~~-1.1.30 “Overvote” means an instance where the elector marked votes for more than the maximum number of candidates or responses for a ballot measure.
- ~~1.1.22~~-1.1.31 “Qualified political organization” means an organization that has placed a candidate for congressional or state office on the ballot in a congressional vacancy or general election, whose officers have filed proof of organization with the Secretary of State, and that continues to meet the requirements of Rules 3.3 and 3.4. [*Baer v. Meyer* , 728 F.2d 47 (10th Cir. 1984)]
- ~~1.1.23~~-1.1.32 “Related to the second degree” means spouse, civil union partner, parents, children, brothers and sisters, grandparents, and grandchildren.
- ~~1.1.24~~-1.1.33 “Removable card or cartridge” means a programming card or cartridge, except a voter activation card, that stores firmware, software, or data.
- ~~1.1.25~~-1.1.34 “SCORE” means the centralized statewide registration system and the computerized statewide voter registration list described in Part 3 of Article 2 of Title 1.
- ~~1.1.26~~-1.1.35 “Seal” means a serial-numbered tamper-evident device that, if broken or missing, indicates that the chain-of-custody is broken and a device is not secure.

~~21.1.18~~ 1.1.36 “Split precinct” means a precinct that has a geographical divide between one or more political jurisdictions which results in each jurisdiction within the precinct to be assigned different ballot styles for a specific election.

~~1.1.27~~ 1.1.37 “Statement of Ballots Form” means the form used at the polling location that accounts for all ballots at that location and includes all information required by Rule 10.

~~1.1.28~~ 1.1.38 “Target area” means the square, oval, incomplete line, or incomplete arrow corresponding to the candidate’s name or ballot response (examples: “Yes”, “No”, “For” or “Against”) on a paper ballot.

~~1.1.29~~ 1.1.39 “Teleprocessing lines” means secure, dedicated communication transmission facilities used for the purpose of accessing SCORE, and ensuring the security and integrity of voting information so that no deviation can go undetected.

~~1.1.30~~ 1.1.40 “Trusted build” means the write-once installation disk or disks for software and firmware for which the Secretary of State has established the ~~chain of evidence~~ CHAIN-OF-CUSTODY to the building of the disk(s), which is then used to establish or re-establish the chain-of-custody of any component of a voting system that contains firmware or software. The trusted build is the origin of the ~~chain of evidence~~ CHAIN-OF-CUSTODY for any software and firmware component of the voting system.

~~1.1.31~~ 1.1.41 “Undervote” means an instance where the voter marked votes for fewer than the maximum number of candidates or responses for a ballot measure.

~~1.1.32~~ 1.1.42 “Video security surveillance recording” means video monitoring by a device that continuously records a designated location or a system using motion detection that records one frame, or more, per minute until detection of motion triggers continuous recording.

~~1.1.33~~ 1.1.43 “Voting system” as defined in section 1-1-104(50.8), C.R.S., means:

(a) The total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to:

- (1) Define ballots;
- (2) Cast and count votes;
- (3) Report or display election results; and
- (4) Maintain and produce any audit trail information.

- (b) The practices and associated documentation used to:
 - (1) Identify system components and versions of such components;
 - (2) Test the system during its development and maintenance;
 - (3) Maintain records of system errors and defects;
 - (4) Determine specific system changes to be made to a system after the initial qualification of the system; and
 - (5) Make available any materials to the voter (such as notices, instructions, forms, or paper ballots).
- (c) “Voting system” does not include any other component of election administration, such as voter registration applications or systems, electronic pollbooks, ballot delivery and retrieval systems, signature verification and ~~ballot~~-ENVELOPE sorting devices, ballot on demand printers, election night reporting and other election reporting systems, and other components used throughout the election process that do not capture and tabulate votes.

~~21.1.21~~1.1.44 “Voting system test laboratory” (VSTL) means a federally accredited laboratory, as defined in section 1-1-104(16.5), C.R.S., which is accredited by the ~~EAC to conduct~~ ENTITY THAT CONDUCTS certification testing for voting systems.

~~1.1.34~~1.1.45 “VVPAT” has the same meaning as in section 1-1-104(50.6), C.R.S.

~~1.1.35~~1.1.46 “Watcher” has the same meaning as in section 1-1-104(51), C.R.S.

- (a) A watcher may be appointed for a recall election in the same manner as in a primary election.
- (b) For the purpose of appointing a watcher, the proponent or opponent of a ballot measure means a registered issue committee supporting or opposing the ballot measure.
- (c) A designated watcher need not be a resident of the county he or she is designated in as long as he or she is an eligible elector in the State of Colorado.

~~1.1.36~~1.1.47 “Write-in vote” means a vote where the voter physically writes in the name of a qualified write-in candidate in the space reserved on the ballot for write-in votes and properly marks the target area according to voter instructions.

~~1.1.37~~1.1.48 “Zero tape” means a printout of the internal data registers in electronic vote-tabulating equipment indicating a zero value before any ballots are tabulated

on that machine.

Rule 2.1 is amended as follows:

Rule 2. Voter Registration

2.1 Submission of voter registration forms

2.1.1 An applicant may submit a properly executed voter registration form to the county clerk in person, by mail, by fax, by online voter registration, or as an email attachment.

~~2.1.2 All applications submitted by mail, fax, or as an email attachment are mail registrations. [Section 1-2-501, C.R.S.]~~

~~2.1.3~~2.1.2 If any portion of a mail application is illegible, the county clerk must notify the applicant of the additional information required in accordance with section 1-2-509, C.R.S.

~~2.1.4~~2.1.3 For submitting applications by fax, email, or online voter registration, close of business is 11:59 p.m. MT.

~~2.1.5~~2.1.4 Under section 1-2-508, C.R.S., the effective date of a voter registration application received by the Secretary of State is the date of the postmark, if legible. If there is no legible postmark, the effective date is the date the application is received.

~~2.1.6 If a county clerk receives a paper voter registration application other than in-person between 21 and 7 days before election day, the county clerk must send the applicant notification by regular mail, or email if provided, within one business day stating that the application is received but the applicant will not receive a ballot by mail. The notice must state that, if the applicant wishes to vote in the upcoming election, the applicant must register:~~

~~(a) Through the online voter registration system on or before the eighth day before election day, or~~

~~(b) In-person at the county clerk's office or a voter service and polling center through election day.~~

~~2.1.7 In accordance with section 1-2-204(1)(a), C.R.S. and the Colorado voter registration form affidavit, an elector may not register to vote in a new district or county unless he or she has already moved and established his or her primary residence in the new district or county. Intent to move to a new district or county, in and of itself, is not enough to establish residency.~~

- 2.1.5 THE COUNTY CLERK MUST IMPLEMENT A PROCESS TO ENSURE THAT THE COUNTY ACCURATELY PROCESSES VOTER REGISTRATION APPLICATIONS IN SCORE.

Amendments to Current Rule 2.2:

- 2.2 For purposes of precinct caucus lists ~~and registration lists for municipal, special district, or school district director elections~~, the elector's ~~length~~-DURATION of residency is based upon the date the elector moved to his or her current residence address, as provided by the elector in his or her application. [SECTION 1-3-101, C.R.S.]

- 2.2.1 ~~Effective January 1, 2014~~, IN SCORE, the county clerk must enter the date provided by the elector THAT HE OR SHE MOVED TO HIS OR HER CURRENT RESIDENCE ADDRESS. ~~in the registration record maintained in SCORE. [Sections 1-3-101, 31-10-201, and 32-1-103(5), C.R.S.]~~

- 2.2.2 If the elector submits an application and does not include the date he or she moved, the county clerk must use the date the application is received or postmarked, whichever is earlier, as the date moved. ~~If the elector submits the application during the 22 days before election day and does not provide the date he or she moved, the county clerk must use as the date moved the twenty-second day before election day based upon the affidavit.~~

- ~~2.2.3 In accordance with section 1-2-104, C.R.S., if a municipality, special district, or school district coordinates with a county clerk to conduct an election, the county clerk must apply the residency requirements of the municipality, special district, or school district. Nothing in these Rules supersedes any durational-residency or other requirements in local charters, ordinances, or titles 22, 31, or 32, as applicable.~~

New Rule 2.3.4:

- 2.3.4 DOCUMENTS ISSUED UNDER SECTION 42-2-505, C.R.S., ARE NOT ACCEPTABLE FORMS OF IDENTIFICATION FOR ANY PURPOSE UNDER THE UNIFORM ELECTION CODE OF 1992 AND THESE RULES.

Current Rule 2.5.4 is repealed as follows:

- ~~2.5.4 When the county clerk provides a list of eligible electors to a municipality or special district for an election not coordinated with the county, the county clerk must request the designated election official of the municipality or special district provide the vote history information following the election. As soon as feasible after receiving the information, the county clerk must remove the ID Required flag in SCORE from the record of each person who voted, as provided in section 1-2-605(4)(b), C.R.S.~~

Amendments to Current Rule 2.10:

2.10 An elector who has received notice that his or her application for registration may not be processed or whose registration was cancelled because his or her name was matched with a record bearing the same name, date of birth, and social security number in the databases provided by Colorado Department of Corrections ~~or Colorado Department of Public Health and Environment~~, and who believes that the match was erroneous, may request that his or her application be processed or registration be reinstated if he or she: SUBMITS A COMPLETED REINSTATEMENT FORM TO THE COUNTY CLERK.

~~2.10.1 Appears in person at the office of the county clerk and presents identification, or~~

~~2.10.2 Submits a statement to the county clerk affirming that the applicant believes the match was in error. The applicant must include his or her printed name, residential address, and date of birth on the signed and dated statement.~~

Amendments to Current Rule 2.12.1 concerning voter registration confidentiality:

2.12.1 Information about an agency's name and location for an application completed at a voter registration agency or driver's license office is confidential. [42 USC § § 1973gg-3(c)(2)(D)(iii)]

Amendments to Current Rule 2.13.2 through 2.13.5 (concerning list maintenance under section 8 of the National Voter Registration Act of 1993):

2.13.2 The Secretary of State will provide monthly National Change of Address (NCOA) data under section 1-2-302.5, C.R.S., to the county clerk by the fifth of each month.

- (a) The county must process the data to update registration records and send notifications in accordance with section 1-2-302.5, C.R.S., by the end of each month.
 - (1) The county may not change a residential address to a non-residential address, like a post office box, based on the information in the NCOA data.
 - (2) The county is not required to automatically update a voter registration record during the 60 days before ~~a coordinated~~ AN election CONDUCTED BY THE COUNTY CLERK.
 - (3) If the county clerk has previously mailed a confirmation card to an elector whose record is marked inactive FOR ANY REASON, the county clerk is not required to mail another confirmation card to the elector at the same address.
 - (4) IF AN ELECTOR MOVES WITHIN A COUNTY, THE COUNTY MAY NOT MARK THE ELECTOR'S RECORD "ACTIVE" BASED ON THE NCOA DATA IF THE

RECORD IS INCOMPLETE, PENDING, OR CANCELED.

- (b) When the county updates a voter registration record using NCOA data, the county must use the NCOA transaction source.
- (c) IF AN ELECTOR WHOSE ADDRESS WAS UPDATED UNDER SECTION 1-2-302.5(2)(B)(I)(A), C.R.S., RETURNS THE VOTED BALLOT THAT WAS MAILED TO THE ELECTOR'S PREVIOUS ADDRESS, THE VOTED BALLOT SERVES AS NOTIFICATION UNDER SECTION 1-2-302.5(2)(B)(I)(B), C.R.S. AND THE COUNTY MUST CORRECT THE ELECTOR'S RECORD ACCORDING TO THAT SECTION.

2.13.3 In accordance with section 1-2-605(7), C.R.S., no later than 90 days following a General Election, the county clerk in each county must cancel the registrations of electors ~~who have met the following requirements:~~

- (a) Whose records have been marked "Inactive – returned mail", "Inactive – undeliverable ballot", or "Inactive – NCOA";
- (b) Who have been mailed a confirmation card; and
- (c) Who have since failed to vote in two consecutive ~~General~~ GENERAL elections.

~~2.13.4 An elector whose registration record was cancelled during the previous six years under section 1-2-605(7), C.R.S., and Rule 2.13.3, may request reinstatement of the record. The elector must affirm that he or she has continuously resided at the address shown on the registration record since the record was cancelled.~~

~~2.13.5 No county may consolidate or cancel duplicate records in accordance with section 1-2-604, C.R.S., within the period beginning 90 days before a Primary or General Election.~~

2.13.4 THE COUNTY MUST PROCESS ALL RECORDS DESIGNATED FOR CANCELLATION BY THE SECRETARY OF STATE WITHIN SEVEN BUSINESS DAYS OF RECEIPT.

Amendments to Current Rule 2.14:

2.14 Voter registration at a voter service and polling center

2.14.1 A person registering voters or updating voter registration information in a voter service and polling center must:

- (a) Be a permanent or temporary county employee, state employee, or temporary staff hired by the county clerk;
- (b) Successfully pass the criminal background check described in Rule 6.5: ~~Any person who has been convicted of an election offense or an offense~~

~~with an element of fraud is prohibited from handling voter registration applications or conducting voter registration and list maintenance activities; and~~

The deleted portion of Current Rule 2.14.1(b) moved to New Rule 6.5.

- (c) ~~Effective January 1, 2014, successfully~~ SUCCESSFULLY complete a training course provided by the Secretary of State.

[Current rule 2.14.2 is retained; unaltered]

Amendments to Current Rule 2.15:

2.15 Voter registration records and data

- 2.15.1 Notwithstanding the retention timelines specified in section 1-2-227, C.R.S., the county clerk may destroy paper voter registration records as soon as they have been digitally recorded in SCORE. The SCORE system must retain digital images of voter registration applications in perpetuity in accordance with ~~Title 1, C.R.S. and this Rule~~ SECTION 1-5-301, C.R.S.

[Current rules 2.15.2 through 2.15.4 are retained; unaltered]

New Rule 4.1.3 concerning participation in coordinated elections:

- 4.1.3 THE DESIGNATED ELECTION OFFICIAL OF EACH PARTICIPATING POLITICAL SUBDIVISION MUST CERTIFY THE COMPLETENESS AND ACCURACY OF THE RESIDENCE ADDRESSES WITHIN THE DISTRICT NO LATER THAN THE 70TH DAY BEFORE ELECTION DAY.

Amendments to Current Rule 4.8.3(a):

4.8.3 Printing primary election ballots

- (a) If a major political party, as defined in section 1-1-104(22.5), C.R.S., nominates more than one candidate for any office, the county clerk must conduct the primary election for all major political parties.
- (1) The county clerk must include on the ballot all offices to which candidates may be nominated in the primary election.
- (2) If there are no candidates for any particular office, the county clerk must print on the ballot “There are no candidates for this office”.

[Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule ~~10-3-10.1.1~~]

[Current Rule 4.8.3(b) is retained; unaltered]

Amendments to Current Rule 4.8.4(a) and (b):

4.8.4 Use of unique numbers on ballots

- (a) Except for ballots sent to military or overseas electors by electronic transmission under Rule 16.2, a county may not print a ballot for use in a state or federal election that has a unique number, or a barcode containing a unique number, that is specific to a single ballot.
 - (1) A county that uses rotating numbers must print at least ten ballots of each ballot style for each number.
 - (2) Nothing in this Rule prohibits a county from printing a unique number or barcode on ~~the~~ a removable stub.
- (b) After an election official dissociates a voted ballot from its envelope and removes the stub, IF ANY, the county may write or print unique numbers on the voted ballot for auditing and accounting purposes, including duplication of damaged ballots and risk limiting audits.

[Current Rule 4.8.4(c) is retained; unaltered]

Amendments to Current Rule 5:

Rule 5. Nonpartisan Elections not Coordinated by the County Clerk

~~5.1 Election Notice~~

~~5.1.1~~ 5.1 The designated election official must send notice of the election to the clerk of the county in which the election will be held. The notice must include the date by which the list of registered electors must be submitted to the political subdivision.

~~5.1.2~~ 5.2 For multi-county political subdivisions, the notice sent to each clerk must also include the names of all other counties in which the election will be held.

~~5.2 Mail ballot elections~~

~~5.2.1~~ 5.3 If a political subdivision coordinates with the county clerk, the designated election official is not required to submit a separate mail ballot plan for the election.

Current Rules 5.2.2 through 5.8 are repealed as follows:

~~5.2.2~~ If a local governing board determines an election will be conducted by mail ballot, the designated election official must submit a mail ballot plan to the Secretary of State no later than 55 days before the election. The designated election official must use the approved mail ballot plan template.

- ~~(a) — The designated election official must include an actual sample of the secrecy sleeve or envelope that the designated election official plans to use in the election.~~
- ~~(b) — A home rule municipality must check the appropriate box on the plan indicating whether there are locally adopted election procedures different from those set forth in Title 1, C.R.S. The Secretary of State will not review any home rule municipality's mail ballot plan that fails to include this information.~~

~~5.2.3 — Ballots and ballot packets~~

- ~~(a) — For non-partisan elections where multiple ballots will be included in the same packet or will be sent in separate packets, the ballots and return envelopes must include distinctive markings or colors to identify political subdivisions when the colors or distinctive markings will aid in the distribution and tabulation of the ballots.~~
- ~~(b) — The designated election official for each political subdivision for whom one or more county clerks are conducting the election must provide a complete list of eligible electors in their political subdivision to each appropriate county clerk, unless otherwise provided in the intergovernmental agreement. The political subdivision must list each elector only once to ensure that each elector receives one and only one ballot unless otherwise authorized.~~
- ~~(c) — All election materials prepared by the designated election official, including the Article X, Section 20 notice, may be included in the mail ballot packet.~~

~~5.2.4 — Receipt of Ballots~~

- ~~(a) — The designated election official must appoint sufficient election officials to process ballots.~~
- ~~(b) — Each day when ballots come in, an election official must count the ballot envelopes, batch them and record the number received.~~
- ~~(c) — An election official must date-stamp the envelopes upon receipt. If any ballot is received after the time set for the closing of the elections, the envelope must be date-stamped but the ballot must not be counted.~~
- ~~(d) — Election officials must record the number of ballot packets returned as undeliverable.~~
- ~~(e) — The designated election official must seal and store ballots in a safe,~~

~~secure place until the counting of the ballots.~~

~~5.2.5 Recall elections. The designated election official must submit a written plan to the Secretary of State within five days after the designated election official sets the date of the election. The Secretary of State will approve or disapprove the plan within five days from the date it is received. [Section 1-12-111.5, C.R.S.]~~

~~5.3 If a designated election official conducts an election on a day other than described in section 1-7-116(1), C.R.S., the designated election official may mail the notice required by Article X, Section 20 of the Colorado Constitution to people who are not eligible electors if the mailing is done at the “least cost” possible.~~

~~5.4 If the designated election official for the political subdivision is unable to establish a polling location within the political subdivision, the designated election official may designate a polling location outside of the political subdivision if the location is convenient for the electors.~~

~~5.5 For elections not conducted in November and not coordinated with the county clerk, the ballot issue or question must be identified by the name of the jurisdiction submitting the ballot issue or ballot question followed by a number in the case of initiatives or by a letter in the case of referred measures.~~

~~5.6 Elections authorized by Part 1, Article 45 of Title 37, C.R.S., must be conducted in accordance with Articles 1 through 13 of Title 1, C.R.S., where applicable, unless otherwise ordered by the district court having jurisdiction over the water conservancy district, under section 37-45-103 (3), C.R.S. (“Court”).~~

~~5.6.1 The form and verification of any petition requesting an election conducted by a water conservancy district under sections 37-45-114 (2) and 37-45-136(3.5), C.R.S., (“Petition”), must conform with sections 1-40-113 and 1-40-116, C.R.S., and Rule 15; except that petitioners need not seek petition format approval from the Secretary of State. Petitioners must file the petition with the court and the water conservancy district must verify the signatures on the petition.~~

~~5.6.2 The procedures for issuing the statement of sufficiency or insufficiency of the petition must conform with section 1-40-117, C.R.S., and Rule 15; except that the statement must be issued by the water conservancy district named in the petition, unless otherwise ordered by the court.~~

~~5.6.3 The procedures for cure of a petition deemed insufficient must conform with section 1-40-117, C.R.S., and Rule 15; except any addendum to the petition must be filed with both the court and the water conservancy district named in the petition, unless otherwise ordered by the court.~~

~~5.6.4 The procedures for protesting the determination that a petition is insufficient must conform with section 1-40-118, C.R.S., and Rule 15, unless otherwise ordered by~~

the court.

~~5.6.5 The designated election official must conduct any election under section 37-45-114(2), C.R.S., after the sixtieth but before the one hundredth day after the date of the court order, regardless of the actual expiration date of the term of the office, unless the Court order establishes an alternate date or the water conservancy district has notified the court that the election must be coordinated and conducted in accordance with section 1-7-116, C.R.S.~~

~~5.6.6 The form and procedures for filing candidate nomination forms and call for candidate nominations for the office to be voted upon at the court-ordered election described in this Rule must be conducted under Article 1, Title 32, C.R.S., unless otherwise ordered by the court.~~

~~5.7 Non-Partisan Elections: Polling location procedures~~

~~5.7.1 For polling place elections conducted in accordance with Article 1, Title 32, C.R.S., upon execution of the self-affirming oath or affirmation under section 32-1-806(2), C.R.S., an eligible elector must show identification as defined in section 1-1-104(19.5), C.R.S.~~

~~5.7.2 The designated election official must ensure that each polling location has an adequate number of provisional ballots and affidavits.~~

~~5.7.3 The designated election official must follow the provisional ballot procedures contained in Articles 1 through 13 of Title 1, C.R.S., and Rule 17.~~

~~5.8 The clerk for a county that contains any portion of a political subdivision within its borders must provide election day registration for the political subdivision.~~

~~5.8.1 The county clerk must provide voter registration through the 22-day period before the election during normal business hours, Monday through Friday, and 7:00 a.m. to 7:00 p.m. on election day.~~

~~5.8.2 The county clerk must provide daily registration updates beginning 22 days before election day through the day before election day, to the designated election official by secure transmission as outlined in Rule 20.~~

~~5.8.3 On election day, the county clerk must provide a certificate of registration to any elector who registers to vote or updates his or her registration.~~

New Rules 5.4 through 5.6:

5.4 REGISTRATION LIST FOR A SPECIAL DISTRICT ELECTION

5.4.1 IF A SPECIAL DISTRICT REQUESTS A REGISTRATION LIST UNDER SECTION 1-13.5-203(1), C.R.S., THE COUNTY CLERK MUST PROVIDE TO THE DESIGNATED ELECTION OFFICIAL:

- (A) A LIST OF REGISTERED ELECTORS AS OF THE 40TH DAY BEFORE THE ELECTION TO BE DELIVERED ON THE 30TH DAY BEFORE THE ELECTION, FOLLOWED BY A LIST OF ALL REGISTERED ELECTORS AS OF THE CLOSE OF BUSINESS ON THE 22ND DAY BEFORE THE ELECTION TO BE DELIVERED ON THE 20TH DAY BEFORE THE ELECTION; OR
- (B) A COMPLETE LIST OF REGISTERED ELECTORS AS OF THE SIXTH DAY BEFORE THE ELECTION.

5.4.2 UPON REQUEST, THE COUNTY MUST PROVIDE THE DESIGNATED ELECTION OFFICIAL A LIST OF UOCAVA ELECTORS WHO RESIDE WITHIN THE SPECIAL DISTRICT.

5.4.3 BEGINNING THE 40TH DAY BEFORE THE DATE OF ELECTION AND THROUGH ELECTION DAY, THE COUNTY MUST STAY CURRENT WITH ALL VOTER REGISTRATION DATA ENTRY.

5.4.4 FOR EVERY REGISTRATION LIST SENT TO THE SPECIAL DISTRICT, THE COUNTY CLERK MUST INFORM THE DESIGNATED ELECTION OFFICIAL OF THE PROPER PROCEDURES FOR HANDLING PROTECTED OR CONFIDENTIAL ELECTOR INFORMATION. [SECTION 24-72-204(3.5), (8), AND PART 21, ARTICLE 30, TITLE 24, C.R.S.]

5.5 REGISTRATION LISTS FOR MUNICIPAL ELECTIONS

5.5.1 IF A MUNICIPALITY IS CONDUCTING A MAIL BALLOT ELECTION, THE COUNTY CLERK MUST PROVIDE THE MUNICIPALITY WITH:

- (A) A PRELIMINARY LIST OF ALL ELIGIBLE ELECTORS NO LATER THAN THE 30TH DAY BEFORE THE ELECTION; AND
- (B) A SUPPLEMENTAL LIST OF ELECTORS NO LATER THAN THE 20TH DAY BEFORE THE ELECTION. THE LIST MUST CONTAIN THE NAMES OF ALL ELIGIBLE ELECTORS IN THE MUNICIPALITY WHO WERE NOT ON THE 30-DAY LIST AND WHO REGISTERED ON OR BEFORE THE 22ND DAY BEFORE THE ELECTION.

5.5.2 THE COUNTY CLERK MUST PROVIDE THE MUNICIPALITY WITH A REGISTRATION LIST NO LATER THAN THE FIFTH DAY BEFORE THE ELECTION. IF PROVIDED ON THE FIFTH DAY, THE LIST MUST INCLUDE ALL REGISTERED ELECTORS IN THE MUNICIPALITY AS OF THE SIXTH DAY BEFORE THE ELECTION.

5.5.3 BEGINNING THE 40TH DAY BEFORE THE ELECTION AND THROUGH ELECTION DAY, THE COUNTY CLERK MUST STAY CURRENT WITH ALL VOTER REGISTRATION DATA ENTRY.

5.5.4 FOR EVERY REGISTRATION LIST SENT TO THE MUNICIPALITY, THE COUNTY CLERK MUST INFORM THE DESIGNATED ELECTION OFFICIAL OF THE PROPER PROCEDURES OF FOR HANDLING PROTECTED OR CONFIDENTIAL ELECTOR INFORMATION. [SECTION 24-72-204(3.5), (8), AND PART 21, ARTICLE 30, TITLE 24, C.R.S.]

- 5.6 IF AN ELIGIBLE ELECTOR ATTEMPTS TO REGISTER OR UPDATE HIS OR HER REGISTRATION AT THE COUNTY CLERK'S OFFICE, THE COUNTY MUST PROCESS THE REQUEST AND ENSURE THAT THE ELECTOR APPEARS ON THE NEXT REGISTRATION LIST PROVIDED TO THE MUNICIPALITY OR ISSUE THE ELECTOR A CERTIFICATE OF REGISTRATION.

Amendments to Rules 6.4 and 6.5 concerning election judges:

- 6.4 A supervisor judge in a voter service and polling center must:
- 6.4.1 Successfully pass the criminal background check described in Rule 6.5. Any person who has been convicted of an election offense or an offense with an element of fraud is prohibited from handling voter registration applications or conducting voter registration and list maintenance activities.
- 6.4.2 ~~Effective January 1, 2014, successfully complete~~ COMPLETE a training course provided by the Secretary of State.
- 6.5 The county clerk must arrange for a criminal background check on a supervisor judge and each staff member conducting voter registration activities.
- (A) The criminal background check must be conducted by or through the Colorado Bureau of Investigation ~~in the Department of Public Safety or by, the County Sheriff's~~ COUNTY SHERIFF'S department, ~~for the county in which the county clerk's office is located~~ OR SIMILAR STATE OR FEDERAL AGENCY.
- (B) A PERSON CONVICTED OF AN ELECTION OFFENSE OR AN OFFENSE CONTAINING AN ELEMENT OF FRAUD MAY NOT:
- (1) HANDLE VOTER REGISTRATION APPLICATIONS OR CONDUCT VOTER REGISTRATION AND LIST MAINTENANCE ACTIVITIES; OR
- (2) HAVE ACCESS TO A CODE, COMBINATION, PASSWORD, OR ENCRYPTION KEY FOR THE VOTING EQUIPMENT, BALLOT STORAGE AREA, COUNTING ROOM, OR TABULATION WORKSTATION.

Amendments to Rule 7.1.1 (concerning mail ballot plans for elections conducted by the county clerk and recorder):

- 7.1.1 The county clerk must submit a mail ballot plan to the Secretary of State by email no later than 90 days before every election.
- (a) ~~For recall elections, the county clerk must submit a mail ballot plan to the Secretary of State by email within five days after the appropriate official sets the election date. The Secretary of State will approve or disapprove the plan within five days after receipt.~~
- (b) ~~The county clerk must submit with the mail ballot plan the VOTER~~

INSTRUCTIONS AND secrecy sleeve ~~or envelope~~ that the clerk intends to use in the election.

New Rule 7.2.5 and 7.2.6 (concerning mail ballot and ballot packets):

- 7.2.5 EFFECTIVE JANUARY 1, 2015, EACH MAIL BALLOT RETURN ENVELOPE AND MAIL BALLOT INSTRUCTION MUST INCLUDE A STATEMENT INFORMING VOTERS THAT IT IS A VIOLATION OF LAW TO DROP OFF MORE THAN TEN BALLOTS IN ANY ELECTION.
- 7.2.6 EFFECTIVE JANUARY 1, 2015, IN ADDITION TO THE AFFIRMATION REQUIRED BY SECTION 1-7.5-107(3), C.R.S., EACH MAIL BALLOT RETURN ENVELOPE MUST INCLUDE THE FOLLOWING AFFIRMATION: “FOR THIRD PARTY DELIVERY: I AM VOLUNTARILY GIVING MY BALLOT TO (BLANK) FOR DELIVERY. I HAVE MARKED AND SEALED MY BALLOT IN PRIVATE AND HAVE NOT ALLOWED ANY PERSON TO OBSERVE THE MARKING OF THE BALLOT, EXCEPT FOR THOSE AUTHORIZED TO ASSIST VOTERS UNDER STATE OR FEDERAL LAW.”

Amendments to Rule 7.2.3(c) (concerning ballots and ballot packets for elections conducted by the county clerk and recorder):

- (c) In coordinated elections, the county clerk must mail ballots to all active eligible electors of each political subdivision. ~~For special district elections, the designated election official of each district must certify to the county clerk the list of electors eligible to vote under section 32-1-806, C.R.S.~~

Amendments to Rule 7.4.6:

- 7.4.6 Upon receipt of the ballot, ~~a bipartisan team of~~ election judges must verify the signature on the affidavit under Rule ~~7.7-7.8~~. After the affidavit has been verified, a bipartisan team of election judges must duplicate the ballot following the procedures outlined in Rule 18. Duplicating judges must not reveal how the elector has cast his or her ballot.

Rule 7.4.7, concerning emergency ballot transmission, is repealed (this information is currently addressed by section 1-7.5-115, C.R.S.):

~~7.4.7 Notwithstanding any other provision of law, the following procedures apply to delivery and return of ballots to electors affected by a disaster emergency.~~

~~(a) Definitions~~

~~(1) “Affected elector” means an elector who is displaced from or isolated in the elector’s residence, as a result of a disaster emergency.~~

~~(2) “Affected county” means a county in which a disaster emergency~~

exists.

~~(3) “Disaster emergency” means a state of disaster emergency declared by an authorized public officer under applicable law.~~

~~(b) The county clerk of an affected county may issue an original or replacement ballot to an affected elector in-person at the county clerk’s office under section 1-7.5-107(2.7), C.R.S., or by mail at any time after official ballots are printed and in the possession of the county clerk under section 1-5-403(1), C.R.S.~~

~~(c) Disaster Emergency mail ballots~~

~~(1) An affected elector who is unable to obtain his or her ballot in-person or by mail because he or she is isolated in his or her residence may apply for a disaster emergency mail ballot on a form provided by the Secretary of State.~~

~~(2) A disaster emergency mail ballot may be issued to and returned by an affected elector by mail, fax, or email.~~

~~(3) The county clerk must record the issuance and receipt of disaster emergency mail ballots sent by electronic transmission on a log approved by the Secretary of State.~~

~~(d) The county clerk of an affected county must submit to the Secretary of State an amendment to the county’s contingency plan. The amendment, at a minimum, must include:~~

~~(1) A general description of the affected areas;~~

~~(2) A plan for notifying affected electors of procedures to obtain and return ballots;~~

~~(3) Procedures for delivery and return of ballots to and from affected electors; and~~

~~(4) Any procedures necessary to ensure the security of ballots delivered to or returned by affected electors.~~

New Rule 7.5.1(c) and (d) concerning receipt and processing of ballots:

(C) SIGNAGE AT EACH DROP-OFF LOCATION MUST INFORM VOTERS THAT IT IS A VIOLATION OF LAW TO DROP OFF MORE THAN TEN BALLOTS IN ANY ELECTION.

(D) THE MINIMUM NUMBER OF DROP-OFF LOCATIONS MUST BE OPEN DURING REASONABLE BUSINESS HOURS AS DEFINED IN RULE 7.8.1(A) AND FROM 7:00

A.M. THROUGH 7:00 P.M. ON ELECTION DAY.

Amendments to Rule 7.5.8:

7.5.8 The county clerk must dissociate any batch number that could trace a ballot back to the specific voter who cast it from the counted ballots OR ANY REPORTS GENERATED BY THE TABULATION SOFTWARE no later than the final certification of the abstract of votes cast.

New Rule 7.5.9 concerning ballots received by the wrong county:

7.5.9 IF AN ELECTOR DELIVERS A BALLOT TO THE WRONG COUNTY, THAT COUNTY MUST DATE STAMP THE BALLOT AND FORWARD IT TO THE CORRECT COUNTY. THE CORRECT COUNTY MUST TREAT THE BALLOT AS RECEIVED AS OF THE DATE AND TIME OF THE DATE STAMP.

New Rule 7.6 (amended and relocated current Temporary Rule 7.13; adopted on 6/24/2014):

7.6 BALLOT RETURNED IN UNOFFICIAL ENVELOPE

7.6.1 IF THE COUNTY TIMELY RECEIVES A MAIL BALLOT FROM AN ELIGIBLE ELECTOR IN AN ENVELOPE OTHER THAN THE OFFICIAL BALLOT RETURN ENVELOPE FOR THAT PARTICULAR ELECTION, THE COUNTY MUST CONTACT THE ELECTOR IN WRITING WITHIN THREE CALENDAR DAYS OF RECEIVING THE BALLOT BUT NO LATER THAN TWO CALENDAR DAYS AFTER ELECTION DAY. THE COUNTY MUST USE THE LETTER AND AFFIDAVIT PRESCRIBED BY THE SECRETARY OF STATE AND KEEP A COPY AS PART OF THE OFFICIAL ELECTION RECORD. IF THE COUNTY RECEIVES THE COMPLETED AFFIDAVIT NO LATER THAN THE EIGHTH DAY AFTER ELECTION DAY, THE COUNTY MUST COUNT THE BALLOT.

[Current Rules 6.7 through 7.7.8 are renumbered accordingly]

New Rule 7.8.9 concerning voter service and polling centers:

7.8.9 SIGNAGE AT EACH VOTER SERVICE AND POLLING CENTER MUST INFORM VOTERS THAT IT IS A VIOLATION OF LAW TO DROP OFF MORE THAN TEN BALLOTS IN ANY ELECTION.

[Current Rules 7.8 through 7.10.3 are renumbered accordingly]

[Renumbering and amendments to Rules 7.11 and 7.12:]

~~7.11~~7.12 Assisting voters with disabilities in a voter service and polling center

~~7.11.1~~7.12.1 The designated election official must post a sign at the voter service and polling center that states:

NOTICE

VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES

Colorado law protects a voter's legal right to assistance in voting if assistance is needed because of a disability.

1. *If you require assistance, please inform an election judge.*
2. *Any person, including an election judge, may assist you.*
3. *If you select a person other than an election judge, he or she must complete a Voter Assistance Form, which includes an oath that states:*

I,, certify that I am the individual chosen by the elector to assist the elector in casting a ballot.² I FURTHER CERTIFY THAT I WILL NOT IN ANY WAY ATTEMPT TO PERSUADE OR INDUCE THE ELECTOR TO VOTE IN A PARTICULAR MANNER, NOR WILL I CAST THE ELECTOR'S VOTE OTHER THAN AS DIRECTED BY THE ELECTOR I AM ASSISTING.

4. *The person you select may provide any assistance you need, including entering the voting booth, preparing the ballot, or operating the voting machine.*
5. *The person assisting you may not seek to persuade you or induce you to vote in a particular manner.*
6. *The election judge must record the name of each voter who receives assistance and the name of the person who provides assistance on the signature card.*

~~7.11.2~~7.12.2 If a voter has spoiled two ballots and requests a third ballot, an election official must offer assistance in voting procedures and casting the ballot.

~~10.10~~7.13 Voter history

~~10.10.1~~7.13.1 After the canvass, the designated election official must give vote credit to each voter who voted in the election.

~~10.10.2~~7.13.2 If the voter history records do not match the number of voters who voted at that election, the designated election official must ensure the following:

- (a) Each voter received credit for voting; and
- (b) All signature cards are accounted for.

~~10.10.3~~7.13.3 All research concerning discrepancies must be explained and documented.

[Current Rule 10.10 is relocated and incorporated into New Rule 7.13 as shown above]

~~7.12~~7.14 Reimbursement to counties for state ballot measure elections. No later than 90 days after an election, the county must submit a completed request for reimbursement

under section 1-5-505.5, C.R.S. The county must submit the request using the form provided by the Secretary of State.

Amendments to Rule 8.6.1:

8.6 A watcher may not:

8.6.1 Interrupt, STOP, or disrupt the processing, verification, and counting of any ballots or any other stage of the election.

[Current rules 8.6.2 through 8.6.7 are retained; unaltered. New Rules 8.6.8 through 8.6.10 follow:]

8.6.8 ATTEMPT TO DETERMINE HOW ANY ELECTOR VOTED OR OBTAIN CONFIDENTIAL VOTER INFORMATION.

8.6.9 DISCLOSE OR RECORD ANY CONFIDENTIAL VOTER INFORMATION THAT HE OR SHE MAY OBSERVE.

8.6.10 ATTEMPT TO DETERMINE OR DISCLOSE ANY RESULTS BEFORE THE POLLS HAVE CLOSED.

Amendments to Rule 9

Rule 9. Voting Challenges

9.1 CHALLENGING AN IN-PERSON VOTER

~~9.1~~9.1.1 Under Section 1-9-201, C.R.S., an election official, watcher, or eligible elector of the precinct may challenge an elector's right to vote. A person whose eligibility is challenged while voting in-person, must be offered a regular ballot by an election judge if the person satisfactorily answers the applicable challenge questions specified in section 1-9-203, C.R.S., and this Rule. If the person challenged provides unsatisfactory answers or refuses to answer the challenge questions, an election judge must offer the person a provisional ballot.

~~9.2~~9.1.2 Citizenship. The election judge must ask the elector, "Are you a citizen of the United States?"

~~9.3~~9.1.3 Residency. The election judge must ask the elector the following questions:

~~9.3.1~~(A) "Will you have resided in Colorado for the 22 days before election day?"

~~9.3.2~~(B) "Do you reside at the address stated in your voter registration record?"

9.3.3(c) "Have you been absent from Colorado during the past 22 days?" If the elector responds that he or she was absent during the 22-day period, the election judge must also ask the following questions:

(a)(1) "Have you been absent for a temporary purpose with the intent of returning, or did you intend to remain outside Colorado?"

(b)(2) "While you were absent, did you consider Colorado to be your home or did you maintain a home or domicile elsewhere?"

(c)(3) "While you were absent, did you vote in any other state or territory of the United States?"

9.49.1.4 Age. The election judge must ask the elector, "Will you be 18 years of age or older on election day?"

9.2 IF AN INDIVIDUAL CHALLENGES A MAIL BALLOT UNDER SECTION 1-9-201, C.R.S., THE ELECTION JUDGE MUST FORWARD THE BALLOT TO TWO OTHER ELECTION JUDGES OF DIFFERENT POLITICAL PARTY AFFILIATIONS WHO MUST REVIEW THE ELECTOR'S ELIGIBILITY TO VOTE.

9.2.1 IF BOTH ELECTION JUDGES DETERMINE THE ELECTOR IS NOT ELIGIBLE TO VOTE ON A PARTICULAR BALLOT ISSUE, BALLOT QUESTION, OR RACE, THE JUDGES MUST COUNT ONLY THOSE BALLOT ISSUES, BALLOT QUESTIONS, OR RACES FOR WHICH THE ELECTOR IS ELIGIBLE.

9.2.2 IF BOTH ELECTION JUDGES DETERMINE THE SIGNATURE ON THE RETURN ENVELOPE DOES NOT MATCH THE ELECTOR'S SIGNATURE IN SCORE, THE JUDGES MUST FOLLOW THE PROCEDURES IN SECTION 1-7.5-107.3(2), C.R.S.,

9.2.3 IF BOTH ELECTION JUDGES DETERMINE THE ELECTOR IS ELIGIBLE AND THAT ELECTOR'S SIGNATURE IS VALID, THE ELECTION JUDGES MUST COUNT THE ELECTOR'S BALLOT.

Amendments to Rule 10:

Rule 10. Canvassing and Recount

[Current Rule 10.1 is relocated to New Rule 10.2]

[New Rule 10.1 includes relocated portions of Current Rules 10.3, 10.4, and 10.5 as shown below]

10.1 PRECANVASS ACCOUNTING

10.1.1 FOR PURPOSES OF ARTICLE 10 OF TITLE 1, "BALLOTS CAST IN AN ELECTION" OR "BALLOTS CAST IN EACH PRECINCT" MEANS PAPER OR DRE BALLOTS VOTED IN PERSON BY ELECTORS AT A VOTER SERVICE AND POLLING CENTER AND VOTED MAIL BALLOTS

~~10.3~~ 10.1.2 Detailed Ballot Log. The designated election official must keep a detailed ballot log that accounts for every ballot issued and received beginning when ballots are ordered and received. The election officials must reconcile the log at the conclusion of each workday.

~~10.4~~ 10.1.3 Daily voter service and polling center ballot accounting. ~~10.4.1~~—The designated election official must supply each polling location with a Statement of Ballots Form. Election judges must record the following information on a separate statement of ballots form for each day that the polling location is open:

- (a) The name or number of the polling location;
- (b) The number of ballots provided to or printed on-demand at the polling location;
- (c) The number of ballots cast;
- (d) The number of unvoted ballots;
- (e) The number of damaged or spoiled ballots;
- (f) The number of voted provisional ballots; and
- (g) The date.

~~10.4.2~~ 10.1.4 After a polling location closes for the day election judges must complete the following tasks:

- (a) Reconcile the total number of voted ballots with the number of voters who voted.
- (b) Verify that the total number of voted ballots, spoiled or damaged ballots, provisional ballots, and unvoted ballots is the same as the number of total ballots supplied to or printed at the polling location.
- (c) Reconcile the number of people who signed signature cards to the total number of ballots cast.
- (d) Provide a written explanation of any discrepancy in the numbers on the Statement of Ballots form, (for example, the voter signed in but left the polling location without voting, etc.).
- (e) **Return** AFTER THE VOTER SERVICE AND POLLING CENTER CLOSES ON ELECTION NIGHT, ELECTION JUDGES MUST RETURN the completed Statement of Ballots form FOR EACH DAY THE LOCATION WAS OPEN ALONG WITH ALL ~~and~~ voted,

unvoted, spoiled, and provisional ballots to one of the election offices designated in the mail ballot plan.

~~10.5~~-10.1.5 Designated Election Official's disposition of forms

~~10.5.1~~(A) The designated election official must review the Statement of Ballots ~~form~~ FORMS for completion and accuracy.

~~10.5.2~~(B) If the designated election official or the canvass board discovers a problem with ~~the~~ A Statement of Ballots form that cannot be easily resolved, they may contact the election judges for an explanation or correction.

[Current Rules 10.1 and 10.9 are amended and renumbered as New Rule 10.2 as follows:]

~~10.1~~-10.2 Appointment to the Canvass Board

~~10.1.1~~-10.2.1 In all cases, the canvass board must consist of an odd number of members, and each member has equal voting rights.

~~10.1.2~~-10.2.2 For a partisan election, each major party may have no more than two representatives on the canvass board. The board must include an equal number of representatives from each major party, unless a major party fails to certify representatives for appointment.

~~10.1.3~~-10.2.3 Each major party representative on the canvass board must be registered to vote in the county where the representative will serve and affiliated with the party he or she represents.

~~10.1.4~~-10.2.4 A candidate for office and members of the candidate's immediate family may not serve on the canvass board.

~~10.9~~-10.2.5 Appointment of Canvass Workers. The designated election official may appoint canvass workers to help prepare and conduct the canvass.

[Current Rules 10.2 and 10.12 are amended renumbered as New Rule 10.3 as follows:]

~~10.2~~-10.3 Duties of the Canvass Board

~~10.2.1~~-10.3.1 The canvass board must make its determinations by majority vote in accordance with section 1-10-101.5(1)(c), C.R.S.

~~10.2.2~~-10.3.2 The canvass board's duties are to:

(a) Conduct the canvass in accordance with section 1-10-101.5, C.R.S., including:

- (1) Account and balance the election and certify the official abstract of votes;
 - (2) Reconcile the number of ballots counted to the number of ballots cast; and
 - (3) Reconcile the number of ballots cast to the number of voters who voted by reviewing the reconciled detailed ballot logs and Statement of Ballots.
- (b) Observe the post-election audit in accordance with section 1-7-514(4), C.R.S., and Election Rule 11.3.3(k);
 - (c) In coordination with the county clerk, investigate and report discrepancies found in the audit under section 1-7-514(2), C.R.S.; and
 - (d) Conduct any recount in accordance with section 1-10.5-107, C.R.S., and this Rule. The canvass board's role in conducting a recount includes selecting ballots for the random test, observing the recounting of ballots, and certifying the results.

~~10.2.3~~ 10.3.3 If the board identifies a discrepancy in the A Statement of Ballots FORM, the board may review the particular ballots at issue to identify, correct, and account for the error.

~~10.2.4~~ 10.3.4 The canvass board may not perform duties typically reserved for election judges, including:

- (a) Determining voter intent;
- (b) Evaluating voter eligibility; and
- (c) Requesting new logs or reports that were not created to conduct the election.

~~10.12~~ 10.3.5 Role of Watchers. Watchers appointed under section 1-10-101(1)(a), C.R.S., may observe the board while it performs its duties, subject to Rule 8.

Current Rule 10.3 is amended and renumbered as New Rule 10.1.1.

Current Rules 10.4 and 10.4.1 are amended and renumbered as New Rule 10.1.2.

Current Rule 10.4.2 is amended and renumbered as New Rule 10.1.3.

Current Rule 10.5 is amended and renumbered as New Rule 10.1.4.

Current Rules 10.6, 10.7.2(e)-(7) and 10.11 are amended and renumbered as New Rule 10.4 as

follows:

~~10.6~~ 10.4 Procedures for the day of the Canvass

~~10.6.1~~ 10.4.1 The designated election official must provide the following information to the canvass board:

- (a) The name of each candidate, office, and votes received;
- (b) The number or letter of each ballot issue or question and votes received;
- (c) The number of ballots cast, including the number of accepted and rejected mail ballots; ~~and~~
- (d) The number of provisional ballots cast, including the number accepted and rejected;

[Current Rules 10.7.2(e)-(h) are relocated to this New Rule 10.4.1 (e)-(h) as follows:]

- (e) The number of mail ballots counted and the number rejected;
- (f) The number of in-person ballots counted;
- (g) The number of provisional ballots counted and the number rejected listed by each rejection code; and
- (h) The number of damaged and spoiled ballots.

~~10.6.2~~ 10.4.2 Any written documentation regarding official ~~numbers is~~ RESULTS MUST BE included as part of the canvass.

~~10.11~~ 10.4.3 Written Complaints

~~10.11.1~~ (A) The designated election official must provide the canvass board with any written complaint submitted by a registered elector about a voting device.

~~10.11.2~~ (B) If the complaint is resolved, the designated election official must provide the details of the resolution.

~~10.11.3~~ (C) If the complaint is pending resolution when the board meets to conduct the canvass, the designated election official must provide a proposal for how the issue will be resolved.

~~10.7~~ 10.5 Official Abstract and Reporting to the Secretary of State

~~10.7.1~~ The canvass board must use the official abstract in a format approved by the Secretary of State. *[Current Election Rule 10.7.1 is incorporated into New Rule 10.5.2.]*

~~10.7.2~~ 10.5.1 The official county abstract must include, by precinct or ballot style, where applicable:

- (a) The total number of active registered electors on election day;
- (b) The total number of registered electors (active and inactive) on election day;
- (c) The statement of votes counted by race and ballot question or issue; AND
- (d) The total number of ballots cast in the election;

[Current Election Rules 10.7.2(e)-(h) are relocated to New Rules 10.4.1(e)-(h).]

~~10.7.3~~ 10.5.2 The state portion of the abstract, which the county must USE THE FORMAT APPROVED BY THE SECRETARY OF STATE AND transmit to the Secretary of State, must include:

- (a) The total number of active registered electors on election day;
- (b) The total number of registered electors (active and inactive) on election day;
- (c) ~~The statement of votes counted by race and~~ THE SUMMARY OF VOTES CAST FOR EACH STATE RACE AND EACH ballot question or issue ;
- (d) The total number of ballots cast in the election; and
- (e) The Canvass ENR upload required under Rule 11.10.4.

~~10.8~~ 10.6 The County Abstract is the Official Permanent Record

~~10.8.1~~ 10.6.1 The designated election official must keep all official canvass reports and forms as part of the official permanent election record.

~~10.8.2~~ 10.6.2 Once the canvass board certifies the abstract it may not withdraw the certification. In the event of a recount, the canvass board may only affirm or amend the abstract.

Current Rule 10.9 is renumbered as New Rule 10.2.5.

Current Rule 10.10 is relocated and incorporated into New Rule 7.13

Current Rule 10.11 is renumbered as New Rule 10.4.3.

Current Rule 10.12 is renumbered as New Rule 10.3.5.

~~10.13~~-10.7 Role of the Secretary of State

~~10.13.1~~10.7.1 As part of the Secretary's duties under section 1-1-107, C.R.S., the Secretary may provide guidance and investigate imperfections as outlined below.

~~10.13.2~~10.7.2 The county clerk or the canvass board may request that the Secretary of State provide guidance and support to the canvass board in the exercise of the board's duties.

~~10.13.3~~10.7.4 If, in the course of assisting a canvass board, the Secretary of State discovers an imperfection that the Secretary believes may affect the conduct of other canvass boards, the Secretary may provide notice to other counties regarding the nature of the imperfection.

~~10.13.4~~ Imperfect returns or failure to certify

~~(a) If the canvass board fails to certify or certifies imperfect returns that have no reasonable potential to change the outcome of any race or ballot measure, the Secretary of State and county clerk must certify the election and order recounts, if any, in accordance with Part 1, Article 11 of Title 1, C.R.S.~~

~~(b) If the canvass board fails to certify or certifies imperfect returns that have a reasonable potential to change the outcome of any race or ballot measure, the Secretary of State will conduct an investigation to identify the nature of, and advise the county clerk in correcting, the inaccuracy.~~

[Current Rule 10.13.4 is repealed; this information is addressed by Article 10, of Title 1, C.R.S.]

~~10.14~~10.8 Recount generally

~~10.14.1~~10.8.1 The purpose of a recount is to re-tabulate the ballots.

~~10.14.2~~10.8.2 For statewide or federal races, ballot issues or ballot questions, the county clerk must coordinate scheduling the recount through the Secretary of State's office so that it can ensure adequate observer coverage.

~~10.15~~10.9 Recount cost estimates and reimbursements

~~10.15.1~~10.9.1 A county must submit a request for reimbursement for a mandatory recount of a state or federal race or ballot measure using the Secretary of State approved form. The county may not request reimbursement for meals or normal

overhead costs or regular employee compensation. The county must include itemized costs for reasonable expenditures, including:

- (a) Mailings and notices;
- (b) Election judges, temporary staff, canvass board pay, and overtime pay; and
- (c) Copies and other office expenses related to the recount.

~~10.15.2~~ 10.9.2 Requested recounts

- (a) The county clerk must provide an itemized cost estimate in accordance with section 1-10.5-106, C.R.S., upon submission of a formal request for a recount.
- (b) In preparing a cost estimate for a requested recount, the county must use the Secretary of State approved form. The estimate must include reasonable itemized costs for conducting the recount. The county may not request reimbursement for normal overhead costs.
- (c) The county clerk must submit a cost estimate to the Secretary of State when the clerk provides it to a requesting party.

~~10.16~~ 10.10 In accordance with section 1-10.5-107, C.R.S., and Rule ~~10.2.2(d)~~ 10.3.2(D), the canvass board's role in conducting a recount includes selecting ballots for the test, observing the recounting of ballots, and certifying the results.

~~10.17~~ 10.11 Watchers and observers DURING A RECOUNT

~~10.17.1~~ 10.11.1 The Secretary of State may appoint official observers in any recount.

~~10.17.2~~ 10.11.2 Each candidate or the candidate's watcher, media observers, and official observers, may be present and witness the recount in accordance with Rule 8.

~~10.17.3~~ 10.11.3 The recount board must take the canvass board oath, assisting election judges must take the election judge's oath, and any person observing the recount must take a watcher's oath.

~~10.17.4~~ 10.11.4 Complaints. A watcher may submit a complaint in writing to the county clerk or designee. Written complaints during a recount will be addressed in accordance with Rule 13.

~~10.18~~ 10.12 Testing recount equipment

~~10.18.1~~ 10.12.1 The canvass board must review the post-election audit before selecting the equipment for testing under section 1-10.5-102(3), C.R.S. To the extent feasible,

the board must select equipment for testing that was not included in the post-election audit.

~~10.18.2~~ 10.12.2 The county clerk must test all scanners that will be used in the recount. The purpose of the test is to ensure that the tabulation machines are counting properly.

(a) The test deck must include 50 ballots or 1% of the total number of ballots cast in the election, whichever is greater, except that the total number of ballots tested may not exceed the total number of ballots comprising the county's test deck for the Logic and Accuracy test before the election. The ballots must be marked to test every option for the race or measure that will be recounted.

(1) In a mandatory recount, the canvass board must select the ballots to be tested from the county's test deck for the Public Logic and Accuracy test.

(2) In a requested recount, the person requesting the recount may mark up to 25 ballots. Any other candidate in the race may also mark up to 25 ballots. The canvass board must randomly select ballots from the county's test deck for the Public Logic and Accuracy test to ensure the minimum number of test ballots required by this Rule.

(b) Sworn judges or staff must hand tally the test ballots for comparison to the tabulation results.

(c) The test is limited to the race or measure that is recounted.

~~10.18.3~~ 10.12.3 The county clerk must test the VVPAT records from 1% of the DREs that had votes cast for the race or measure being recounted.

(a) Sworn judges or staff must manually verify the results on the machines selected for the test.

(b) The test is limited to the race or measure that is recounted.

~~10.19~~ 10.13 Counting ballots DURING A RECOUNT

~~10.19.1~~ 10.13.1 In accordance with section 1-10.5-102(3)(b), C.R.S., if there are no discrepancies in the test under Rule ~~10.18~~ 10.12, the recount must be conducted in the same manner as the ballots were counted in the election except as outlined in this Rule. If there are unresolvable discrepancies in the test, the recount must be conducted as a hand count under Rule ~~10.19.5~~ 10.13.5.

~~10.19.2~~ 10.13.2 A clear audit trail must be maintained throughout the recount including,

but not limited to, a log of seal numbers on transfer cases or ballot boxes, and the corresponding numbered seal for each transfer case or ballot box.

~~10.19.3~~ 10.13.3 Ballots must be reviewed for voter intent using the standards in Rule 18.

- (a) Every over-vote or under-vote in the race(s) or measure(s) subject to the recount must be reviewed for voter intent under Rule 18.
- (b) The judges conducting the voter intent review may resolve the intent differently than the judges in the election.

~~10.19.4~~ 10.13.4 To recount ballots using “Ballot Now”:

- (a) Back up the official election database.
- (b) Open Ballot Now with an unused Mobile Ballot Box (MBB) from the election and create a Ballot Now recount database.
- (c) Scan and resolve all recount ballots according to this Rule 10.
- (d) Save all recount Cast Vote Records to the MBBs after verifying that the number of ballots processed matches the number of ballots cast in the recount contest.
- (e) Open a new recount election in “Tally” and process the recount MBBs following the tabulation procedures above.
- (f) Compare recount results to original results and document any differences.
- (g) Backup the test database and the official recount database.

~~10.19.5~~ 10.13.5 To recount ballots by hand count.

- (a) If the tabulation of the original count was conducted by hand count, the recount must be conducted by hand count.
- (b) Ballots must be counted in batches of 25 to ensure that the number of ballots recounted matches the number originally counted.
- (c) Votes must be counted by individual hash marks in 25-count sections by two different judges.

~~10.19.6~~ 10.13.6 For tabulation of DREs, if there are no discrepancies in the test under Rule ~~10.18.3~~ 10.12.3, the county clerk must upload the memory cards.

~~10.19.7~~ 10.13.7 Tabulation of ballots cast must be completed through a precise, controlled process that ensures each container of ballots is retabulated and resealed before

tabulation of the next container begins.

~~10.19.8~~ 10.13.8 The number of ballots counted according to the final results for that race or measure must be available during the recount for comparison purposes.

~~10.20~~ 10.14 Canvass and reporting results FOR A RECOUNT

~~10.20.1~~ 10.14.1 Totals of recounted ballots must be reported in summary form as follows:

- (a) Sum total of votes cast for each race or measure recounted, under-votes, and over-votes for each location;
- (b) The totals must be a combined total, not totaled by individual precincts or location, unless the tabulation system allows.

~~10.20.2~~ 10.14.2 In accordance with section 1-10.5-107, C.R.S., and this Rule 10, the canvass board must amend, if necessary, and re-submit the abstract of votes cast.

Amendments to Current Rule 11.3.2 concerning voting systems:

11.3.2 Logic and Accuracy Test

[Current Rules 11.3.2(a) and (b) are amended and renumbered as New Rules 11.3.2(c)(1) and (2). Current Rules 11.3.2(c) and (d) are amended and renumbered as New Rules 11.3.2(a) and (b):]

- ~~(c)~~(A) The ~~designated election official~~ COUNTY CLERK must conduct the public Logic and Accuracy Test ~~before voting~~ NO LATER THAN THE 18TH DAY BEFORE ELECTION DAY.
- ~~(d)~~(B) The ~~designated election official~~ COUNTY CLERK must ensure that the Logic and Accuracy Test is open to the media and the public to the extent allowable in accordance with section 1-7-509(2)(b), C.R.S. The ~~designated election official~~ COUNTY CLERK may limit the number of representatives from each group because of space limitations.

Current Rules 11.3.2(a), (b), (e) through (g) are amended and renumbered as New Rules 11.3.2(c)(1) through (5):

(C) PREPARING FOR THE LOGIC AND ACCURACY TEST

- ~~(a)~~(1) The ~~designated election official~~ COUNTY CLERK must prepare a sufficient number of test ballots that represent every ballot style and precinct, if applicable, allow for a sufficient number of ballots to mark every vote position for every candidate on every race including write-in candidates, allow for situations where a race

may permit an elector to vote for two or more positions, where applicable, and include overvotes and undervotes for each race.

- (b)(2) The ~~designated election official~~ COUNTY CLERK must create a Testing Board of one registered elector from each of the major political parties, as defined in section 1-1-104(22), C.R.S., if appointed. Testing Board members must be registered to vote in the county.

[Current Rules 11.3.2(c) and (d) are amended and renumbered as New Rules 11.3.2(a) and (b) as shown above.]

- (c)(3) The ~~designated election official~~ COUNTY CLERK must provide at least 25 ballots that are clearly marked as test ballots to each Testing Board member.

- (f)(4) Testing Board members must secretly vote their ballots following the instructions printed on the ballots and retain a record of the tally. ~~Of the 25 test ballots, two must be tested as audio ballots.~~

- (g)(5) The Testing Board must test the ballots on each type of voting device used in the election and each type of ballot including audio ballots.

Current Rule 11.3.2(h) is amended and renumbered as New Rule 11.3.2(d):

(h)(D) Conducting the Test

- (1) The ~~designated election official~~ COUNTY CLERK and Testing Board must observe the tabulation of all test ballots, compare the tabulation with the previously retained records of the test vote count, and correct any discrepancies before the device is used in the election.
- (2) The ~~designated election official~~ COUNTY CLERK must reset the public counter to zero on all devices and present zero tapes to the Testing Board for verification. For any device capable of producing or verifying the trusted build hash value (MD5 or SHA-1) of the firmware or software, the ~~Designated Election Official~~ COUNTY CLERK must verify and document the accuracy of the value for the device.
- (3) The ~~designated election official~~ COUNTY CLERK must make an appropriate number of voting devices available and the Testing Board may witness the programming and/or downloading of memory devices necessary for the test.

(4) The Testing Board and designated election official must count the test ballots as follows:

(A) Optical Scanners:

- (i) The Testing Board must count test ballots on at least one, but not more than five, central count scanners and at least one scanner used at a voter service and polling center, if applicable.
- (ii) The Testing Board must randomly select the machines to test.
- (iii) The Testing Board must count the board and county's test ballot batches separately and generate reports to verify that the machine count is identical to the predetermined tally.

(B) DREs:

- (i) The Testing Board must count the test ballots on at least one, but not more than five, DREs.
- (ii) The Testing Board must randomly select the machines to test.
- (iii) The Testing Board must identify and test two ballots as audio ballots.
- (iv) The Testing Board must count at least 50 of the board's ballots and a random sampling of at least 25 of the county's test ballots separately and generate reports to verify that the machine count is identical to the predetermined tally. For DREs with VVPAT devices, the Testing Board must manually count the paper record to verify that the pre-determined totals of the Testing Board and county test ballot batches match the VVPAT total.

Current Rules 11.3.2(h)(4)(B)(v), (vi), and (viii) are re-codified as New Rules 11.3.2(e)(1), (2), and (3):

(E) COMPLETING THE TEST

- (v)(1) The ~~designated election official~~ COUNTY CLERK must keep all test materials, when not in use, in a durable, secure box. Each member

of the Testing Board must verify the seals and initial the chain-of-custody log maintained by the ~~designated election official~~ COUNTY CLERK. If the records are opened for inspection, at least two election officials must verify the seals and initial the chain-of-custody log.

~~(vi)~~(2) After testing, the Testing Board must watch the ~~designated election official~~ COUNTY CLERK reset and seal each voting device.

~~(vii)~~(3) The Testing Board and the ~~designated election official~~ COUNTY CLERK must sign a written statement attesting to the qualification of each device successfully tested, the number of the seal attached to the voting device at the end of the test, any problems discovered, and any other documentation necessary to provide a full and accurate account of the condition of a given device.

(4) AFTER TESTING, THE TESTING BOARD MUST WATCH THE COUNTY CLERK CREATE A BACKUP COPY OF THE ELECTION DATABASE.

(5) THE COUNTY CLERK MAY NOT CHANGE THE PROGRAMMING OF ANY VOTING DEVICE AFTER COMPLETING THE LOGIC AND ACCURACY TEST FOR AN ELECTION, EXCEPT AS REQUIRED TO CONDUCT A RECOUNT.

Amendments to Current rule 11.10:

11.10 Election Night Reporting (ENR). The county must report election night results for all primary, general, coordinated and recall elections.

11.10.1 A data entry county must program the election to support the exporting of election night results in accordance with the following upload requirements:

(a) List contest names and candidate names exactly as provided on the certified list.

~~(b)~~ Provide contest names in all uppercase letters.

~~(c)~~(B) For counties that use the ES&S and Premier voting systems, arrange the contests in the order prescribed by section 1-5-403(5), C.R.S.

~~(d)~~(C) Capitalize candidate names (e.g., John A. Smith).

~~(e)~~(D) Present a precinct name as a ten-digit precinct number.

~~(f)~~(E) For counties that use the Hart voting systems, use the "Split_name" field split precinct naming purposes.

~~(g)~~(F) Create a “Provisional” precinct.

~~(h)~~(G) Use only the party codes certified by the Secretary of State.

~~(i)~~(H) Do not include the party name or code in the candidate name field.

11.10.2 No later than ~~eight~~ 14 days before the election, a county must send the following information to the Secretary of State, at the address in Rule 11.6:

(a) A data entry county must email a sample or “zero” file.

(b) A manual entry county must send a list of all ballot content.

11.10.3 The county must export or produce PRELIMINARY election results and upload them to the ENR system a minimum of three times on election night OR UNTIL COMPLETED, WHICHEVER OCCURS FIRST:

(a) After the close of polls but no later than ~~7:30~~ 8:00 p.m.

(b) At or around 9:00 p.m.

(c) The county must indicate that reporting is complete in the ENR system for election day after the county uploads the last results on election night.

11.10.4 ~~After canvass the~~ THE county must export or produce OFFICIAL election results, and check the appropriate box in the ENR system to indicate that the canvass upload is complete, NOT LATER THAN CLOSE OF BUSINESS OF THE FIRST BUSINESS DAY AFTER THE STATUTORY DEADLINE FOR COMPLETING THE CANVASS.

Current Rule 12.1 is repealed. Rule 12 is reserved:

Rule 12. Recall

~~12.1 Notwithstanding any other provision of law, the designated election official must count an elector’s vote for a successor candidate regardless of whether the elector voted on the recall question. [In Re: Interrogatory Propounded by Governor John Hickenlooper Concerning the Constitutionality of Certain Provisions of Article XXI, § 3 of the Constitution of the State of Colorado, 2013 CO 62.]~~

[RESERVED]

Amendments to Current Rule 13:

Rule 13. Election and HAVA Complaints

13.1 Election complaint procedures

13.1.1 Any individual who personally witnesses a violation of ~~Title 1, C.R.S.~~ THE UNIFORM ELECTION CODE OF 1992 may file an election complaint.

[Current Rule 13.1.2 is retained; unaltered]

13.1.3 Processing and docketing election complaints

- (a) Within three business days of receiving a complaint, the Secretary's designee will review the complaint to determine if it satisfies Rule 13.1.2 and sufficiently alleges a violation OF THE UNIFORM ELECTION CODE OF 1992.
 - (1) If the complaint does not meet the ~~criteria~~ REQUIREMENTS OF RULE 13.1.3(A), the Secretary's designee will notify the complainant of the ~~discrepancy~~ DEFICIENCY.
 - (2) If a complaint meets the criteria, the Secretary's designee will assign a complaint number, notify the complainant, and send a copy of the complaint to the person or entity alleged to have committed a violation.
- (b) After notification, the person or entity alleged to have committed the violation will have 15 business days to submit a written response to the Secretary of State's office.

[Current Rule 13.1.4 is retained; unaltered]

[Current Rules 13.1.5 (a), (b), and (d) are retained; unaltered.] Rule 13.1.5(c) is amended as follows:

13.1.5 Investigation

- (c) Depending on the violation alleged, the Secretary's designee may:
 - (1) Review documents;
 - (2) Visit the county;
 - (3) Conduct interviews;
 - (4) Test equipment; ~~or~~
 - (5) Take other steps necessary; OR
 - (6) CONVENE A HEARING AND TAKE TESTIMONY FROM INTERESTED PARTIES.

Amendments to Current Rule 13.1.6:

13.1.6 Resolution of election complaints

- (a) After an investigation and hearing, if applicable, the Secretary's designee will:
 - (1) Dismiss the complaint as not supported by credible evidence;
 - (2) Refer the complaint to a prosecuting authority under Article 13 of Title 1, C.R.S.; or
 - (3) Find a violation, recommend a resolution, and forward the recommendation for resolution to the Secretary of State, ~~who will adopt, amend, or reject the recommendation.~~

[Current Rules 13.1.7 through 13.2.5 are retained; unaltered]

Amendments to Current Rule 13.2.6:

13.2.6 Hearing and Resolution of HAVA complaints

- (a) If the complainant requests, ~~The~~ THE Secretary of State or his or her designee will hold a hearing.
- (b) After the investigation and hearing, if any, the Secretary's designee will:
 - (1) Dismiss the complaint as not supported by credible evidence;
 - (2) Refer the complaint to a prosecuting authority under Article 13 of Title 1, C.R.S.; or
 - (3) Find a violation, recommend a resolution, forward the recommendation for resolution to the Secretary of State, ~~who will adopt, amend, or reject the recommendation.~~

13.2.7 ALTERNATIVE DISPUTE RESOLUTION UNDER SECTION 1-1.5-105(2)(J), C.R.S.

- (a) IF THE SECRETARY OF STATE DOES NOT RESOLVE THE COMPLAINT WITHIN 90 DAYS OF THE DATE THAT IT WAS FILED AND THE COMPLAINANT DOES NOT CONSENT TO AN EXTENSION OF TIME, THE SECRETARY OF STATE WILL TRANSFER THE COMPLAINT TO THE OFFICE OF ADMINISTRATIVE COURTS (OAC).
- (b) THE SECRETARY OF STATE WILL PROVIDE THE RECORD AND ANY OTHER MATERIALS FROM THE PROCEEDINGS TO THE OAC.

- (C) THE SECRETARY OF STATE WILL CONSIDER THE INITIAL DETERMINATION BY THE OAC AND ISSUE A FINAL DETERMINATION WITHIN 60 DAYS OF THE DATE THE DETERMINATION IS RECEIVED BY THE SECRETARY.

~~13.2.7~~13.2.8 The Secretary of State's determination is a final agency action.

New Rule 14.4.6 concerning Voter Registration Drives:

14.4.6 A VRD ORGANIZER OR CIRCULATOR MAY NOT HIGHLIGHT OR OTHERWISE MARK THE APPROVED VOTER REGISTRATION DRIVE APPLICATION FORM, OTHER THAN TO WRITE THE VRD NUMBER AND CIRCULATOR INFORMATION.

Amendments to Current Rule 15:

Rule 15. Preparation, Filing, and Verification of Statewide Initiative Petitions

Current Rule 15.1 is amended and renumbered as New Rule 15.2. Current Rules 15.5.7, 15.6, and 15.8, are amended and re-codified as New Rule 15.1 as follows:

15.1 THE FOLLOWING REQUIREMENTS APPLY TO CANDIDATE, STATEWIDE INITIATIVE, RECALL, AND REFERENDUM PETITIONS, UNLESS OTHERWISE SPECIFIED.

~~15.5.7~~15.1.1 The Secretary of State OR COUNTY will not accept or count additional signatures after proponents file the original petition or addendum.

~~15.6~~15.1.2 Circulator affidavit

~~15.6.1~~(A) If a petition section does not have a completed circulator affidavit, the Secretary of State OR COUNTY will reject the entire section.

~~15.6.2~~(B) If a petition section does not have a completed notary clause, or if the date of the notary clause differs from the date the circulator signed the affidavit, the Secretary of State OR COUNTY will reject the entire section.

~~15.8~~15.1.3 Verifying individual ~~signatures~~ ENTRIES

~~15.8.1~~(A) Staff will check each individual entry against the information contained in SCORE.

~~15.8.2~~(B)_ Staff will create and maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.

~~15.8.3~~(C) If an entry does not match the signor's current information in SCORE, staff must check the signor's information in SCORE as of the date the signor signed the petition.

~~15.8.4~~(D) Secretary of State OR COUNTY staff will reject the entry if:

- ~~(a)~~(1) The name on the entry is not in SCORE;
- ~~(b)~~(2) The middle initial or middle name on the entry does not match the middle initial or middle name in SCORE;
- ~~(c)~~(3) The address on the entry does not match the address in SCORE;
- ~~(d)~~(4) The address on the entry is a post office box;
- ~~(e)~~(5) The entry is incomplete;
- ~~(f)~~(6) The signer completed the entry before the designated election official approved the petition format;
- ~~(g)~~(7) The signer was not an eligible elector at the time he or she completed the entry;
- ~~(h)~~(8) The signer completed the entry after the date on the circulator affidavit;
- ~~(i)~~(9) Evidence exists that some other person assisted the signer in completing the entry but no statement of assistance accompanies the entry;
- ~~(j)~~(10) The name and signature on the entry is illegible and cannot be verified in SCORE;
- ~~(k)~~(11) The entry is a duplicate of a previously accepted entry on the same petition; or
- ~~(l)~~(12) For a candidate petition where an elector may sign only one petition for the same office, the entry is a duplicate of a previously accepted entry on ~~another petition~~ A PREVIOUSLY FILED PETITION for the same office.

~~15.8.6~~(E) Secretary of State OR COUNTY staff will accept the entry if:

- ~~(a)~~(1) The name on an entry matches or is substantially similar to the information in SCORE, or if the signature on an entry is a common variant of the name;
- ~~(b)~~(2) A middle initial or middle name is present on the entry but not in SCORE, or present in SCORE but not on the entry;
- ~~(c)~~(3) A suffix is present on the entry but not in SCORE, or present in SCORE but not on the entry; or

- ~~(d)~~(4) The address on the entry is missing an apartment letter or number or a street direction.

Current Rules 15.1 and 15.2 are amended and renumbered as New Rules 15.2 and 15.3 as follows:

~~15.1~~15.2 Petition entity license, registration, filing, and circulation

~~15.1.1~~15.2.1 A petition entity that intends to pay petition circulators must obtain a petition entity license, pay a fee, and register with the Secretary of State before circulating petitions. The license application must include:

- (a) The petition entity's name, address, telephone number, and email address;
- (b) The designated agent's name; and
- (c) An affirmation that the designated agent has read and understands Article 40 of Title 1, C.R.S., and has completed the Secretary of State's circulator training program.

~~15.1.2~~15.2.2 Before compensating a circulator, the designated agent must register with the Secretary of State by submitting a signed form that includes a list of the proposed initiatives the petition entity will circulate.

~~15.1.3~~15.2.3 If a petition entity fails to register a proposed initiative over any two-year period, the license expires. The Secretary of State will notify a petition entity that its license has expired within 30 days after the date of expiration.

~~15.1.4~~15.2.4 A petition entity may renew an expired license without a fee by submitting a new license application.

~~15.2~~15.3 Petition representatives FOR INITIATIVE PETITIONS

~~15.2.1~~15.3.1 A petition section must list the names of the two proponents or the names of the two designated representatives, as defined in 1-40-104, C.R.S.

~~15.2.2~~15.3.2 The term "person responsible," as used in section 1-40-118(2.5)(a), C.R.S., means a person who circulates a petition, or causes a petition to be circulated, and who commits, authorizes, or knowingly permits fraud as defined in sections 1-40-111(3)(a) and 1-40-135(2)(c), C.R.S., that results in invalid signatures or petition sections.

~~15.3~~15.4 ~~Petition~~ STATEWIDE INITIATIVE PETITION circulation

~~15.3.1~~15.4.1 Petition circulation may begin after the title board's final decision, including disposition of any rehearing motion, after the time for filing a rehearing motion, and after the Secretary of State has approved the petition format. If an

appeal is filed with the Supreme Court, the six-month period specified in section 1-40-108(1), C.R.S., begins on the date the petition is first signed or on the date the Supreme Court's decision becomes final, whichever is first. Signatures gathered outside of this period are invalid.

~~15.3.2~~ 15.4.2 The petition circulator must provide a permanent residence address on the circulator affidavit. If the circulator is not a permanent Colorado resident, the circulator must also provide the Colorado address where he or she temporarily lives.

- (a) For purposes of Article 40 of Title 1, C.R.S., and this Rule, a circulator's permanent "residence" or "domicile" means his or her principal or primary home or place of abode in which a circulator's habitation is fixed and to which the circulator, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A permanent "residence" or "domicile" is a permanent building or part of a building and may include a house, condominium, apartment, room in house, or mobile home. Except as provided in paragraph (b) of this Rule, a vacant lot, business address, or post office box is not a permanent "residence" or "domicile". (Sections 1-2-102(1)(a)(i) and 1-40-121(1)(b), C.R.S.)
- (b) A homeless circulator must provide the address or location where he or she is living the date the affidavit is signed. The circulator must provide a physical location; a post office box may not be provided.
- (c) For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator's permanent residence address that does not comply with this Rule ~~15.3.2~~ 15.4.2 is a "false address".

~~15.4~~ 15.4.3 Proponents may file a petition or addendum only once, and may not supplement additional signatures after filing the petition or addendum, even if the additional signatures are offered before the deadline to submit the original petition or addendum.

15.5 ~~Petition~~ STATEWIDE INITIATIVE PETITION receipt by Secretary of State

15.5.1 Except as specified in Rule ~~15.2.1~~ 15.3.1, the Secretary of State will not accept a petition that lists proponents other than those authorized by law.

[Current Rules 15.5.2 through 15.5.6 are retained; unaltered]

[Current Rule 15.5.7 moved to New Rule 15.1.1]

[Current Rule 15.6 is amended and renumbered as New Rule 15.1.2.]

~~15.7~~15.6 **Petition** STATEWIDE INITIATIVE PETITION verification

~~15.7.1~~15.6.1 Verification by random sample.

~~15.7.2~~15.6.2 Preliminary count and random number generation.

- (a) After counting the entries on each petition section, Secretary of State staff will enter the petition identification number, the petition section number, the page number, and the number of entries on the page into the database.
- (b) Staff will then create a record for each entry that contains the petition identification number, petition section number, page number, and the entry number. Staff will tally the total number of entries.
- (c) If the number of entries is less than the total number of signatures required to certify the measure to the ballot, the Secretary of State will issue a statement of insufficiency.

~~15.7.3~~15.6.3 Random sample. The database will generate a series of random numbers equal to 4,000 signatures or five percent of the total number of signatures, whichever is greater. Staff will check the validity of the random signatures in accordance with this Rule. Staff will maintain a master record of each accepted and rejected entry, along with the reason code for each rejected entry.

[Current Rule 15.8 is amended and renumbered as New Rule 15.1.3.]

~~15.9~~15.7 Curing insufficient STATEWIDE INITIATIVE petitions

~~15.9.1~~15.7.1 If petition proponents submit additional signatures within the permitted time, Secretary of State staff will verify the additional signatures in accordance with this Rule 15.

~~15.9.2~~15.7.2 If the Secretary of State found the original submission insufficient based on the random sample verification, staff will add the number of additional valid signatures to the number of projected valid signatures in the original submission.

- (a) If the new projected number of valid signatures equals 110% or more of the required signatures, the Secretary of State will issue a statement of sufficiency.
- (b) If the new projected number of valid signatures equals more than 90% but less than 110% of the required signatures, staff will verify all previously submitted signatures. Staff will add the total number of valid signatures in the original petition to the number of additional valid signatures submitted in the addendum in order to determine sufficiency.

~~15.9.3~~15.7.3 If the initial verification was of every signature, staff will add the number

of additional valid signatures to the number of valid signatures in the original submission in order to determine sufficiency.

~~15.9.4~~15.7.4 Staff will issue a new statement of insufficiency or sufficiency that reports the total number of valid signatures submitted.

[Current Rule 15.10 is repealed:]

~~15.10~~—Petition protests

~~15.10.1~~ A petition protest must specifically state the reasons for challenging the determination of sufficiency or insufficiency.

~~(a)~~—A protest alleging the violation of a specific statute or rule must cite the statute or rule and specifically state the violation.

~~(b)~~—A protest alleging the improper acceptance or rejection of individual entries must cite the entry and petition section number and specifically state why the entry should be accepted or rejected, as applicable.

~~15.11~~15.8 Referendum petitions

~~15.11.1~~15.8.1 This Rule applies to statewide referendum petitions under Article V, Section 1 (3) of the Colorado Constitution.

~~15.11.2~~15.8.2 Except where this Rule states otherwise, any statutory or constitutional provision that applies specifically to initiative petitions also applies to referendum petitions.

~~15.11.3~~ The following procedural steps that apply to initiative petitions do not apply to referendum petitions:

~~(a)~~—Review and comment by legislative staff on the text of proposed initiated constitutional amendments and initiated laws, under Article V, Section 1(5), Colorado Constitution, and section 1-40-105, C.R.S.

~~(b)~~—Title setting by the title setting review board established in section 1-40-106, C.R.S.

~~15.11.4~~15.8.3 Proponents may submit a referendum petition to the Secretary of State for approval at any time after the General Assembly has passed the bill. The Secretary of State will not issue final approval of the referendum petition form until the bill has become law under Article IV, Section 11 of the Colorado Constitution.

~~15.11.5~~15.8.4 Each referendum petition section must consist of the following, in the order listed:

[New Rules 15.8.4 (a)-(g), formerly numbered 15.11.5 (a)-(g), are retained; unaltered]

~~15.11.6~~ 15.8.5 A referendum petition section must include only the matters required by Article 40, Title 1, C.R.S., and this Rule, and no extraneous material.

~~15.11.7~~ 15.8.6 The ballot title must consist of the title of the act on which the referendum is demanded, followed by the bill number, in substantially the following form, in which the underlined material is only for example:

“An Act concerning registration requirements for motor vehicles, and, in connection therewith, authorizing two- and five-year registration periods and authorizing discretionary vehicle identification number inspections, and making an appropriation, being House Bill No. 02-1010.”

~~15.11.8~~ 15.8.7 When referendum is demanded on less than an entire Act of the General Assembly, the ballot title and submission clause must consist of the ballot title preceded by words in substantially the following form, in which the underscored material is only for example, and ending in a question mark:

“Shall Section 3 (concerning definition of terms) and Section 4 (eliminating licensing requirements for motor vehicle dealers) of the following Act of the General Assembly be approved:” The material in parentheses shall correctly and fairly summarize the subject or the effect of the portion of the Act referenced.

~~15.11.9~~ 15.8.8 If a referendum petition is timely filed with the Secretary of State with a sufficient number of valid signatures, it will appear on the ballot at the next general election that occurs at least three months after the referendum petition is filed with the Secretary of State.

Amendments to Current Rule 16.1 concerning military and overseas voters (UOCAVA):

16.1 General Rules concerning voting by military and overseas electors

16.1.1 For the purposes of this Rule 16, elector means a covered voter as defined in section 1-8.3-102(2), C.R.S.

16.1.2 In accordance with the Help America Vote Act of 2002 and this Rule 16, each county clerk’s office must have a dedicated fax machine for the purpose of fax ballot transmission.

16.1.3 ~~In accordance with section 1-8.3-109, C.R.S., a ballot application submitted by an elector is effective through the next regularly scheduled General Election, unless the elector specifies otherwise.~~ THE COUNTY CLERK MUST MAIL OR ELECTRONICALLY TRANSMIT A BALLOT TO ALL ACTIVE ELIGIBLE ELECTORS. AN ELECTOR WHO REQUESTS COVERED-VOTER STATUS MUST SUBMIT AN APPLICATION AFFIRMING HIS OR HER

ELIGIBILITY TO DO SO IN ACCORDANCE WITH SECTION 1-8.3-102(2), C.R.S.

~~16.1.4~~ Notwithstanding any other provision of law, an elector may submit an application for registration and ballot request with his or her voted ballot as long as the ballot is timely submitted and received under sections 1-8.3-111 and 1-8.3-113, C.R.S.

~~16.1.5~~ 16.1.4 Use of a Federal Write-in Absentee Ballot (FWAB) as an application for registration or ballot request. Notwithstanding any other provision of law, if an unregistered elector submits a ~~FWAB~~ FEDERAL WRITE-IN ABSENTEE BALLOT (FWAB) by the deadline set forth in sections 1-8.3-111 and 1-8.3-113, C.R.S., the FWAB is a timely application for registration and ballot request.

~~16.1.6~~ 16.1.5 In accordance with sections 1-8.3-111 and 1-8.3-113, C.R.S., all ballots cast must be voted and mailed or electronically transmitted no later than 7:00 p.m. MT on election day, and received by the county clerk or the Secretary of State no later than the close of business on the eighth day after election day.

~~16.1.7~~ 16.1.6 Ballots received by the Secretary of State

- (a) If the Secretary of State timely receives a ballot under section 1-8.3-113, C.R.S., and Rule 16, the Secretary of State will immediately notify the appropriate county clerk and forward the ballot by the most efficient means available no later than the next business day.
- (b) To ensure voter secrecy, any county notified that the Secretary of State has received a ballot must retain a minimum of ten voted ballots to be counted with the ballot received by the State.

~~16.1.8~~ 16.1.7 The county clerk must send a minimum of one correspondence no later than 60 days before the Primary Election to each elector whose record is marked "Inactive" The correspondence may be sent by email or mail and, at a minimum, must notify the electors of:

- (a) The status of the elector's record and ballot request;
- (b) The upcoming federal elections;
- (c) How to update the elector's mailing information and request a ballot; and
- (d) Any other information the county clerk deems appropriate.

~~16.1.9~~ 16.1.8 No later than 45 days before an election, the county clerk must report to the Secretary of State the number ballots transmitted to military and overseas electors by the 45-day deadline.

~~16.1.10~~ 16.1.9 Failure to meet the 45-day ballot transmission deadline in section 1-8.3-110, C.R.S.

- (a) If a county fails to meet the 45-day ballot transmission deadline provided for any state or federal election, the county clerk must immediately report the failure and reason for the failure to the Secretary of State.
- (b) The county clerk must provide a plan to the Secretary of State for complying with the deadline in the next state or federal election.
 - (1) The county must submit the plan to the Secretary of State no later than 60 days before the transmission deadline.
 - (2) The county must provide a weekly progress report on implementing the plan to the Secretary of State beginning 50 days before the transmission deadline.
 - (3) The county clerk must provide a daily progress report to the Secretary of State beginning five days before the transmission deadline.

Amendments to Current Rule 16.2.1 concerning electronic transmission for military and overseas voters (UOCAVA):

16.2.1 In accordance with sections 1-8.3-110 and 1-8.3-113, C.R.S., an elector may request to receive and return his or her ballot by electronic transmission.

[Current Rules 16.2.1 (a) and (b) are retained; unaltered]

- (c) ~~An~~ IN ACCORDANCE WITH SECTION 1-8.3-113(1), C.R.S., AN elector who chooses to receive his or her unvoted ballot by online ballot delivery may return his or her ballot by fax or email.
- (d) To return a voted ballot and self-affirmation by email, the elector must scan and return the documents as an email attachment.
- (E) IF AN ELECTOR REQUESTS TO RECEIVE HIS OR HER BALLOT BY ELECTRONIC TRANSMISSION, THE COUNTY CLERK MUST TRANSMIT THE ELECTOR'S BALLOT ELECTRONICALLY FOR ALL COVERED ELECTIONS UNTIL THE ELECTOR REQUESTS OTHERWISE.

Amendments to Rule 16.2.6:

16.2.6 Upon receipt of a voted ballot sent by electronic transmission, the county clerk must verify the elector's signature in accordance with Rule 7.7-7.8. After the affidavit has been verified, a bipartisan team of judges must duplicate the ballot. Duplicating judges must not reveal how the elector voted.

Amendments to Current Rule 18.3.2(d)(6) concerning sequence of resolution procedures for central count optical scan:

- (6) The county must separately log the seal number of each box containing one or more valid write-in votes. ~~The total write-in votes must be indicated on the final summary along with seal numbers for each sealed box of scanned ballots.~~

Amendments to Current Rule 21 concerning voting system standards for certification:

~~21.1 Definitions. The following definitions apply to their use in this Rule only.~~

Current Rule 21.1.1 is moved to New Rule 1.1.1.

Current Rule 21.1.2 is amended and moved to New Rule 1.1.2.

Current Rule 21.1.3 is amended and moved to New Rule 1.1.3

Current Rule 21.1.4 is amended and moved to New Rule 1.1.4.

Current Rule 21.1.5 is amended and moved to New Rule 1.1.7.

Current Rule 21.1.6 is amended and move to New Rule 1.1.11.

Current Rule 21.1.8 is repealed as follows:

~~21.1.8 “EAC” means the United States Election Assistance Commission.~~

Current Rule 21.1.9 is amended and moved to New Rule 1.1.18.

Current Rule 21.1.10 moved to New Rule 1.1.19.

Current Rules 21.1.11 and 21.1.12 are repealed as follows:

~~21.1.11 “Equipment” or “device” means a complete and inclusive term to represent all items submitted for certification by the voting system provider. This can include; any voting device, accessory to voting device, DRE, touch screen voting device, card programming device, software, and hardware. “Equipment” may also mean a complete end to end voting system solution.~~

~~21.1.12 “Modification” means a revision or a new release of an electronic or electromechanical voting system.~~

Current Rule 21.1.13 is amended and moved to New Rule 1.1.29.

Current Rules 21.1.14 through 21.1.17 are repealed as follows:

~~21.1.14 “Remote site” means any physical location identified by a designated election official as a location where the jurisdiction conducts the casting of ballots for a given election. A remote site includes, locations such as voter service and polling~~

centers.

~~21.1.15 “Removable storage media” means storage devices that can be removed from the system and transported to another location for readout and report generation. Examples of removable storage media include, but are not limited to, programmable read-only memory (PROM), random access memory (RAM) with battery backup, thumb drives, magnetic media, and optical media.~~

~~21.1.16 “Secretary of State” means the Colorado Secretary of State, his or her designee, and agents including employees, contractors, and volunteers.~~

~~21.1.17 “Security” means the ability of a voting system to protect election information and election system resources with respect to confidentiality, integrity, and availability.~~

Current Rule 21.1.18 is amended and moved to New Rule 1.1.36.

Current Rules 21.1.19 and 21.1.20 are repealed as follows:

~~21.1.19 “Test Log” or “test records” means the documentation of certification testing and processes. This documentation may include, certification testing reports, test plans, requirements matrices, photographs, written notes, video, and audio recordings.~~

~~21.1.20 “Trusted build” means the write-once installation disk or disks for software and firmware for which the Secretary of State has established the chain of evidence to the building of a disk, which is then used to establish or re-establish the chain-of-custody of any component of the voting system that contains firmware or software. The trusted build is the origin of the chain of evidence for any software and firmware component of the voting system.~~

Current Rule 21.1.21 is amended and moved to New Rule 1.1.44.

21.2-21.1 Introduction

~~21.2-21.1.1~~ 21.1.1 For Colorado purposes, no single component of a voting system, or device, meets the definition of a voting system except that nothing in this Rule requires the testing of an entire modified system if the Secretary of State determines in accordance with section 1-5-618, C.R.S., that a modification to any certified voting system requires testing for security and accuracy. Only the modification and any affected features or capabilities must be tested to ensure compliance with this Rule.

~~21.2-21.1.2~~ 21.1.2 Sufficient components must be assembled to create a configuration that allows the system or modification as a whole to meet the requirements as described for a voting system in this Rule.

~~21.2.3~~21.1.3 The certification of a voting system is not a requirement that a county purchase or lease all of the components of the voting system. Counties may choose to configure and use a subset of the certified voting system and may use the services of a vendor or third party to provide ballot definition and election programming of memory cards. Counties are not required to use a paper ballot tabulation device if they choose to manually tabulate the election results.

~~21.3~~21.2 Certification Process Overview and Timeline

~~21.3.1~~21.2.1 The voting system will be considered as a unit, and all components tested at once, unless the circumstances necessitate otherwise. Any change made to individual components of a voting system will require the entire voting system to be recertified unless the change is a modification that can be approved under section 1-5-618(1.5), C.R.S.

~~21.3.2~~21.2.2 For a voting system to be certified, the voting system provider must successfully complete all phases of the certification process. The certification process includes: submission of a complete application, a documentation review, a public demonstration of the system, and functional testing.

~~21.3.3~~21.2.3 The flow of each phase of certification is as follows:

- (a) Phase I – The voting system provider must submit an application and all documentation required in Rule ~~21.4~~21.3. The Secretary of State will review the application and inform the voting system provider whether or not the application is complete. If the application is incomplete, the Secretary of State will identify the deficiencies and the voting system provider will have 30 days to remedy the deficiencies and make the application complete. When the application is complete, the Secretary of State will make arrangements with the voting system provider for a public demonstration.
- (b) Phase II – The Secretary of State will review the submitted documentation, VSTL reports from previous testing, and evaluations provided by other states.
- (c) Phase III – The Secretary of State will prepare a certification test plan. If a VSTL is contracted to test the voting system, the VSTL will work with the Secretary of State to prepare a certification test plan. The certification test plan will be presented to the voting system provider for review before execution of the test plan.
- (d) Phase IV– Upon receipt of the voting system provider’s agreement to the certification test plan, the Secretary of State or the VSTL will execute the test plan.

(e) Phase V – The Secretary of State will review the test results and determine whether the voting system substantially meets the requirements for certification. Within 30 days of a decision, the Secretary of State will post the certification test report for the voting system on its website.

~~21.3.4~~21.2.4 The Secretary of State will certify voting systems that substantially comply with the requirements in this Rule 21, Colorado Election Code, and any additional testing the Secretary of State finds necessary.

~~21.4~~21.3 Application Procedure

~~21.4.1~~21.3.1 Any voting system provider may apply to the Secretary of State for certification at any time.

~~21.4.2~~21.3.2 A voting system provider that desires to submit a voting system for certification must complete the Secretary of State’s “Application for Certification of Voting System” that is available on the Secretary of State’s website.

~~21.4.3~~21.3.3 The Secretary of State, in accordance with section 24-21-104(1)(a), C.R.S., will charge the voting system provider all direct and indirect costs associated with the testing of a voting system submitted for certification. The Secretary of State will provide an estimate of costs for certification testing before the certification process begins. In order to begin testing, the voting system provider must provide a written approval of the cost estimate. The voting system provider must pay all costs before the Secretary of state will issue a final determination.

~~21.4.4~~21.3.4 Along with the application, the voting system provider must submit all documentation required in this Rule 21 in electronic format.

~~21.4.5~~21.3.5 The vendor must identify any material it asserts is exempt from public disclosure under the Colorado Open Records Act, Part 2, Article 72 of Title 24, C.R.S., together with a citation to the specific grounds for exemption before beginning Phase III of the certification process.

~~21.4.6~~21.3.6 The voting system provider must coordinate with the Secretary of State for the establishment of the trusted build. The voting system provider must submit all documentation and instructions necessary for the creation and guided installation of files contained in the trusted build which will be created at the start of functional testing and will be the model tested. At a minimum, the trusted build must include a compilation of files placed on write-once media, and an established hash file distributed from a VSTL or the National Software Reference Library to compare federally certified versions. The trusted build disks should all be labeled with identification of the voting system provider’s name and release version.

~~21.4.7~~21.3.7 All materials submitted to the Secretary of State must remain in the custody of the Secretary of State as follows:

- (a) For certified systems, until the certification is permanently revoked, or until no components of the certified system are used in the State of Colorado; and
- (b) For systems that are not certified, a period of 25 months.

~~21.5~~21.4 Voting System Standards

~~21.5.1~~21.4.1 The 2002 Voting Systems Standards are incorporated by reference. Material incorporated by reference in the Election Rules does not include later amendments or editions of the incorporated material. Copies of the material incorporated by reference may be obtained by contacting the Federal Election Commission, 999 E Street NW, Washington, DC, 20463, 800-424-9530. Copies are also available online at http://www.eac.gov/testing_and_certification/voluntary_voting_system_guidelines.aspx.

~~21.5.2~~21.4.2 All voting systems must meet the 2002 Voting System Standards.

~~21.5.3~~21.4.3 The voting system provider must document that all voting system software, hardware, and firmware meet all requirements of federal law that address accessibility for the voter interface of the voting system. These laws include:

- (a) The Help America Vote Act,
- (b) The Americans with Disabilities Act, and
- (c) The Federal Rehabilitation Act.

~~21.5.4~~21.4.4 Independent Analysis.

~~(a)~~—Before completion of functional testing, all voting system providers submitting a voting system must complete an independent analysis of the system, which includes:

~~(1)~~(A) An application penetration test conducted to analyze the system for potential vulnerabilities ~~according to current industry standards~~ that may result from poor or improper system configuration, known or unknown hardware or software flaws, or operational weaknesses in process or technical countermeasures. The test must involve active exploitation of security vulnerabilities of the voting system, whether or not the vulnerabilities can be mitigated through compensating controls.

- ~~(2)~~ (B) A source code evaluation conducted in accordance with Software Design and Coding Standards of the 2002 Voting System Standard or the most current version of the Voluntary Voting System Guidelines approved after January 1, 2008.
- ~~(3)~~ (C) A complete report detailing all findings and recommended compensating controls for vulnerabilities and deficiencies identified.
- ~~(4)~~ (D) The voting system provider must use at least one of the following to perform the independent analysis:
 - ~~(A)~~ (1) An EAC approved VSTL;
 - ~~(B)~~ (2) Testing conducted in another state; or
 - ~~(C)~~ (3) Some combination of such VSTL and state testing that meets the requirements of this Rule.
- ~~(5)~~ (E) The Secretary of State or VSTL will conduct a quality review of all work under this section. The review may include an examination of the testing records, interviews of the individuals who performed the work, or both. Review of testing records may be conducted at the VSTL, the state in which the testing was conducted, or at the site of any contractor or subcontractor utilized by another state to conduct the testing.
- ~~(6)~~ (F) The Secretary of State may reject any evaluation if not satisfied with the work product and to require additional analysis to meet the requirements of section 1-5-608.5, C.R.S., and this Rule.

~~21.5.5-21.4.5~~ Functional Requirements

- (a) Functional requirements must address all detailed operations of the voting system related to the management and controls required to successfully conduct an election.
- (b) The voting system must provide for appropriately authorized users to:
 - (1) Set up and prepare ballots for an election;
 - (2) Lock and unlock system to prevent or allow changes to ballot design;
 - (3) Conduct hardware diagnostic testing;
 - (4) Conduct logic and accuracy testing;
 - (5) Conduct an election and meet requirements as identified in this

Rule 21 for procedures for voting, auditing information, inventory control where applicable, counting ballots, opening and closing polls, recounts, reporting and accumulating results;

- (6) Conduct the post-election audit; and
 - (7) Preserve the system for future election use.
- (c) The voting system must integrate election day voting results with mail and provisional ballot results.
- ~~(d) The voting system must provide for the tabulation of votes cast in combined precincts at remote sites, where more than one precinct is voting at the same location, on either the same ballot style or on a different ballot style.~~
- ~~(e)~~(D) The election management system must provide authorized users with the capability to produce electronic files including election results in either ASCII (both comma-delimited and fixed-width) or web-based format. The software must provide authorized users with the ability to generate these files on an “on-demand” basis. After creating such files, the authorized users must have the capability to copy the files to diskette, tape, CD-ROM or other media type.
- (1) Exports necessary for the Secretary of State must conform to a format approved by the Secretary of State. The format must be compatible with a commercially available data management program such as a spreadsheet, database, or report generator.
- ~~(f)~~(E) The voting system must include hardware or software to enable the closing of the voting location and disabling the acceptance of ballots on all vote tabulation devices to allow for the following:
- (1) Printout of the time the voting system was closed.
 - (2) Printout of the public counter and protective counter upon closing the ballot casting functionality.
 - (3) Ability to print a report which must contain:
 - (A) Names of the offices;
 - (B) Names of the candidates and party, when applicable;
 - (C) A tabulation of votes from ballots of different political parties at the same voting location in a primary election;

- (D) Ballot titles;
 - (E) Submission clauses of all initiated, referred or other ballot issues or questions;
 - (F) The number of votes counted for or against each candidate or ballot issue;
 - (G) Date of election (day, month and year);
 - (H) Precinct number (ten digit format);
 - (I) County or jurisdiction name;
 - (J) “State of Colorado”;
 - (K) Count of votes for each contest; and
 - (L) An election judge’s certificate with an area for judges’ signatures with the words similar to: “Certified by us”, and “Election Judges”. Space must allow for a minimum of two signatures.
- (4) Votes counted by a summary of the voting location and by individual precincts.
 - (5) Ability to produce multiple copies of the unofficial results at the close of the election.
- ~~(g)~~(F) The election management system must ensure that an election setup may not be changed once ballots are printed and/or election media devices are downloaded without proper authorization and acknowledgement by the application administrative account. The application and database audit transaction logs must accurately reflect the name of the system operator making the change(s), the date and time of the change(s), and the “old” and “new” values of the change(s).
 - ~~(h)~~(G) All DRE or BMD voting devices must use technology providing visual or auditory ballot display and selection methods used by people with disabilities.
 - ~~(i)~~(H) All electronic voting devices supplied by the voting system provider and used at voter service and polling centers must have the capability to continue all normal voting operations and provide continuous device availability during a 2-hour period of electrical outage without any loss of election data.

~~(i)~~(i) The voting system must provide capabilities to protect the anonymity of ballot choices.

- (1) All optical scan devices, associated ballot boxes, and VVPAT storage devices must provide physical locks and procedures during and after the vote casting operation.
- (2) All DRE devices must provide randomization of all voter choices and stored electronic ballot information during and after storage of the voters' ballot selections.

~~21.5.6~~21.4.6 Physical and design characteristics

[Rules 21.4.6 (a) and (b), formerly numbered 21.5.6 (a) and (b), are retained; unaltered]

~~21.5.7~~21.4.7 Ballot Definition Subsystem

[Rules 21.4.7 (a)-(d), formerly numbered 21.5.7 (a)-(d), are retained; unaltered]

~~21.5.8~~21.4.8 Trusted Build. The voting system must allow the operating system administrative account to verify that the software installed is the certified software by comparing it to the trusted build or other reference information.

~~21.5.9~~21.4.9 Audit Capacity

[Rules 21.4.9 (a)-(d), formerly numbered 21.5.9 (a)-(d), are retained; unaltered]

~~21.5.10~~21.4.10 Security requirements. ~~(a)~~— All voting systems must meet the following minimum system security requirements:

~~(i)~~(A) The voting system must meet the following requirements to accommodate a general system of access by least privilege and role-based access control:

~~(A)~~(1) Operating system administrative accounts may not have access to read or write data to the database;

~~(B)~~(2) Operating system user/operator accounts must be able to be created that are restricted from the following aspects of the operating system:

~~(i)~~(A) No access to system root directory;

~~(ii)~~(B) No access to operating system specific folders;

~~(iii)~~(C) No access to install or remove programs; and

- ~~(iv)~~ (D) No access to modify other user accounts on the system.
 - ~~(E)~~ (3) Application administrative accounts must have full access and rights to the application and database;
 - ~~(D)~~ (4) Application user/operator accounts must have limited rights specifically designed to perform functional operation within the scope of the application. This user/operator must be restricted in the creation or modification of any user/operator accounts.
- ~~(2)~~ (B) The voting system must meet the following requirements for network security:
 - ~~(A)~~ (1) All network-applicable components of the voting system must have the ability to operate on a closed network dedicated to the voting system;
 - ~~(B)~~ (2) All network-applicable components of the voting system must include the limited use of non-routable IP address configurations for any device connected to the closed network. For the purposes of this requirement, non-routable IP addresses are those defined in the RFC 1918 Address base; and
 - ~~(C)~~ (3) The voting system must include provisions for updating security patches, software and/or service packs without access to the open network.
- ~~(3)~~ (C) All voting systems that use databases must: Have databases hardened to specifications developed by the voting system provider. Documentation included with the application must provide a detailed procedure for hardening according to current industry standards. Any government or industry guidelines adopted in whole, or in part, are to be identified in the documentation.
- ~~(4)~~ (D) The voting system must meet the following requirements for operating system security:
 - ~~(A)~~ (1) All voting systems must have all operating systems hardened to specifications developed by the voting system provider according to current industry standards. Documentation included with the application must provide a detailed procedure for hardening. Any government or industry guidelines adopted in whole, or in part, are to be identified in the documentation.
 - ~~(B)~~ (2) The voting system provider must configure the voting system

operating system of the workstation and server used for the election management software to the following requirements:

(i) (A) The ability for the system to take an action upon inserting a removable media (auto run) must be disabled; and

(ii) (B) The operating system must only boot from the drive or device identified as the primary drive.

(C) (3) The voting system provider must use a virus protection/prevention application on the election management server(s)/workstations which must be capable of manual updates without the use of direct connection to the internet.

(D) (E) The voting system must meet the following requirements for password security:

(A) (1) All passwords must be stored and used in a non-reversible format;

(B) (2) Passwords to the database must not be stored in the database;

(C) (3) Password to the database must be owned and only known by the application;

(D) (4) The application's database management system must require separate passwords for the administrative account and each operator account;

(E) (5) The system must be designed in such a way to ensure that the use of the administrative account password is not required for normal operating functions;

(F) (6) The system must allow users to change passwords;

(G) (7) The use of blank or empty passwords must not be permitted at any time with the exception of a limited one-time use startup password which requires a new password to be assigned before the system can be used; and

(H) (8) All voting systems must have all components of the voting system capable of supporting passwords of a minimum of eight characters, and must be capable of including numeric, alpha and special characters in upper case or lower case used in any combination.

(I) (F) All modules of the system must meet the 2002 voting system standards requirements for installation of software, including hardware with embedded firmware:

~~(A)~~ (1) Where the system includes a feature to interpret and control execution using data from a script, code tokens, or other form of control data file separate from the source code, the human-readable source information must be made available as part of a source code review.

~~(B)~~ (2) Security features and procedures must be defined and implemented to prevent any changes of interpreted data files after the initial election testing of the final election definition Replacement of the interpreted data files with tested and approved files from the trusted build must be by authorized personnel before the election definition is finalized for an election.

~~(C)~~ (3) The introduction of interpreted data during execution must not be permitted unless defined as a predefined set of commands or actions subject to security review and the interpretation function provides security edits on input to prevent the introduction of other commands or the modification or replacement of existing code.

~~(D)~~ (4) The application must not allow users to open database tables for direct editing.

~~(F)~~ (G) All voting systems must meet the following minimum requirements for removable storage media with data controls:

~~(A)~~ (1) All voting data stored that includes, ballot images, tally data and cast vote records must be authenticated and validated.

~~(B)~~ (2) All non-voting data stored must be authenticated, encrypted, and validated.

~~(C)~~ (3) All removable media, upon insertion on server and/or workstations hosting the elections management software, must automatically be scanned by antivirus software.

~~21.5.11~~ 21.4.11 Telecommunications requirements

[Rules 21.4.11 (a)-(g), formerly numbered 21.5.11 (a)-(g), are retained; unaltered]

~~21.5.12~~ 21.4.12 Voter-verifiable paper record requirements

[Rules 21.4.12 (a)-(d), formerly numbered 21.5.12 (a)-(d), are retained; unaltered]

~~21.5.13~~ 21.4.13 Documentation Requirements

[Rules 21.4.13 (a)-(c), formerly numbered 21.5.13 (a)-(c), are retained; unaltered]

- (d) For the review of VSTL or other state testing in Rule ~~21.5.12(a)~~ 21.4.12(A) copies of all VSTL or state qualification reports, test logs and technical data packages must be provided to the Secretary of State.
 - (1) The voting system provider must execute and submit any necessary releases for the applicable VSTL, state or EAC to discuss any and all procedures and findings relevant to the voting system with the Secretary of State and allow the review by the Secretary of State of any documentation, data, reports, or similar information upon which the VSTL or other state relied in performing its testing. The voting system provider must provide a copy of the documentation to the Secretary of State.
 - (2) The voting system provider, the VSTL, the state or the EAC will identify to the Secretary of State any specific sections of documents for which they assert a legal requirement for redaction.

[Rules 21.4.13 (d)-(r), formerly numbered 21.5.13 (d)-(r), are retained; unaltered]

~~21.6~~21.5 Testing preparation procedures

~~21.6.1~~21.5.1 Voting system provider demonstration

[Rules 21.5.1 (a)-(p), formerly numbered 21.6.1 (a)-(p), are retained; unaltered]

- (q) Functional testing must be completed according to the phases identified in Rule ~~21.3.3~~21.2.3.

[Rules 21.5.1 (r) and (s), formerly numbered 21.6.1 (r) and (s), are retained; unaltered]

- (t) The Secretary of State will maintain records of the test procedures in accordance with Rule ~~21.4.7~~21.3.7. The records must identify the system and all components by voting system provider name, make, model, serial number, software version, firmware version, date tested, test number, test plan, requirements matrix, test team notes, and other supplemental information, and results of test. The test environment conditions must be described.

[Rules 21.5.1 (u), formerly numbered 21.6.1 (u), is retained; unaltered]

~~21.6.2~~21.5.2 General testing procedures and instructions

[Rules 21.5.2 (a)-(i), formerly numbered 21.6.2 (a)-(i), are retained; unaltered]

~~21.7~~21.6 Temporary use

~~21.7.1~~21.6.1 If a voting system provider has a system that has not yet been approved for certification through the Secretary of State, the voting system provider or the designated election official may apply to the Secretary of State for temporary approval of the system to be used for up to one year.

~~21.7.2~~21.6.2 Upon approval of temporary use, a jurisdiction may use the voting system, or enter into a contract to rent or lease the voting system for a specific election upon receiving written notice from the Secretary of State's office. At no time may a jurisdiction enter into a contract to purchase a voting system that has been approved for temporary use.

~~21.7.3~~21.6.3 Temporary use does not supersede the certification requirements or process, and may be revoked at any time at the discretion of the Secretary of State.

~~21.8~~21.7 Decertification

~~21.8.1~~21.7.1 If, after any time the Secretary of State has certified a voting system, it is determined that the voting system fails to substantially meet the standards set forth in this Rule 21, the Secretary of State will notify any jurisdictions in the State of Colorado and the voting system provider of that particular voting system that the certification of that system for future use and sale in Colorado is to be withdrawn.

~~21.8.2~~21.7.2 Certification of a voting system may be revoked or suspended at the discretion of the Secretary of State based on information that may be provided after the completion of the initial certification. This information may come from any of the following sources:

[Rules 21.7.2 (a)-(i), formerly numbered 21.8.2 (a)-(i), are retained; unaltered]

~~21.8.3~~21.7.3 If any voting system provider, provides for use, installs, or causes to be installed an uncertified or decertified voting system or component, the Secretary of State may suspend use of the component or the voting system.

~~21.8.4~~21.7.4 In accordance with section 1-5-621, C.R.S., the Secretary of State will hold a public hearing to consider the decision to decertify a voting system.

~~21.9~~21.8 Modifications and reexamination. Any modification, change or other alteration to a certified voting system requires certification or review of the modification under section 1-5-618, C.R.S., unless the voting system provider decides to present the modified system for certification under this Rule.

~~21.10~~21.9 Acceptance Testing by Jurisdictions

~~21.10.1~~21.9.1 Whenever a jurisdiction acquires voting equipment, the jurisdiction must perform acceptance tests of the system before it may be used to cast or count votes at any election. The voting system must be operating correctly, pass all tests as directed by the acquiring jurisdiction's project manager or contract negotiator and must be identical to the voting system certified by the Secretary of State.

~~21.10.2~~21.9.2 The voting system provider must provide all manuals and training necessary for the proper operation of the system to the jurisdiction.

~~21.10.3~~21.9.3 The election jurisdiction must perform functional and programming tests for all functions of the voting system at their discretion.

~~21.11~~21.10 Escrow of voting system software and firmware by voting system provider. The voting system provider must meet the requirement for software escrow per the following:

~~21.11.1~~21.10.1 The voting system provider must place in escrow a copy of the election MANAGEMENT software, firmware, and supporting documentation being certified with either the Secretary of State or an independent escrow agent approved by the Secretary of State. [Section 1-7-511, C.R.S.]

~~21.11.2~~21.10.2 Within ten days of the voting system provider receiving notification of examination of voting equipment as part of the certification process, the voting system provider must arrange for the completion of escrow requirements as indicated by this Rule.

~~21.11.3~~21.10.3 The voting system provider must sign a sworn affidavit that the election MANAGEMENT software in escrow is the same as the election MANAGEMENT software used in its voting systems in this state.

~~21.11.4~~21.10.4 A complete copy of the certified election MANAGEMENT software including any and all subsystems of the certified software will be maintained in escrow.

~~21.11.5~~21.10.5 Any changes to current configurations or new installations must be approved through the certification program of the Secretary of State.

~~21.11.6~~21.10.6 In addition to the requirements listed below, the voting system provider must include a cover/instructions sheet for any escrow material to include the voting system provider, address and pertinent contact information, software version, hardware version, firmware revision number, and other uniquely identifying numbers of the software submitted for certification.

~~21.11.7~~21.10.7 Election MANAGEMENT software source code, maintained in escrow, must contain internal documentation such that a person reasonably proficient in the use of the programming language can efficiently use the documentation to understand the program structure, control techniques, and error processing logic in order to maintain the source code should it be removed from escrow for any reason.

~~21.11.8~~ 21.10.8 System documentation will include instructions for converting the escrowed source code into object code, organized and configured to produce an executable system, if warranted.

~~21.11.9~~ 21.10.9 System documentation will include technical architecture design, analysis, detail design, testing and an installation and configuration guide.

~~21.11.10~~ 21.10.10 A set of schematics and drawings on electronic vote casting and counting equipment purchased or in use by the county clerk must be filed with the Secretary of State.

~~21.11.11~~ 21.10.11 All parties must treat as confidential the terms of this Rule including all escrow materials and any other related information that comes into their possession, control or custody in accordance with this section.

~~21.11.12~~ 21.10.12 Copies of electronic media and supporting documentation for escrow within the Secretary of State will be sent to:

Colorado Secretary of State
Attn: Voting Systems Specialist
1700 Broadway – Suite 200
Denver, CO 80290

~~21.11.13~~ 21.10.13 Any cost of using an alternative third party escrow agent must be borne by the voting system provider.



Notice of Proposed Rulemaking

Office of the Secretary of State
Election Rules
8 CCR 1505-1

July 15, 2014

I. Notice of hearing

As required by the State Administrative Procedure Act,¹ the Secretary of State gives notice of proposed rulemaking. A hearing is scheduled for **August 14, 2014 from 1:00 p.m. to 4:00 p.m.** in the Aspen Conference Room on the third floor of the Secretary of State's Office at 1700 Broadway, Denver, Colorado 80290.

II. Subject of the proposed rulemaking

The Secretary is considering amendments to the election rules² in order to improve the administration and enforcement of Colorado elections law³ and to increase the transparency and security of the election process. Specifically, the Secretary is considering permanent adoption of rules to implement Senate Bills 14-161 and 14-158, and House Bill 14-1164.

A detailed Statement of Basis, Purpose, and Specific Statutory Authority follows this notice and is incorporated by reference.

III. Statutory authority for proposed rulemaking

The rule revisions and amendments are proposed under the following statutory provisions:

1. Section 1-1-107(2)(a), C.R.S., (2013), which authorizes the Secretary of State "[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws."

¹ Section 24-4-103(3)(a), C.R.S. (2013).

² 8 CCR 1505-1.

³ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

2. Section 1-1-109(3), C.R.S., (2013), which requires the Secretary of State to promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., “as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
3. Section 1-1.5-104(1)(b), C.R.S., (2013), which authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”
4. Section 1-1.5-104(1)(e), C.R.S., (2013), which authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. §§ 15301-15545] of [Article 1.5 of Title 1].”
5. Section 1-1.5-105, C.R.S., (2013), which authorizes the Secretary of State to “establish by rule a uniform administrative complaint procedure to remedy grievances brought under Title III of HAVA.”
6. Section 1-2-217.7(7), C.R.S., (2013), which states that “[t]he secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to implement this section” concerning registration on or immediately before election day.
7. Section 1-5-407(7), C.R.S. (2013), which states that “[n]o printing or distinguishing marks shall be on the ballot except as specifically provided by [the Uniform Election Code].
8. Section 1-5-504.5(1)(e), C.R.S., (2013) which authorizes the secretary of state to promulgate rules to prescribe the form of “explanation of the procedures that govern the provision of voting assistance to electors with disabilities who require such assistance pursuant to section 1-7-111, C.R.S.
9. Section 1-7-509(1)(b), C.R.S., (2013), which states that “(b) The designated election official shall conduct at least three tests on all electronic and electromagnetic voting equipment, including a hardware test, a public logic and accuracy test conducted in accordance with subsection (2) of this section, and a postelection test or audit conducted in accordance with rules promulgated by the secretary of state. Each type of ballot, including mail, provisional, and audio ballots, shall be tested in accordance with rules promulgated by the secretary of state.”
10. Section 1-7-509(6), C.R.S., (2013), which requires the Secretary of State to “promulgate rules in accordance with article 4 of title 24, C.R.S., prescribing the manner of performing the logic and accuracy testing required by this section.”

11. Section 1-7.5-104, C.R.S. (2013), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
12. Section 1-7.5-106, C.R.S., (2013), which requires the Secretary of State to establish procedures for and supervise the conduct of mail ballot elections, including adopting “rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”
13. Section 1-8.3-105(2), C.R.S., (2013), which authorizes the Secretary of State to prescribe by rule “special procedures or requirements as may be necessary to facilitate early voting by those members of the military or military support personnel directly affected by the emergency.”
14. Section 1-8.5-112, C.R.S., (2013), which requires the Secretary of State to promulgate all appropriate rules...for the purpose of ensuring the uniform application of [Article 8.5 of Title 1, C.R.S.]”
15. Section 1-10-104.5, C.R.S. (2013), which authorizes the Secretary of State to “promulgate rules...for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
16. Section 1-40-132, C.R.S. (2013), which states that “The secretary of state shall have the authority to promulgate rules as may be necessary to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments.”

IV. Copies of draft rules

A preliminary draft of the proposed rules is posted on the Secretary of State’s rules and notices of rulemaking website at:

www.sos.state.co.us/pubs/rule_making/hearings/2014/ElectionRulesHearing20140814.html.

You may also contact our office to request a paper or editable electronic copy of the draft rules.

As required by the State Administrative Procedures Act,⁴ if changes are made before the hearing, revised proposed draft rules will be available to the public and posted on the website by August 8, 2014.

⁴ Section 24-4-103(3)(a), C.R.S. (2013). “Any proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

V. Opportunity to testify and submit written comments

The Secretary values your feedback in our rulemaking process, and we would very much like to hear your thoughts on the proposed amendments. Please review and consider the attached proposed draft rules.

All interested people will have the opportunity to testify and provide written comment concerning the rule amendments. Oral testimony may be time-limited to ensure that the hearing is prompt and efficient.

You may submit written comments by mail, email, or in person to our office any time before the hearing. If you attend the hearing, you may submit written comments to the hearing panel as well. Additional opportunity to comment in writing may be announced at the conclusion of the hearing.

All written comments will be posted online at the Secretary of State website www.sos.state.co.us/pubs/rule_making/hearings/2014/ElectionRulesHearing20140814.html. Before comments are posted online, contact information including home address, email address, and telephone number are redacted from submissions unless otherwise directed by the contributor.

VI. Broadcast and audio recording of hearing

If you are unable to attend the hearing, you may listen to the live broadcast from the Aspen Conference Room online at www.sos.state.co.us/pubs/info_center/audioBroadcasts.html. After the hearing, visit the same website and click on “archived recordings” to access an audio recording of the hearing.

VII. Office contact

If you have any questions or would like to submit written comments, please contact Andrea Gyger with the Administration Division at SoS.Rulemaking@sos.state.co.us or (303) 894-2200 ext. 6329.

Dated this 15th Day of July, 2014.



Suzanne Staiert
Deputy Secretary of State

For

Scott Gessler
Colorado Secretary of State



Draft Statement of Basis, Purpose, and Specific Statutory Authority

Office of the Secretary of State Election Rules 8 CCR 1505-1

July 15, 2014

I. Basis and Purpose

This statement explains proposed amendments to the Colorado Secretary of State Election Rules. The Secretary of State intends to adopt rules to implement Senate Bills 14-161 and 14-158, and House Bill 14-1164. The Secretary is also considering other amendments to ensure uniform and proper administration, implementation, and enforcement of Federal and Colorado election laws,¹ improve elections administration in Colorado, and increase the transparency and security of the election process.

On June 26, 2014, the Secretary issued a request for public comment to help our office develop preliminary draft rules. The comments we received in anticipation of rulemaking are available online at: http://www.sos.state.co.us/pubs/rule_making/ruleComments.html and are incorporated into the official rulemaking record.

Specific proposed changes include:

- Amendments to Rule 1 to move the definitions currently in Rule 20 to Rule 1 and clarify the language of the definitions.
- Repeal of Rule 2.1.2, which unnecessarily repeats language already in section 1-2-501, C.R.S., regarding voter registration applications.
- New Rule 2.1.5 requires a quality assurance process sufficient to prevent counties from creating duplicate voter registration records and to ensure the information in the statewide voter registration database matches the information provided by the elector.
- Repeal of Current Rule 2.1.6, which currently conflicts with Senate Bill 161's revisions of section 1-2-508(3)(a)(I), C.R.S., requiring county clerks to process voter registration applications received after the voter registration application deadlines. The statutory revisions also provide adequate guidance to county clerks for contacting affected voters.

¹ Article VII of the Colorado Constitution, Title 1 of the Colorado Revised Statutes, and the Help America Vote Act of 2002 ("HAVA"), P.L. No. 107-252.

- Repeal of current Rule 2.1.7, which was made obsolete by Senate Bill 161's amendments to the voter registration self-affirmation in section 1-2-205(2), C.R.S.
- Amendments to and partial repeal of current Rule 2.2 to reflect statutory changes made in Senate Bill 161 and House Bill 1164.
- New Rule 2.3.4, which clarifies that identification documents issued to individuals not lawfully present under section 42-2-505, C.R.S., are not acceptable forms of identification for purposes of voting.
- Amendments to Rule 2.10 to provide that an elector must submit a reinstatement form to a county clerk if the elector's registration was erroneously cancelled.
- Amendments to Rule 2.13.2 to reflect Senate Bill 161's revisions of section 1-2-302.5, C.R.S.
- New Rule 2.13.4, which provides a deadline by which a county must process all voter records designated for cancellation by the Secretary of State. This rule creates a uniform timeline for completing list maintenance activities.
- Repeal of current Rule 2.13.4, which is obsolete in light of same-day voter registration under section 1-2-217.7, C.R.S.
- Amendment to current Rule 2.13.5 to allow counties to consolidate or cancel duplicate records within the period beginning 90 days before a primary or general election.
- New Rule 4.1.3, which provides that designated election officials must verify the completeness and accuracy of the residential addresses located within their district because the Secretary of State is responsible for the accuracy and completeness of the data that is in the statewide voter registration database.
- Amendments to Rule 4.8.4 to reflect Senate Bill 161's revisions to section 1-5-407, C.R.S.
- Amendments to and partial repeal of Rule 5 to reflect House Bill 1164's new requirements for nonpartisan elections not coordinated by the county clerk.
- Amendments to Rule 6.5 to consolidate the minimum background check requirements into a single rule.
- Repeal of Rule 7.1.1(a) to reflect Senate Bill 158's revision of section 1-12-114(1)(a), C.R.S.
- Amendments to Rule 7.1.1(b) to ensure county compliance with section 1-7.5-104.5, C.R.S.
- New Rule 7.2.5, which provides that each mail ballot return envelope and mail ballot instruction must inform electors that it is a violation of section 1-7.5-107(4)(b)(I)(B), C.R.S. to drop off more than ten ballots in any election.
- New Rule 7.2.6, which provides that each elector voting a mail ballot must affirm that he or she has voted in secret and has not been influenced in casting his or her the ballot.
- Repeal of Rule 7.4.7 because it is addressed by section 1-7.5-115, C.R.S., as amended by Senate Bill 14-161.

- New Rule 7.5.1(c), which requires that each drop-off location include signs informing electors that it is a violation of section 1-7.5-107(4)(b)(I)(B), C.R.S., to drop off more than ten ballots in any election.
- New Rule 7.5.1(d), which clarifies the hours that the minimum number of drop-off locations must be open.
- Amendments to Rule 7.5.8 to require counties to disassociate batch numbers from any reports generated by tabulation software.
- New Rule 7.5.9, which establishes that a county that receives a ballot for another county must date stamp the ballot and forward it to the correct county. The Rule also establishes that the correct county must treat that ballot as received as of the date and time of the date stamp.
- Current Temporary Rule 7.13, adopted on 6/24/2014, is amended and moved to New Rule 7.6. The Rule provides that if a county receives a ballot in an envelope other than the official ballot return envelope, the county must send the voter the prescribed affidavit to determine the elector is eligible to vote in that election. If the county receives the signed affidavit no later than the eighth day after the election, the county must count the ballot.
- New Rule 7.8.9, which requires that each voter service and polling center must have a sign informing electors that it is a violation of section 1-7.5-107(4)(b)(I)(B), C.R.S. to drop off more than ten ballots in any election.
- Amendments to Rule 7.12 to correspond to Senate Bill 161's revision of section 1-7-111(1)(a).
- Relocation of current Rule 10.10 to New Rule 7.13.
- Amendments to Rule 8.6 to clarify that watchers may not engage in any activity that would violate the watcher oath as provided in section 1-7-108(1), C.R.S. and current Rule 8.5.
- New Rule 9.2, which establishes a procedure for election judges to follow when a mail ballot is challenged under section 1-9-201, C.R.S.
- New Rule 10.1.1, which defines "ballots cast in an election" and "ballots cast in each precinct" for purposes of Article 10 of Title 1.
- Amendments to Rule 11.3.2 to clarify the steps county clerks must follow when preparing for, conducting, and completing the logic and accuracy test. Further, the amendments provide that after completing the logic and accuracy test, the testing board must watch the county clerk create a backup copy of the election database and the county clerk may not change the programming of any voting device after the logic and accuracy test is completed.
- Amendments to Rule 11.10.1 to repeal the requirement that counties provide contest names in all uppercase letters for purposes of election night reporting.

- Amendments to Rule 11.10.2 to require counties to submit election-night-reporting zero reports to the Secretary of State 14 days before the election, which will allow counties more time to practice uploading and publishing results before election day.
- Amendments to Rule 11.10.3 to change the deadline for counties to upload election results to the election night reporting system from 7:30 p.m. to 8:00 p.m.
- Amendments to Rule 11.10.4 to require counties to upload official election results to the election night reporting system by the first business day after completing the canvass.
- Repeal of Rule 12, the content of which is now addressed by Senate Bill 158's revision of section 1-12-118, C.R.S.
- Amendments to Rule 13.1.5 to provide that the Secretary of State's office may convene a hearing on an election complaint.
- New Rule 13.2.7, which provides an alternative dispute resolution process under Section 1-1.5-105(2)(j), C.R.S.
- New Rule 14.4.6, which prohibits voter registration drive organizers from highlighting or otherwise marking the voter registration drive application form, except for the voter registration drive number and circulator information.
- Amendments to Rule 15, which organizes the rule to ensure that each provision of the rule applies to the proper petition type, and clarifies which portions of the rule apply to statewide petitions and which portions apply to county petitions.
- Amendments to Rule 16.1.3, which remove the requirement that a military and overseas voter has to submit a ballot application to receive a ballot. With these revisions, military and overseas voters only have to affirm their covered status to automatically receive a ballot.
- Repeal of current Rule 16.1.4 because requiring a military or overseas voter to submit an application for registration is obsolete in light of section 1-2-217.7, C.R.S.
- Amendments to Rule 16.2.1(c) to clarify that if an elector returns his or her ballot by fax or email, another more secure method of transmission is not available as required by section 1-8.3-113(1), C.R.S.
- New Rule 16.2.1(e), which provides that a military or overseas voter who requests to receive a ballot by electronic transmission will receive his or her ballot electronically for all covered elections until the voter requests otherwise.
- Amendments to Rule 18.3.2(d)(6) to remove the requirement that counties must include the seal numbers for each sealed box that contains write-in votes on the final summary.
- Amendment to current Rule 21.5.4(1) (now proposed Rule 21.4.4(a)) to remove the requirement that an independent analysis must include penetration testing according to industry standards. Penetration testing is still required, the amendment simply removes the requirement that it must be done according to current industry standards because the voting system certification industry does not currently have industry standards for penetration testing.

- Repeal of current Rule 21.5.5(d), which currently requires voting systems to provide for the tabulation of votes cast in combined precincts at remote sites.

Other changes to rules not specifically listed are non-substantive and necessary for consistency with Department rulemaking format and style. Cross-references in rules are also corrected or updated.

II. Rulemaking Authority

The statutory and constitutional authority is as follows:

1. Section 1-1-107(2)(a), C.R.S., (2013), which authorizes the Secretary of State “[t]o promulgate, publish and distribute...such rules as the secretary finds necessary for the proper administration and enforcement of the election laws.”
2. Section 1-1-109(3), C.R.S., (2013), which requires the Secretary of State to promulgate rules in accordance with the requirements of article 4 of title 24, C.R.S., “as may be necessary to administer and enforce any requirement of this section, including any rules necessary to specify what constitutes approved and acceptable forms certified for use by eligible voters, campaigns, and voter registration drives and acceptance by election officials and any rules necessary to establish uniformity regarding the use of forms.”
3. Section 1-1.5-104(1)(b), C.R.S., (2013), which authorizes the Secretary of State to “[p]romulgate, oversee, and implement changes in the statewide voter registration system as specified in part 3 of article 2 of this title.”
4. Section 1-1.5-104(1)(e), C.R.S., (2013), which authorizes the Secretary of State to “[p]romulgate rules in accordance with article 4 of title 24, C.R.S., as the secretary finds necessary for proper administration and implementation of [the “Help America Vote Act of 2002”, 42 U.S.C. §§ 15301-15545] of [Article 1.5 of Title 1].”
5. Section 1-1.5-105, C.R.S., (2013), which authorizes the Secretary of State to “establish by rule a uniform administrative complaint procedure to remedy grievances brought under Title III of HAVA.”
6. Section 1-2-217.7(7), C.R.S., (2013), which states that “[t]he secretary of state shall promulgate rules in accordance with article 4 of title 24, C.R.S., as may be necessary to implement this section” concerning registration on or immediately before election day.
7. Section 1-5-407(7), C.R.S. (2013), which states that “[n]o printing or distinguishing marks shall be on the ballot except as specifically provided by [the Uniform Election Code].
8. Section 1-5-504.5(1)(e), C.R.S., (2013) which authorizes the secretary of state to promulgate rules to prescribe the form of “explanation of the procedures that govern

the provision of voting assistance to electors with disabilities who require such assistance pursuant to section 1-7-111, C.R.S.

9. Section 1-7-509(1)(b), C.R.S., (2013), which states that “(b) The designated election official shall conduct at least three tests on all electronic and electromagnetic voting equipment, including a hardware test, a public logic and accuracy test conducted in accordance with subsection (2) of this section, and a postelection test or audit conducted in accordance with rules promulgated by the secretary of state. Each type of ballot, including mail, provisional, and audio ballots, shall be tested in accordance with rules promulgated by the secretary of state.”
10. Section 1-7-509(6), C.R.S., (2013), which requires the Secretary of State to “promulgate rules in accordance with article 4 of title 24, C.R.S., prescribing the manner of performing the logic and accuracy testing required by this section.”
11. Section 1-7.5-104, C.R.S. (2013), which requires the county clerk and recorder to conduct a mail ballot election “under the supervision of, and subject to rules promulgated in accordance with article 4 of title 24, C.R.S., by, the secretary of state.”
12. Section 1-7.5-106, C.R.S., (2013), which requires the Secretary of State to establish procedures for and supervise the conduct of mail ballot elections, including adopting “rules governing procedures and forms necessary to implement [Article 7.5 of Title 1, C.R.S.]”
13. Section 1-8.3-105(2), C.R.S., (2013), which authorizes the Secretary of State to prescribe by rule “special procedures or requirements as may be necessary to facilitate early voting by those members of the military or military support personnel directly affected by the emergency.”
14. Section 1-8.5-112, C.R.S., (2013), which requires the Secretary of State to promulgate all appropriate rules...for the purpose of ensuring the uniform application of [Article 8.5 of Title 1, C.R.S.]”
15. Section 1-10-104.5, C.R.S. (2013), which authorizes the Secretary of State to “promulgate rules...for the purpose of establishing equitable uniformity in the appointment and operation of canvass boards.”
16. Section 1-40-132, C.R.S. (2013), which states that “The secretary of state shall have the authority to promulgate rules as may be necessary to administer and enforce any provision of this article that relates to initiated or referred measures and state constitutional amendments.”

Preliminary Draft of Proposed Rules

Office of the Colorado Secretary of State Election Rules 8 CCR 1505-1

July 15, 2014

Disclaimer:

In accordance with the State Administrative Procedure Act, this draft is filed with the Secretary of State and submitted to the Department of Regulatory Agencies.¹

This is a preliminary draft of the proposed rules that may be revised before the August 14, 2014 rulemaking hearing. If changes are made, a revised copy of the proposed rules will be available to the public and a copy will be posted on the Department of State's website no later than **August 8, 2014**.²

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>Italic blue font text</i>	Annotations

1 *[Amendments to 8 CCR 1505-1]*

2 *Amendments to Current Rule 1:*

3 *[Currents 21.1.1, 21.1.2, 21.1.3, 21.1.4, 21.1.5, 21.1.6, 21.1.9, 21.1.10, 21.1.13, 21.1.18, 21.1.21*
4 *are amended and incorporated into Rule 1 as follows]*

5 **Rule 1. Definitions**

6 1.1 As used in these Rules, unless stated otherwise:

7 ~~21.1.1~~ 1.1.1 “Audio ballot” means a voter interface containing the list of all candidates,
8 ballot issues, and ballot questions upon which an eligible elector is entitled to vote
9 in an election. It also provides the voter with audio stimuli and allows the voter to
10 communicate voting intent to the voting system through vocalization or physical
11 actions.

¹ Sections 24-4-103(2.5) and (3)(a), C.R.S. (2013). A draft must be submitted to the Department at the time that a notice of proposed rulemaking is filed with the Secretary of State.

² Section 24-4-103(4)(a), C.R.S. (2013). “[A]ny proposed rule or revised proposed rule by an agency which is to be considered at the public hearing...shall be made available to any person at least five days prior to said hearing.”

1 ~~21.1.2~~1.1.2 “Audit log” means a ~~system-generated~~ record GENERATED BY A VOTING
2 SYSTEM, in printed or electronic format, providing a record of activities and
3 events relevant to initializing election MANAGEMENT software and hardware,
4 INCLUDING the identification of files containing election parameters, initializing
5 the tabulation process, processing voted ballots, and terminating the tabulation
6 process.

7 ~~21.1.3~~1.1.3 “Ballot image” means a DIGITALLY CAPTURED IMAGE OF A PAPER BALLOT
8 OR A ~~corresponding~~ representation in electronic form of the marks or vote
9 positions of a cast ballot ~~that are captured by~~ ON a DRE ~~or a digitally retained~~
10 ~~image of a ballot.~~

11 ~~21.1.4~~1.1.4 “Ballot marking device” (BMD) means a device that may integrate
12 components such as an optical scanner, printer, touch-screen monitor, audio
13 output, and a navigational keypad and uses electronic technology to:

- 14 (a) Mark a paper ballot at voter direction;;
- 15 (b) Interpret the ballot selections;;
- 16 (c) Communicate the interpretation for voter verification; and ~~then~~
- 17 (d) Print a voter-verified ballot.

18 ~~1.1.1~~1.1.5 “Ballot measure” means a ballot issue or ballot question as defined in
19 sections 1-1-104(2.3) and (2.7), C.R.S.

20 ~~1.1.2~~1.1.6 “Blank ballot” means a ballot on which the voter has made no marks in
21 any voting position, has marked with an unreadable marker, or has consistently
22 marked outside of the “read” area of the scanner.

23 ~~21.1.5~~1.1.7 “Ballot style” means a specific ballot layout or content for an election. The
24 ballot style is the presentation of the unique combination of contests and
25 candidates for which the voter is eligible to vote. It includes the order of contests
26 and candidates, the list of ballot positions for each contest, and the binding of
27 candidate names to ballot positions within the presentation. Multiple precincts
28 may use a single ballot style. Multiple styles may appear in a single precinct
29 where voters are split between two or more districts or other categories defining
30 voter eligibility for particular contests and candidates.

31 ~~1.1.3~~1.1.8 “Canvass workers” means workers appointed or hired by the designated
32 election official to assist in the preparation and conduct of the canvass.

33 ~~1.1.4~~1.1.9 “Central count” means the county’s principal ballot counting and
34 processing location.

35 ~~1.1.5~~1.1.10 “Chain-of-custody log” means a written record showing that a voting
36 system component or data, election record or other item is secured and in the

1 documented and uninterrupted possession and control of an election official
2 through the entire time of a jurisdiction’s ownership, use or retention.

3 ~~21.1.6~~1.1.11 “Closed network” means a network CONFIGURATION IN WHICH VOTING
4 SYSTEM COMPONENTS CONNECT TO AND COMMUNICATE ONLY WITH EACH OTHER
5 AND NOT WITH THE INTERNET OR ANY OTHER COMPUTER NETWORK. ~~structure in~~
6 ~~which devices are not connected to the internet or other office automation~~
7 ~~networks, except as allowable under this Rule.~~

8 ~~1.1.6~~1.1.12 “Damaged ballot” means a ballot that is torn, bent, or otherwise mutilated
9 or rendered unreadable, so that it cannot be processed by the optical scanner ballot
10 reader. Damaged ballots include:

- 11 (a) All ballots that contain a foreign substance that could interfere with the
12 optical scan machine (e.g. food, drink, etc.).
- 13 (b) Ballots that are marked in a medium or manner other than indicated in the
14 ballot instructions.
- 15 (c) Ballots that the elector marked in a way that would disclose his or her
16 identity.

17 ~~1.1.7~~1.1.13 “Data entry county” means a county using an election management system
18 that exports a file to be directly uploaded to the Election Night Results system.

19 ~~1.1.8~~1.1.14 “Designated election official” includes the designated election official’s
20 sworn, deputized designee.

21 ~~1.1.9~~1.1.15 “Direct Recording Electronic voting device” (DRE) means a voting device
22 that visually displays or audibly presents a ballot and records an elector’s votes
23 directly into electronic storage media.

24 ~~1.1.10~~1.1.16 “Duplicated ballot” means a ballot for which a true copy must be made for
25 the ballot to be properly processed and counted because of damage, improper
26 marking, or any issue that would prevent a ballot tabulating machine from
27 accurately counting the ballot.

28 ~~1.1.11~~1.1.17 “Election complaint” means a complaint filed with the Secretary of State
29 under Articles 1 through 13 of Title 1, C.R.S.

30 ~~21.1.9~~1.1.18 “Election management system” MEANS THE HARDWARE AND SOFTWARE
31 APPLICATIONS USED TO CONFIGURE, PROGRAM, AND REPORT ELECTION RESULTS
32 FROM ONE OR MORE VOTING SYSTEM COMPONENTS, ~~includes,~~ INCLUDING the ballot
33 definition ~~subsystem~~—and the election reporting subsystem. The election
34 management system may provide utilities for other election administration tasks,
35 including maintaining equipment inventories, estimating ballot printing needs,
36 and maintaining information on voter service and polling centers.

1 ~~21.1.10~~1.1.19 “Election media” means any device including a cartridge, card, memory
2 device, or hard drive used in a voting system for the purposes of storing election
3 setup records (ballot or card styles), recording voting results from electronic vote
4 tabulating equipment, or any other data storage required by the voting system for
5 a particular election function. The election management system typically
6 downloads ballot style information to the election media and uploads results and
7 ballot images from the election media.

8 ~~1.1.12~~1.1.20 “Election setup records” means the electronic records, often in the form of
9 a database or a set of databases, generated by election MANAGEMENT software to
10 create and define ballots, tabulation instruction, and other functions related to the
11 election.

12 ~~1.1.13~~1.1.21 “Election MANAGEMENT software” means the software for election
13 equipment or computers that controls election setup vote recording, vote
14 tabulation, and reporting.

15 ~~1.1.14~~1.1.22 “Electronic ballot” means a non-paper ballot such as on a touch screen or
16 through audio feedback. After a voter casts an electronic ballot, the voter’s
17 choices must be:

- 18 (a) Marked and printed on a paper ballot for subsequent counting by a paper
19 ballot scanning device; or
- 20 (b) Digitally recorded and counted by the touch screen device, commonly
21 referred to as a Direct Recording Electronic (DRE) device.

22 ~~1.1.15~~1.1.23 “Electronic Transmission” means:

- 23 (a) For the purpose of sending an unvoted ballot:
- 24 (1) To a military or overseas elector under Article 8.3 of Title 1,
25 C.R.S., by fax, email, or online ballot delivery.
- 26 (2) To an elector requesting a replacement for an emergency under
27 section 1-7.5-115, C.R.S., by fax or email.
- 28 (3) To an affected elector requesting a ballot because of a disaster
29 emergency ~~under Rule 7.4.7.~~
- 30 (b) For the purpose of returning a voted ballot to the county clerk fax or
31 email.

32 ~~1.1.16~~1.1.24 “Firmware” means computer programs stored on read-only memory
33 devices or other electronic circuitry in voting devices that control the basic
34 operation and function of those devices.

1 ~~1.1.17~~1.1.25 “Help America Vote Act complaint” or “HAVA complaint” means a
2 complaint filed with the Secretary of State under Title III of the Help America
3 Vote Act (HAVA) and Article 1.5 of Title 1, C.R.S.

4 ~~1.1.18~~1.1.26 “Immediate voting area” means the area that is within six feet of the
5 voting equipment, voting booths, and the ballot box.

6 ~~1.1.19~~1.1.27 “Manual entry county” means a county that does not use an election
7 management system to export data to the Election Night Results system.

8 ~~1.1.20~~1.1.28 “Official Observer” means either an observer appointed by the Secretary
9 of State or an observer appointed by the federal government and approved by the
10 Secretary of State. Official Observers may be present in all phases of the election
11 process and perform duties as may be assigned by the Secretary of State, but are
12 subject to Rules and regulations as prescribed by the Secretary of State.

13 ~~21.1.13~~1.1.29 “Optical scanner” means an ELECTROMECHANICAL DEVICE THAT
14 INTERPRETS, TABULATES, AND STORES IN DIGITAL FORM MARKINGS ON PAPER
15 BALLOTS. ~~optical or digital ballot scanner.~~

16 ~~1.1.21~~1.1.30 “Overvote” means an instance where the elector marked votes for more
17 than the maximum number of candidates or responses for a ballot measure.

18 ~~1.1.22~~1.1.31 “Qualified political organization” means an organization that has placed a
19 candidate for congressional or state office on the ballot in a congressional vacancy
20 or general election, whose officers have filed proof of organization with the
21 Secretary of State, and that continues to meet the requirements of Rules 3.3 and
22 3.4. [*Baer v. Meyer* , 728 F.2d 47 (10th Cir. 1984)]

23 ~~1.1.23~~1.1.32 “Related to the second degree” means spouse, civil union partner, parents,
24 children, brothers and sisters, grandparents, and grandchildren.

25 ~~1.1.24~~1.1.33 “Removable card or cartridge” means a programming card or cartridge,
26 except a voter activation card, that stores firmware, software, or data.

27 ~~1.1.25~~1.1.34 “SCORE” means the centralized statewide registration system and the
28 computerized statewide voter registration list described in Part 3 of Article 2 of
29 Title 1.

30 ~~1.1.26~~1.1.35 “Seal” means a serial-numbered tamper-evident device that, if broken or
31 missing, indicates that the chain-of-custody is broken and a device is not secure.

32 ~~21.1.18~~1.1.36 “Split precinct” means a precinct that has a geographical divide between
33 one or more political jurisdictions which results in each jurisdiction within the
34 precinct to be assigned different ballot styles for a specific election.

- 1 ~~1.1.27~~1.1.37 “Statement of Ballots Form” means the form used at the polling location
2 that accounts for all ballots at that location and includes all information required
3 by Rule 10.
- 4 ~~1.1.28~~1.1.38 “Target area” means the square, oval, incomplete line, or incomplete
5 arrow corresponding to the candidate’s name or ballot response (examples: “Yes”,
6 “No”, “For” or “Against”) on a paper ballot.
- 7 ~~1.1.29~~1.1.39 “Teleprocessing lines” means secure, dedicated communication
8 transmission facilities used for the purpose of accessing SCORE, and ensuring the
9 security and integrity of voting information so that no deviation can go
10 undetected.
- 11 ~~1.1.30~~1.1.40 “Trusted build” means the write-once installation disk or disks for
12 software and firmware for which the Secretary of State has established the ~~chain~~
13 ~~of evidence~~ CHAIN-OF-CUSTODY to the building of the disk(s), which is then used
14 to establish or re-establish the chain-of-custody of any component of a voting
15 system that contains firmware or software. The trusted build is the origin of the
16 ~~chain-of-evidence~~ CHAIN-OF-CUSTODY for any software and firmware component
17 of the voting system.
- 18 ~~1.1.31~~1.1.41 “Undervote” means an instance where the voter marked votes for fewer
19 than the maximum number of candidates or responses for a ballot measure.
- 20 ~~1.1.32~~1.1.42 “Video security surveillance recording” means video monitoring by a
21 device that continuously records a designated location or a system using motion
22 detection that records one frame, or more, per minute until detection of motion
23 triggers continuous recording.
- 24 ~~1.1.33~~1.1.43 “Voting system” as defined in section 1-1-104(50.8), C.R.S., means:
- 25 (a) The total combination of mechanical, electromechanical, or electronic
26 equipment (including the software, firmware, and documentation required
27 to program, control, and support the equipment) that is used to:
- 28 (1) Define ballots;
- 29 (2) Cast and count votes;
- 30 (3) Report or display election results; and
- 31 (4) Maintain and produce any audit trail information.
- 32 (b) The practices and associated documentation used to:
- 33 (1) Identify system components and versions of such components;
- 34 (2) Test the system during its development and maintenance;

- 1 (3) Maintain records of system errors and defects;
- 2 (4) Determine specific system changes to be made to a system after
3 the initial qualification of the system; and
- 4 (5) Make available any materials to the voter (such as notices,
5 instructions, forms, or paper ballots).
- 6 (c) “Voting system” does not include any other component of election
7 administration, such as voter registration applications or systems,
8 electronic pollbooks, ballot delivery and retrieval systems, signature
9 verification and ~~ballot~~ ENVELOPE sorting devices, ballot on demand
10 printers, election night reporting and other election reporting systems, and
11 other components used throughout the election process that do not capture
12 and tabulate votes.

13 ~~21.1.21~~ 1.1.44 “Voting system test laboratory” (VSTL) means a federally accredited
14 laboratory, as defined in section 1-1-104(16.5), C.R.S., which is accredited by the
15 EAC to conduct ENTITY THAT CONDUCTS certification testing for voting systems.

16 ~~1.1.34~~ 1.1.45 “VVPAT” has the same meaning as in section 1-1-104(50.6), C.R.S.

17 ~~1.1.35~~ 1.1.46 “Watcher” has the same meaning as in section 1-1-104(51), C.R.S.

- 18 (a) A watcher may be appointed for a recall election in the same manner as in
19 a primary election.
- 20 (b) For the purpose of appointing a watcher, the proponent or opponent of a
21 ballot measure means a registered issue committee supporting or opposing
22 the ballot measure.
- 23 (c) A designated watcher need not be a resident of the county he or she is
24 designated in as long as he or she is an eligible elector in the State of
25 Colorado.

26 ~~1.1.36~~ 1.1.47 “Write-in vote” means a vote where the voter physically writes in the
27 name of a qualified write-in candidate in the space reserved on the ballot for
28 write-in votes and properly marks the target area according to voter instructions.

29 ~~1.1.37~~ 1.1.48 “Zero tape” means a printout of the internal data registers in electronic
30 vote-tabulating equipment indicating a zero value before any ballots are tabulated
31 on that machine.

32 *Rule 2.1 is amended as follows:*

33 **Rule 2. Voter Registration**

34 2.1 Submission of voter registration forms

1 2.1.1 An applicant may submit a properly executed voter registration form to the county
2 clerk in person, by mail, by fax, by online voter registration, or as an email
3 attachment.

4 ~~2.1.2 All applications submitted by mail, fax, or as an email attachment are mail~~
5 ~~registrations. [Section 1-2-501, C.R.S.]~~

6 ~~2.1.3~~2.1.2 If any portion of a mail application is illegible, the county clerk must
7 notify the applicant of the additional information required in accordance with
8 section 1-2-509, C.R.S.

9 ~~2.1.4~~2.1.3 For submitting applications by fax, email, or online voter registration,
10 close of business is 11:59 p.m. MT.

11 ~~2.1.5~~2.1.4 Under section 1-2-508, C.R.S., the effective date of a voter registration
12 application received by the Secretary of State is the date of the postmark, if
13 legible. If there is no legible postmark, the effective date is the date the
14 application is received.

15 ~~2.1.6 If a county clerk receives a paper voter registration application other than in~~
16 ~~person between 21 and 7 days before election day, the county clerk must send the~~
17 ~~applicant notification by regular mail, or email if provided, within one business~~
18 ~~day stating that the application is received but the applicant will not receive a~~
19 ~~ballot by mail. The notice must state that, if the applicant wishes to vote in the~~
20 ~~upcoming election, the applicant must register:~~

21 (a) ~~Through the online voter registration system on or before the eighth day~~
22 ~~before election day, or~~

23 (b) ~~In person at the county clerk's office or a voter service and polling center~~
24 ~~through election day.~~

25 ~~2.1.7 In accordance with section 1-2-204(1)(a), C.R.S. and the Colorado voter~~
26 ~~registration form affidavit, an elector may not register to vote in a new district or~~
27 ~~county unless he or she has already moved and established his or her primary~~
28 ~~residence in the new district or county. Intent to move to a new district or county,~~
29 ~~in and of itself, is not enough to establish residency.~~

30 2.1.5 THE COUNTY CLERK MUST IMPLEMENT A PROCESS TO ENSURE THAT THE COUNTY
31 ACCURATELY PROCESSES VOTER REGISTRATION APPLICATIONS IN SCORE.

32 *Amendments to Current Rule 2.2:*

33 2.2 For purposes of precinct caucus lists ~~and registration lists for municipal, special district,~~
34 ~~or school district director elections,~~ the elector's ~~length~~-DURATION of residency is based
35 upon the date the elector moved to his or her current residence address, as provided by
36 the elector in his or her application. [SECTION 1-3-101, C.R.S.]

1 2.2.1 ~~Effective January 1, 2014, IN SCORE, the county clerk must enter the date~~
2 provided by the elector THAT HE OR SHE MOVED TO HIS OR HER CURRENT
3 RESIDENCE ADDRESS. ~~in the registration record maintained in SCORE. [Sections 1-~~
4 ~~3-101, 31-10-201, and 32-1-103(5), C.R.S.]~~

5 2.2.2 If the elector submits an application and does not include the date he or she
6 moved, the county clerk must use the date the application is received or
7 postmarked, whichever is earlier, as the date moved. ~~If the elector submits the~~
8 ~~application during the 22 days before election day and does not provide the date~~
9 ~~he or she moved, the county clerk must use as the date moved the twenty-second~~
10 ~~day before election day based upon the affidavit.~~

11 ~~2.2.3 In accordance with section 1-2-104, C.R.S., if a municipality, special district, or~~
12 ~~school district coordinates with a county clerk to conduct an election, the county~~
13 ~~clerk must apply the residency requirements of the municipality, special district,~~
14 ~~or school district. Nothing in these Rules supersedes any durational residency or~~
15 ~~other requirements in local charters, ordinances, or titles 22, 31, or 32, as~~
16 ~~applicable.~~

17 *New Rule 2.3.4:*

18 2.3.4 DOCUMENTS ISSUED UNDER SECTION 42-2-505, C.R.S., ARE NOT ACCEPTABLE
19 FORMS OF IDENTIFICATION FOR ANY PURPOSE UNDER THE UNIFORM ELECTION
20 CODE OF 1992 AND THESE RULES.

21 *Current Rule 2.5.4 is repealed as follows:*

22 ~~2.5.4 When the county clerk provides a list of eligible electors to a municipality or~~
23 ~~special district for an election not coordinated with the county, the county clerk~~
24 ~~must request the designated election official of the municipality or special district~~
25 ~~provide the vote history information following the election. As soon as feasible~~
26 ~~after receiving the information, the county clerk must remove the ID Required~~
27 ~~flag in SCORE from the record of each person who voted, as provided in section~~
28 ~~1-2-605(4)(b), C.R.S.~~

29 *Amendments to Current Rule 2.10:*

30 2.10 An elector who has received notice that his or her application for registration may not be
31 processed or whose registration was cancelled because his or her name was matched with
32 a record bearing the same name, date of birth, and social security number in the databases
33 provided by Colorado Department of Corrections ~~or Colorado Department of Public~~
34 ~~Health and Environment~~, and who believes that the match was erroneous, may request
35 that his or her application be processed or registration be reinstated if he or she: SUBMITS
36 A COMPLETED REINSTATEMENT FORM TO THE COUNTY CLERK.

37 ~~2.10.1 Appears in person at the office of the county clerk and presents identification; or~~

1 2.10.2 ~~Submits a statement to the county clerk affirming that the applicant believes the~~
2 ~~match was in error. The applicant must include his or her printed name,~~
3 ~~residential address, and date of birth on the signed and dated statement.~~

4 *Amendments to Current Rule 2.12.1 concerning voter registration confidentiality:*

5 2.12.1 Information about an agency's name and location for an application completed at
6 a voter registration agency or driver's license office is confidential. [42 USC §-§
7 §§ 1973gg-3(c)(2)(D)(iii)]

8 *Amendments to Current Rule 2.13.2 through 2.13.5 (concerning list maintenance under section 8*
9 *of the National Voter Registration Act of 1993):*

10 2.13.2 The Secretary of State will provide monthly National Change of Address (NCOA)
11 data under section 1-2-302.5, C.R.S., to the county clerk by the fifth of each
12 month.

13 (a) The county must process the data to update registration records and send
14 notifications in accordance with section 1-2-302.5, C.R.S., by the end of
15 each month.

16 (1) The county may not change a residential address to a non-
17 residential address, like a post office box, based on the information
18 in the NCOA data.

19 (2) The county is not required to automatically update a voter
20 registration record during the 60 days before a ~~coordinated~~ AN
21 election CONDUCTED BY THE COUNTY CLERK.

22 (3) If the county clerk has previously mailed a confirmation card to an
23 elector whose record is marked inactive FOR ANY REASON, the
24 county clerk is not required to mail another confirmation card to
25 the elector at the same address.

26 (4) IF AN ELECTOR MOVES WITHIN A COUNTY, THE COUNTY MAY NOT
27 MARK THE ELECTOR'S RECORD "ACTIVE" BASED ON THE NCOA
28 DATA IF THE RECORD IS INCOMPLETE, PENDING, OR CANCELED.

29 (b) When the county updates a voter registration record using NCOA data, the
30 county must use the NCOA transaction source.

31 (c) IF AN ELECTOR WHOSE ADDRESS WAS UPDATED UNDER SECTION 1-2-
32 302.5(2)(B)(I)(A), C.R.S., RETURNS THE VOTED BALLOT THAT WAS MAILED
33 TO THE ELECTOR'S PREVIOUS ADDRESS, THE VOTED BALLOT SERVES AS
34 NOTIFICATION UNDER SECTION 1-2-302.5(2)(B)(I)(B), C.R.S. AND THE
35 COUNTY MUST CORRECT THE ELECTOR'S RECORD ACCORDING TO THAT
36 SECTION.

1 2.13.3 In accordance with section 1-2-605(7), C.R.S., no later than 90 days following a
2 General Election, the county clerk in each county must cancel the registrations of
3 electors ~~who have met the following requirements:~~

- 4 (a) Whose records have been marked “Inactive – returned mail”, “Inactive –
5 undeliverable ballot”, or “Inactive – NCOA”;
- 6 (b) Who have been mailed a confirmation card; and
- 7 (c) Who have since failed to vote in two consecutive ~~General~~ GENERAL
8 elections.

9 ~~2.13.4 An elector whose registration record was cancelled during the previous six years~~
10 ~~under section 1-2-605(7), C.R.S., and Rule 2.13.3, may request reinstatement of~~
11 ~~the record. The elector must affirm that he or she has continuously resided at the~~
12 ~~address shown on the registration record since the record was cancelled.~~

13 ~~2.13.5 No county may consolidate or cancel duplicate records in accordance with section~~
14 ~~1-2-604, C.R.S., within the period beginning 90 days before a Primary or General~~
15 ~~Election.~~

16 2.13.4 THE COUNTY MUST PROCESS ALL RECORDS DESIGNATED FOR CANCELTION BY THE
17 SECRETARY OF STATE WITHIN SEVEN BUSINESS DAYS OF RECEIPT.

18 *Amendments to Current Rule 2.14:*

19 2.14 Voter registration at a voter service and polling center

20 2.14.1 A person registering voters or updating voter registration information in a voter
21 service and polling center must:

- 22 (a) Be a permanent or temporary county employee, state employee, or
23 temporary staff hired by the county clerk;
- 24 (b) Successfully pass the criminal background check described in Rule 6.5-
25 ~~Any person who has been convicted of an election offense or an offense~~
26 ~~with an element of fraud is prohibited from handling voter registration~~
27 ~~applications or conducting voter registration and list maintenance~~
28 ~~activities; and~~

29 *The deleted portion of Current Rule 2.14.1(b) moved to New Rule 6.5.*

- 30 (c) ~~Effective January 1, 2014, successfully~~ SUCCESSFULLY complete a training
31 course provided by the Secretary of State.

32 *[Current rule 2.14.2 is retained; unaltered]*

33 *Amendments to Current Rule 2.15:*

1 2.15 Voter registration records and data

2 2.15.1 Notwithstanding the retention timelines specified in section 1-2-227, C.R.S., the
3 county clerk may destroy paper voter registration records as soon as they have
4 been digitally recorded in SCORE. The SCORE system must retain digital images
5 of voter registration applications in perpetuity in accordance with ~~Title 1, C.R.S.~~
6 ~~and this Rule~~ SECTION 1-5-301, C.R.S.

7 *[Current rules 2.15.2 through 2.15.4 are retained; unaltered]*

8 *New Rule 4.1.3 concerning participation in coordinated elections:*

9 4.1.3 THE DESIGNATED ELECTION OFFICIAL OF EACH PARTICIPATING POLITICAL
10 SUBDIVISION MUST CERTIFY THE COMPLETENESS AND ACCURACY OF THE
11 RESIDENCE ADDRESSES WITHIN THE DISTRICT NO LATER THAN THE 70TH DAY
12 BEFORE ELECTION DAY.

13 *Amendments to Current Rule 4.8.3(a):*

14 4.8.3 Printing primary election ballots

15 (a) If a major political party, as defined in section 1-1-104(22.5), C.R.S.,
16 nominates more than one candidate for any office, the county clerk must
17 conduct the primary election for all major political parties.

18 (1) The county clerk must include on the ballot all offices to which
19 candidates may be nominated in the primary election.

20 (2) If there are no candidates for any particular office, the county clerk
21 must print on the ballot “There are no candidates for this office”.

22 [Sections 1-4-101 and 1-4-104.5, C.R.S.; Election Rule ~~4.3-10.1.1~~]

23 *[Current Rule 4.8.3(b) is retained; unaltered]*

24 *Amendments to Current Rule 4.8.4(a) and (b):*

25 4.8.4 Use of unique numbers on ballots

26 (a) Except for ballots sent to military or overseas electors by electronic
27 transmission under Rule 16.2, a county may not print a ballot for use in a
28 state or federal election that has a unique number, or a barcode containing
29 a unique number, that is specific to a single ballot.

30 (1) A county that uses rotating numbers must print at least ten ballots
31 of each ballot style for each number.

32 (2) Nothing in this Rule prohibits a county from printing a unique
33 number or barcode on ~~the~~A removable stub.

1 (b) After an election official dissociates a voted ballot from its envelope and
2 removes the stub, IF ANY, the county may write or print unique numbers on
3 the voted ballot for auditing and accounting purposes, including
4 duplication of damaged ballots and risk limiting audits.

5 *[Current Rule 4.8.4(c) is retained; unaltered]*

6 *Amendments to Current Rule 5:*

7 **Rule 5. Nonpartisan Elections not Coordinated by the County Clerk**

8 ~~5.1 Election Notice~~

9 ~~5.1.1-5.1~~ The designated election official must send notice of the election to the clerk of the
10 county in which the election will be held. The notice must include the date by which the
11 list of registered electors must be submitted to the political subdivision.

12 ~~5.1.2-5.2~~ For multi-county political subdivisions, the notice sent to each clerk must also
13 include the names of all other counties in which the election will be held.

14 ~~5.2 Mail ballot elections~~

15 ~~5.2.1-5.3~~ If a political subdivision coordinates with the county clerk, the designated election
16 official is not required to submit a separate mail ballot plan for the election.

17 *Current Rules 5.2.2 through 5.8 are repealed as follows:*

18 ~~5.2.2~~ If a local governing board determines an election will be conducted by mail
19 ballot, the designated election official must submit a mail ballot plan to the
20 Secretary of State no later than 55 days before the election. The designated
21 election official must use the approved mail ballot plan template.

22 (a) ~~The designated election official must include an actual sample of the~~
23 ~~secrecy sleeve or envelope that the designated election official plans to use~~
24 ~~in the election.~~

25 (b) ~~A home rule municipality must check the appropriate box on the plan~~
26 ~~indicating whether there are locally adopted election procedures different~~
27 ~~from those set forth in Title 1, C.R.S. The Secretary of State will not~~
28 ~~review any home rule municipality's mail ballot plan that fails to include~~
29 ~~this information.~~

30 ~~5.2.3 Ballots and ballot packets~~

31 (a) ~~For non-partisan elections where multiple ballots will be included in the~~
32 ~~same packet or will be sent in separate packets, the ballots and return~~
33 ~~envelopes must include distinctive markings or colors to identify political~~

1 subdivisions when the colors or distinctive markings will aid in the
2 distribution and tabulation of the ballots.

3 (b) — ~~The designated election official for each political subdivision for whom
4 one or more county clerks are conducting the election must provide a
5 complete list of eligible electors in their political subdivision to each
6 appropriate county clerk, unless otherwise provided in the
7 intergovernmental agreement. The political subdivision must list each
8 elector only once to ensure that each elector receives one and only one
9 ballot unless otherwise authorized.~~

10 (c) — ~~All election materials prepared by the designated election official,
11 including the Article X, Section 20 notice, may be included in the mail
12 ballot packet.~~

13 ~~5.2.4 Receipt of Ballots~~

14 (a) — ~~The designated election official must appoint sufficient election officials
15 to process ballots.~~

16 (b) — ~~Each day when ballots come in, an election official must count the ballot
17 envelopes, batch them and record the number received.~~

18 (c) — ~~An election official must date stamp the envelopes upon receipt. If any
19 ballot is received after the time set for the closing of the elections, the
20 envelope must be date stamped but the ballot must not be counted.~~

21 (d) — ~~Election officials must record the number of ballot packets returned as
22 undeliverable.~~

23 (e) — ~~The designated election official must seal and store ballots in a safe,
24 secure place until the counting of the ballots.~~

25 ~~5.2.5 Recall elections. The designated election official must submit a written plan to the
26 Secretary of State within five days after the designated election official sets the
27 date of the election. The Secretary of State will approve or disapprove the plan
28 within five days from the date it is received. [Section 1-12-111.5, C.R.S.]~~

29 ~~5.3 — If a designated election official conducts an election on a day other than described in
30 section 1-7-116(1), C.R.S., the designated election official may mail the notice required
31 by Article X, Section 20 of the Colorado Constitution to people who are not eligible
32 electors if the mailing is done at the “least cost” possible.~~

33 ~~5.4 — If the designated election official for the political subdivision is unable to establish a
34 polling location within the political subdivision, the designated election official may
35 designate a polling location outside of the political subdivision if the location is
36 convenient for the electors.~~

- 1 ~~5.5~~ For elections not conducted in November and not coordinated with the county clerk, the
2 ballot issue or question must be identified by the name of the jurisdiction submitting the
3 ballot issue or ballot question followed by a number in the case of initiatives or by a letter
4 in the case of referred measures.
- 5 ~~5.6~~ Elections authorized by Part 1, Article 45 of Title 37, C.R.S., must be conducted in
6 accordance with Articles 1 through 13 of Title 1, C.R.S., where applicable, unless
7 otherwise ordered by the district court having jurisdiction over the water conservancy
8 district, under section 37-45-103 (3), C.R.S. (“Court”).
- 9 ~~5.6.1~~ The form and verification of any petition requesting an election conducted by a
10 water conservancy district under sections 37-45-114 (2) and 37-45-136(3.5),
11 C.R.S., (“Petition”), must conform with sections 1-40-113 and 1-40-116, C.R.S.,
12 and Rule 15; except that petitioners need not seek petition format approval from
13 the Secretary of State. Petitioners must file the petition with the court and the
14 water conservancy district must verify the signatures on the petition.
- 15 ~~5.6.2~~ The procedures for issuing the statement of sufficiency or insufficiency of the
16 petition must conform with section 1-40-117, C.R.S., and Rule 15; except that the
17 statement must be issued by the water conservancy district named in the petition,
18 unless otherwise ordered by the court.
- 19 ~~5.6.3~~ The procedures for cure of a petition deemed insufficient must conform with
20 section 1-40-117, C.R.S., and Rule 15; except any addendum to the petition must
21 be filed with both the court and the water conservancy district named in the
22 petition, unless otherwise ordered by the court.
- 23 ~~5.6.4~~ The procedures for protesting the determination that a petition is insufficient must
24 conform with section 1-40-118, C.R.S., and Rule 15, unless otherwise ordered by
25 the court.
- 26 ~~5.6.5~~ The designated election official must conduct any election under section 37-45-
27 114(2), C.R.S., after the sixtieth but before the one hundredth day after the date of
28 the court order, regardless of the actual expiration date of the term of the office,
29 unless the Court order establishes an alternate date or the water conservancy
30 district has notified the court that the election must be coordinated and conducted
31 in accordance with section 1-7-116, C.R.S.
- 32 ~~5.6.6~~ The form and procedures for filing candidate nomination forms and call for
33 candidate nominations for the office to be voted upon at the court ordered election
34 described in this Rule must be conducted under Article 1, Title 32, C.R.S., unless
35 otherwise ordered by the court.
- 36 ~~5.7~~ Non-Partisan Elections: Polling location procedures
- 37 ~~5.7.1~~ For polling place elections conducted in accordance with Article 1, Title 32,
38 C.R.S., upon execution of the self-affirming oath or affirmation under section 32-

1 ~~1-806(2), C.R.S., an eligible elector must show identification as defined in section~~
2 ~~1-1-104(19.5), C.R.S.~~

3 ~~5.7.2 The designated election official must ensure that each polling location has an~~
4 ~~adequate number of provisional ballots and affidavits.~~

5 ~~5.7.3 The designated election official must follow the provisional ballot procedures~~
6 ~~contained in Articles 1 through 13 of Title 1, C.R.S., and Rule 17.~~

7 ~~5.8 The clerk for a county that contains any portion of a political subdivision within its~~
8 ~~borders must provide election day registration for the political subdivision.~~

9 ~~5.8.1 The county clerk must provide voter registration through the 22 day period before~~
10 ~~the election during normal business hours, Monday through Friday, and 7:00 a.m.~~
11 ~~to 7:00 p.m. on election day.~~

12 ~~5.8.2 The county clerk must provide daily registration updates beginning 22 days~~
13 ~~before election day through the day before election day, to the designated election~~
14 ~~official by secure transmission as outlined in Rule 20.~~

15 ~~5.8.3 On election day, the county clerk must provide a certificate of registration to any~~
16 ~~elector who registers to vote or updates his or her registration.~~

17 *New Rules 5.4 through 5.6:*

18 5.4 REGISTRATION LIST FOR A SPECIAL DISTRICT ELECTION

19 5.4.1 IF A SPECIAL DISTRICT REQUESTS A REGISTRATION LIST UNDER SECTION 1-13.5-
20 203(1), C.R.S., THE COUNTY CLERK MUST PROVIDE TO THE DESIGNATED ELECTION
21 OFFICIAL:

22 (A) A LIST OF REGISTERED ELECTORS AS OF THE 40TH DAY BEFORE THE
23 ELECTION TO BE DELIVERED ON THE 30TH DAY BEFORE THE ELECTION,
24 FOLLOWED BY A LIST OF ALL REGISTERED ELECTORS AS OF THE CLOSE OF
25 BUSINESS ON THE 22ND DAY BEFORE THE ELECTION TO BE DELIVERED ON THE
26 20TH DAY BEFORE THE ELECTION; OR

27 (B) A COMPLETE LIST OF REGISTERED ELECTORS AS OF THE SIXTH DAY BEFORE
28 THE ELECTION.

29 5.4.2 UPON REQUEST, THE COUNTY MUST PROVIDE THE DESIGNATED ELECTION OFFICIAL
30 A LIST OF UOCAVA ELECTORS WHO RESIDE WITHIN THE SPECIAL DISTRICT.

31 5.4.3 BEGINNING THE 40TH DAY BEFORE THE DATE OF ELECTION AND THROUGH ELECTION
32 DAY, THE COUNTY MUST STAY CURRENT WITH ALL VOTER REGISTRATION DATA
33 ENTRY.

1 5.4.4 FOR EVERY REGISTRATION LIST SENT TO THE SPECIAL DISTRICT, THE COUNTY CLERK
2 MUST INFORM THE DESIGNATED ELECTION OFFICIAL OF THE PROPER PROCEDURES
3 FOR HANDLING PROTECTED OR CONFIDENTIAL ELECTOR INFORMATION. [SECTION
4 24-72-204(3.5), (8), AND PART 21, ARTICLE 30, TITLE 24, C.R.S.]

5 5.5 REGISTRATION LISTS FOR MUNICIPAL ELECTIONS

6 5.5.1 IF A MUNICIPALITY IS CONDUCTING A MAIL BALLOT ELECTION, THE COUNTY CLERK
7 MUST PROVIDE THE MUNICIPALITY WITH:

8 (A) A PRELIMINARY LIST OF ALL ELIGIBLE ELECTORS NO LATER THAN THE 30TH
9 DAY BEFORE THE ELECTION; AND

10 (B) A SUPPLEMENTAL LIST OF ELECTORS NO LATER THAN THE 20TH DAY BEFORE
11 THE ELECTION. THE LIST MUST CONTAIN THE NAMES OF ALL ELIGIBLE
12 ELECTORS IN THE MUNICIPALITY WHO WERE NOT ON THE 30-DAY LIST AND
13 WHO REGISTERED ON OR BEFORE THE 22ND DAY BEFORE THE ELECTION.

14 5.5.2 THE COUNTY CLERK MUST PROVIDE THE MUNICIPALITY WITH A REGISTRATION LIST
15 NO LATER THAN THE FIFTH DAY BEFORE THE ELECTION. IF PROVIDED ON THE FIFTH
16 DAY, THE LIST MUST INCLUDE ALL REGISTERED ELECTORS IN THE MUNICIPALITY AS
17 OF THE SIXTH DAY BEFORE THE ELECTION.

18 5.5.3 BEGINNING THE 40TH DAY BEFORE THE ELECTION AND THROUGH ELECTION DAY,
19 THE COUNTY CLERK MUST STAY CURRENT WITH ALL VOTER REGISTRATION DATA
20 ENTRY.

21 5.5.4 FOR EVERY REGISTRATION LIST SENT TO THE MUNICIPALITY, THE COUNTY CLERK
22 MUST INFORM THE DESIGNATED ELECTION OFFICIAL OF THE PROPER PROCEDURES OF
23 FOR HANDLING PROTECTED OR CONFIDENTIAL ELECTOR INFORMATION. [SECTION
24 24-72-204(3.5), (8), AND PART 21, ARTICLE 30, TITLE 24, C.R.S.]

25 5.6 IF AN ELIGIBLE ELECTOR ATTEMPTS TO REGISTER OR UPDATE HIS OR HER REGISTRATION AT
26 THE COUNTY CLERK'S OFFICE, THE COUNTY MUST PROCESS THE REQUEST AND ENSURE
27 THAT THE ELECTOR APPEARS ON THE NEXT REGISTRATION LIST PROVIDED TO THE
28 MUNICIPALITY OR ISSUE THE ELECTOR A CERTIFICATE OF REGISTRATION.

29 *Amendments to Rules 6.4 and 6.5 concerning election judges:*

30 6.4 A supervisor judge in a voter service and polling center must:

31 6.4.1 Successfully pass the criminal background check described in Rule 6.5. Any
32 person who has been convicted of an election offense or an offense with an
33 element of fraud is prohibited from handling voter registration applications or
34 conducting voter registration and list maintenance activities.

35 6.4.2 ~~Effective January 1, 2014, successfully complete~~ COMPLETE a training course
36 provided by the Secretary of State.

1 6.5 The county clerk must arrange for a criminal background check on a supervisor judge and
2 each staff member conducting voter registration activities.

3 (A) The criminal background check must be conducted by or through the Colorado
4 Bureau of Investigation ~~in the Department of Public Safety or by, the County~~
5 ~~Sheriff's~~ COUNTY SHERIFF'S department, ~~for the county in which the county~~
6 ~~clerk's office is located~~ OR SIMILAR STATE OR FEDERAL AGENCY.

7 (B) A PERSON CONVICTED OF AN ELECTION OFFENSE OR AN OFFENSE CONTAINING AN
8 ELEMENT OF FRAUD MAY NOT:

9 (1) HANDLE VOTER REGISTRATION APPLICATIONS OR CONDUCT VOTER
10 REGISTRATION AND LIST MAINTENANCE ACTIVITIES; OR

11 (2) HAVE ACCESS TO A CODE, COMBINATION, PASSWORD, OR ENCRYPTION KEY
12 FOR THE VOTING EQUIPMENT, BALLOT STORAGE AREA, COUNTING ROOM, OR
13 TABULATION WORKSTATION.

14 *Amendments to Rule 7.1.1 (concerning mail ballot plans for elections conducted by the county*
15 *clerk and recorder):*

16 7.1.1 The county clerk must submit a mail ballot plan to the Secretary of State by email
17 no later than 90 days before every election.

18 (a) ~~For recall elections, the county clerk must submit a mail ballot plan to the~~
19 ~~Secretary of State by email within five days after the appropriate official~~
20 ~~sets the election date. The Secretary of State will approve or disapprove~~
21 ~~the plan within five days after receipt.~~

22 (b) The county clerk must submit with the mail ballot plan the VOTER
23 INSTRUCTIONS AND secrecy sleeve ~~or envelope~~ that the clerk intends to use
24 in the election.

25 *New Rule 7.2.5 and 7.2.6 (concerning mail ballot and ballot packets):*

26 7.2.5 EFFECTIVE JANUARY 1, 2015, EACH MAIL BALLOT RETURN ENVELOPE AND MAIL
27 BALLOT INSTRUCTION MUST INCLUDE A STATEMENT INFORMING VOTERS THAT IT IS
28 A VIOLATION OF LAW TO DROP OFF MORE THAN TEN BALLOTS IN ANY ELECTION.

29 7.2.6 EFFECTIVE JANUARY 1, 2015, IN ADDITION TO THE AFFIRMATION REQUIRED BY
30 SECTION 1-7.5-107(3), C.R.S., EACH MAIL BALLOT RETURN ENVELOPE MUST
31 INCLUDE THE FOLLOWING AFFIRMATION: "FOR THIRD PARTY DELIVERY: I AM
32 VOLUNTARILY GIVING MY BALLOT TO (BLANK) FOR DELIVERY. I HAVE MARKED
33 AND SEALED MY BALLOT IN PRIVATE AND HAVE NOT ALLOWED ANY PERSON TO
34 OBSERVE THE MARKING OF THE BALLOT, EXCEPT FOR THOSE AUTHORIZED TO ASSIST
35 VOTERS UNDER STATE OR FEDERAL LAW."

1 *Amendments to Rule 7.2.3(c) (concerning ballots and ballot packets for elections conducted by*
2 *the county clerk and recorder):*

3 (c) In coordinated elections, the county clerk must mail ballots to all active
4 eligible electors of each political subdivision. ~~For special district elections,~~
5 ~~the designated election official of each district must certify to the county~~
6 ~~clerk the list of electors eligible to vote under section 32-1-806, C.R.S.~~

7 *Amendments to Rule 7.4.6:*

8 7.4.6 Upon receipt of the ballot, ~~a bipartisan team~~ of election judges must verify the
9 signature on the affidavit under Rule ~~7.7-7.8~~. After the affidavit has been verified,
10 a bipartisan team of election judges must duplicate the ballot following the
11 procedures outlined in Rule 18. Duplicating judges must not reveal how the
12 elector has cast his or her ballot.

13 *Rule 7.4.7, concerning emergency ballot transmission, is repealed (this information is currently*
14 *addressed by section 1-7.5-115, C.R.S.):*

15 ~~7.4.7 Notwithstanding any other provision of law, the following procedures apply to~~
16 ~~delivery and return of ballots to electors affected by a disaster emergency.~~

17 (a) ~~Definitions~~

18 (1) ~~“Affected elector” means an elector who is displaced from or~~
19 ~~isolated in the elector’s residence, as a result of a disaster~~
20 ~~emergency.~~

21 (2) ~~“Affected county” means a county in which a disaster emergency~~
22 ~~exists.~~

23 (3) ~~“Disaster emergency” means a state of disaster emergency~~
24 ~~declared by an authorized public officer under applicable law.~~

25 (b) ~~The county clerk of an affected county may issue an original or~~
26 ~~replacement ballot to an affected elector in person at the county clerk’s~~
27 ~~office under section 1-7.5-107(2.7), C.R.S., or by mail at any time after~~
28 ~~official ballots are printed and in the possession of the county clerk under~~
29 ~~section 1-5-403(1), C.R.S.~~

30 (c) ~~Disaster Emergency mail ballots~~

31 (1) ~~An affected elector who is unable to obtain his or her ballot in-~~
32 ~~person or by mail because he or she is isolated in his or her~~
33 ~~residence may apply for a disaster emergency mail ballot on a form~~
34 ~~provided by the Secretary of State.~~

- 1 ~~(2) — A disaster emergency mail ballot may be issued to and returned by~~
2 ~~an affected elector by mail, fax, or email.~~
- 3 ~~(3) — The county clerk must record the issuance and receipt of disaster~~
4 ~~emergency mail ballots sent by electronic transmission on a log~~
5 ~~approved by the Secretary of State.~~
- 6 ~~(d) — The county clerk of an affected county must submit to the Secretary of~~
7 ~~State an amendment to the county's contingency plan. The amendment, at~~
8 ~~a minimum, must include:~~
- 9 ~~(1) — A general description of the affected areas;~~
- 10 ~~(2) — A plan for notifying affected electors of procedures to obtain and~~
11 ~~return ballots;~~
- 12 ~~(3) — Procedures for delivery and return of ballots to and from affected~~
13 ~~electors; and~~
- 14 ~~(4) — Any procedures necessary to ensure the security of ballots~~
15 ~~delivered to or returned by affected electors.~~

16 *New Rule 7.5.1(c) and (d) concerning receipt and processing of ballots:*

- 17 (C) SIGNAGE AT EACH DROP-OFF LOCATION MUST INFORM VOTERS THAT IT IS A
18 VIOLATION OF LAW TO DROP OFF MORE THAN TEN BALLOTS IN ANY
19 ELECTION.
- 20 (D) THE MINIMUM NUMBER OF DROP-OFF LOCATIONS MUST BE OPEN DURING
21 REASONABLE BUSINESS HOURS AS DEFINED IN RULE 7.8.1(A) AND FROM
22 7:00 A.M. THROUGH 7:00 P.M. ON ELECTION DAY.

23 *Amendments to Rule 7.5.8:*

- 24 7.5.8 The county clerk must dissociate any batch number that could trace a ballot back
25 to the specific voter who cast it from the counted ballots OR ANY REPORTS
26 GENERATED BY THE TABULATION SOFTWARE no later than the final certification of
27 the abstract of votes cast.

28 *New Rule 7.5.9 concerning ballots received by the wrong county:*

- 29 7.5.9 IF AN ELECTOR DELIVERS A BALLOT TO THE WRONG COUNTY, THAT COUNTY MUST
30 DATE STAMP THE BALLOT AND FORWARD IT TO THE CORRECT COUNTY. THE
31 CORRECT COUNTY MUST TREAT THE BALLOT AS RECEIVED AS OF THE DATE AND
32 TIME OF THE DATE STAMP.

33 *New Rule 7.6 (amended and relocated current Temporary Rule 7.13; adopted on 6/24/2014):*

1 7.6 BALLOT RETURNED IN UNOFFICIAL ENVELOPE

2 7.6.1 IF THE COUNTY TIMELY RECEIVES A MAIL BALLOT FROM AN ELIGIBLE ELECTOR IN
3 AN ENVELOPE OTHER THAN THE OFFICIAL BALLOT RETURN ENVELOPE FOR THAT
4 PARTICULAR ELECTION, THE COUNTY MUST CONTACT THE ELECTOR IN WRITING
5 WITHIN THREE CALENDAR DAYS OF RECEIVING THE BALLOT BUT NO LATER THAN
6 TWO CALENDAR DAYS AFTER ELECTION DAY. THE COUNTY MUST USE THE LETTER
7 AND AFFIDAVIT PRESCRIBED BY THE SECRETARY OF STATE AND KEEP A COPY AS
8 PART OF THE OFFICIAL ELECTION RECORD. IF THE COUNTY RECEIVES THE
9 COMPLETED AFFIDAVIT NO LATER THAN THE EIGHTH DAY AFTER ELECTION DAY,
10 THE COUNTY MUST COUNT THE BALLOT.

11 *[Current Rules 6.7 through 7.7.8 are renumbered accordingly]*

12 *New Rule 7.8.9 concerning voter service and polling centers:*

13 7.8.9 SIGNAGE AT EACH VOTER SERVICE AND POLLING CENTER MUST INFORM VOTERS
14 THAT IT IS A VIOLATION OF LAW TO DROP OFF MORE THAN TEN BALLOTS IN ANY
15 ELECTION.

16 *[Current Rules 7.8 through 7.10.3 are renumbered accordingly]*

17 *[Renumbering and amendments to Rules 7.11 and 7.12:]*

18 ~~7.11~~7.12 Assisting voters with disabilities in a voter service and polling center

19 ~~7.11.1~~7.12.1 The designated election official must post a sign at the voter service and
20 polling center that states:

21 *NOTICE*

22 *VOTING ASSISTANCE FOR ELECTORS WITH DISABILITIES*

23 *Colorado law protects a voter’s legal right to assistance in voting if assistance is needed*
24 *because of a disability.*

- 25 1. *If you require assistance, please inform an election judge.*
- 26 2. *Any person, including an election judge, may assist you.*
- 27 3. *If you select a person other than an election judge, he or she must complete a*
28 *Voter Assistance Form, which includes an oath that states:*

29 *I,, certify that I am the individual chosen by the elector to assist the elector*
30 *in casting a ballot.² I FURTHER CERTIFY THAT I WILL NOT IN ANY WAY ATTEMPT TO*
31 *PERSUADE OR INDUCE THE ELECTOR TO VOTE IN A PARTICULAR MANNER, NOR WILL I*
32 *CAST THE ELECTOR’S VOTE OTHER THAN AS DIRECTED BY THE ELECTOR I AM ASSISTING.*

1 4. The person you select may provide any assistance you need, including entering
2 the voting booth, preparing the ballot, or operating the voting machine.

3 5. The person assisting you may not seek to persuade you or induce you to vote in a
4 particular manner.

5 6. The election judge must record the name of each voter who receives assistance
6 and the name of the person who provides assistance on the signature card.

7 ~~7.11.2~~ 7.12.2 If a voter has spoiled two ballots and requests a third ballot, an election
8 official must offer assistance in voting procedures and casting the ballot.

9 ~~10.10~~ 7.13 Voter history

10 ~~10.10.1~~ 7.13.1 After the canvass, the designated election official must give vote credit to
11 each voter who voted in the election.

12 ~~10.10.2~~ 7.13.2 If the voter history records do not match the number of voters who voted
13 at that election, the designated election official must ensure the following:

14 (a) Each voter received credit for voting; and

15 (b) All signature cards are accounted for.

16 ~~10.10.3~~ 7.13.3 All research concerning discrepancies must be explained and documented.

17 *[Current Rule 10.10 is relocated and incorporated into New Rule 7.13 as shown above]*

18 ~~7.12~~ 7.14 Reimbursement to counties for state ballot measure elections. No later than 90
19 days after an election, the county must submit a completed request for reimbursement
20 under section 1-5-505.5, C.R.S. The county must submit the request using the form
21 provided by the Secretary of State.

22 *Amendments to Rule 8.6.1:*

23 8.6 A watcher may not:

24 8.6.1 Interrupt, STOP, or disrupt the processing, verification, and counting of any ballots
25 or any other stage of the election.

26 *[Current rules 8.6.2 through 8.6.7 are retained; unaltered. New Rules 8.6.8 through*
27 *8.6.10 follow:]*

28 8.6.8 ATTEMPT TO DETERMINE HOW ANY ELECTOR VOTED OR OBTAIN CONFIDENTIAL
29 VOTER INFORMATION.

30 8.6.9 DISCLOSE OR RECORD ANY CONFIDENTIAL VOTER INFORMATION THAT HE OR SHE
31 MAY OBSERVE.

1 8.6.10 ATTEMPT TO DETERMINE OR DISCLOSE ANY RESULTS BEFORE THE POLLS HAVE
2 CLOSED.

3 *Amendments to Rule 9*

4 **Rule 9. Voting Challenges**

5 **9.1 CHALLENGING AN IN-PERSON VOTER**

6 ~~9.19.1.1~~ Under Section 1-9-201, C.R.S., an election official, watcher, or eligible
7 elector of the precinct may challenge an elector's right to vote. A person whose
8 eligibility is challenged while voting in-person, must be offered a regular ballot
9 by an election judge if the person satisfactorily answers the applicable challenge
10 questions specified in section 1-9-203, C.R.S., and this Rule. If the person
11 challenged provides unsatisfactory answers or refuses to answer the challenge
12 questions, an election judge must offer the person a provisional ballot.

13 ~~9.29.1.2~~ Citizenship. The election judge must ask the elector, "Are you a citizen of
14 the United States?"

15 ~~9.39.1.3~~ Residency. The election judge must ask the elector the following
16 questions:

17 ~~9.3.1(A)~~ "Will you have resided in Colorado for the 22 days before election
18 day?"

19 ~~9.3.2(B)~~ "Do you reside at the address stated in your voter registration
20 record?"

21 ~~9.3.3(C)~~ "Have you been absent from Colorado during the past 22 days?" If
22 the elector responds that he or she was absent during the 22-day period,
23 the election judge must also ask the following questions:

24 ~~(a)~~(1) "Have you been absent for a temporary purpose with the intent of
25 returning, or did you intend to remain outside Colorado?"

26 ~~(b)~~(2) "While you were absent, did you consider Colorado to be your
27 home or did you maintain a home or domicile elsewhere?"

28 ~~(c)~~(3) "While you were absent, did you vote in any other state or territory
29 of the United States?"

30 ~~9.49.1.4~~ Age. The election judge must ask the elector, "Will you be 18 years of age
31 or older on election day?"

32 9.2 IF AN INDIVIDUAL CHALLENGES A MAIL BALLOT UNDER SECTION 1-9-201, C.R.S., THE
33 ELECTION JUDGE MUST FORWARD THE BALLOT TO TWO OTHER ELECTION JUDGES OF

1 DIFFERENT POLITICAL PARTY AFFILIATIONS WHO MUST REVIEW THE ELECTOR'S ELIGIBILITY
2 TO VOTE.

3 9.2.1 IF BOTH ELECTION JUDGES DETERMINE THE ELECTOR IS NOT ELIGIBLE TO
4 VOTE ON A PARTICULAR BALLOT ISSUE, BALLOT QUESTION, OR RACE, THE
5 JUDGES MUST COUNT ONLY THOSE BALLOT ISSUES, BALLOT QUESTIONS, OR
6 RACES FOR WHICH THE ELECTOR IS ELIGIBLE.

7 9.2.2 IF BOTH ELECTION JUDGES DETERMINE THE SIGNATURE ON THE RETURN
8 ENVELOPE DOES NOT MATCH THE ELECTOR'S SIGNATURE IN SCORE, THE
9 JUDGES MUST FOLLOW THE PROCEDURES IN SECTION 1-7.5-107.3(2), C.R.S.,

10 9.2.3 IF BOTH ELECTION JUDGES DETERMINE THE ELECTOR IS ELIGIBLE AND THAT
11 ELECTOR'S SIGNATURE IS VALID, THE ELECTION JUDGES MUST COUNT THE
12 ELECTOR'S BALLOT.

13 *Amendments to Rule 10:*

14 **Rule 10. Canvassing and Recount**

15 *[Current Rule 10.1 is relocated to New Rule 10.2]*

16 *[New Rule 10.1 includes relocated portions of Current Rules 10.3, 10.4, and 10.5 as shown*
17 *below]*

18 10.1 PRECANVASS ACCOUNTING

19 10.1.1 FOR PURPOSES OF ARTICLE 10 OF TITLE 1, "BALLOTS CAST IN AN ELECTION" OR
20 "BALLOTS CAST IN EACH PRECINCT" MEANS PAPER OR DRE BALLOTS VOTED IN
21 PERSON BY ELECTORS AT A VOTER SERVICE AND POLLING CENTER AND VOTED MAIL
22 BALLOTS RECEIVED FOR PROCESSING BY THE COUNTY CLERK.

23 ~~10.3~~10.1.2 Detailed Ballot Log. The designated election official must keep a detailed
24 ballot log that accounts for every ballot issued and received beginning when
25 ballots are ordered and received. The election officials must reconcile the log at
26 the conclusion of each workday.

27 ~~10.4~~10.1.3 Daily voter service and polling center ballot accounting. ~~10.4.1~~—The
28 designated election official must supply each polling location with a Statement of
29 Ballots Form. Election judges must record the following information on a separate
30 statement of ballots form for each day that the polling location is open:

- 31 (a) The name or number of the polling location;
- 32 (b) The number of ballots provided to or printed on-demand at the polling
33 location;
- 34 (c) The number of ballots cast;

- 1 (d) The number of unvoted ballots;
- 2 (e) The number of damaged or spoiled ballots;
- 3 (f) The number of voted provisional ballots; and
- 4 (g) The date.

5 ~~10.4.2~~10.1.4 After a polling location closes for the day election judges must complete
 6 the following tasks:

- 7 (a) Reconcile the total number of voted ballots with the number of voters who
 8 voted.
- 9 (b) Verify that the total number of voted ballots, spoiled or damaged ballots,
 10 provisional ballots, and unvoted ballots is the same as the number of total
 11 ballots supplied to or printed at the polling location.
- 12 (c) Reconcile the number of people who signed signature cards to the total
 13 number of ballots cast.
- 14 (d) Provide a written explanation of any discrepancy in the numbers on the
 15 Statement of Ballots form, (for example, the voter signed in but left the
 16 polling location without voting, etc.).
- 17 (e) ~~Return~~ AFTER THE VOTER SERVICE AND POLLING CENTER CLOSES ON
 18 ELECTION NIGHT, ELECTION JUDGES MUST RETURN the completed Statement
 19 of Ballots form FOR EACH DAY THE LOCATION WAS OPEN ALONG WITH ALL
 20 ~~and~~ voted, unvoted, spoiled, and provisional ballots to one of the election
 21 offices designated in the mail ballot plan.

22 ~~10.5~~10.1.5 Designated Election Official’s disposition of forms

23 ~~10.5.1~~(A) The designated election official must review the Statement of
 24 Ballots ~~form~~ FORMS for completion and accuracy.

25 ~~10.5.2~~(B) If the designated election official or the canvass board discovers a
 26 problem with ~~the~~ A Statement of Ballots form that cannot be easily
 27 resolved, they may contact the election judges for an explanation or
 28 correction.

29 *[Current Rules 10.1 and 10.9 are amended and renumbered as New Rule 10.2 as follows:]*

30 ~~10.1~~10.2 Appointment to the Canvass Board

31 ~~10.1.1~~10.2.1 In all cases, the canvass board must consist of an odd number of members,
 32 and each member has equal voting rights.

1 ~~10.1.2~~10.2.2 For a partisan election, each major party may have no more than two
2 representatives on the canvass board. The board must include an equal number of
3 representatives from each major party, unless a major party fails to certify
4 representatives for appointment.

5 ~~10.1.3~~10.2.3 Each major party representative on the canvass board must be registered to
6 vote in the county where the representative will serve and affiliated with the party
7 he or she represents.

8 ~~10.1.4~~10.2.4 A candidate for office and members of the candidate's immediate family
9 may not serve on the canvass board.

10 ~~10.9~~10.2.5 Appointment of Canvass Workers. The designated election official may
11 appoint canvass workers to help prepare and conduct the canvass.

12 *[Current Rules 10.2 and 10.12 are amended renumbered as New Rule 10.3 as follows:]*

13 ~~10.2~~10.3 Duties of the Canvass Board

14 ~~10.2.1~~10.3.1 The canvass board must make its determinations by majority vote in
15 accordance with section 1-10-101.5(1)(c), C.R.S.

16 ~~10.2.2~~10.3.2 The canvass board's duties are to:

17 (a) Conduct the canvass in accordance with section 1-10-101.5, C.R.S.,
18 including:

19 (1) Account and balance the election and certify the official abstract of
20 votes;

21 (2) Reconcile the number of ballots counted to the number of ballots
22 cast; and

23 (3) Reconcile the number of ballots cast to the number of voters who
24 voted by reviewing the reconciled detailed ballot logs and
25 Statement of Ballots.

26 (b) Observe the post-election audit in accordance with section 1-7-514(4),
27 C.R.S., and Election Rule 11.3.3(k);

28 (c) In coordination with the county clerk, investigate and report discrepancies
29 found in the audit under section 1-7-514(2), C.R.S.; and

30 (d) Conduct any recount in accordance with section 1-10.5-107, C.R.S., and
31 this Rule. The canvass board's role in conducting a recount includes
32 selecting ballots for the random test, observing the recounting of ballots,
33 and certifying the results.

1 ~~10.2.3~~10.3.3 If the board identifies a discrepancy in the A Statement of Ballots FORM,
2 the board may review the particular ballots at issue to identify, correct, and
3 account for the error.

4 ~~10.2.4~~10.3.4 The canvass board may not perform duties typically reserved for election
5 judges, including:

- 6 (a) Determining voter intent;
- 7 (b) Evaluating voter eligibility; and
- 8 (c) Requesting new logs or reports that were not created to conduct the
9 election.

10 ~~10.12~~10.3.5 Role of Watchers. Watchers appointed under section 1-10-101(1)(a),
11 C.R.S., may observe the board while it performs its duties, subject to Rule 8.

12 *Current Rule 10.3 is amended and renumbered as New Rule 10.1.1.*

13 *Current Rules 10.4 and 10.4.1 are amended and renumbered as New Rule 10.1.2.*

14 *Current Rule 10.4.2 is amended and renumbered as New Rule 10.1.3.*

15 *Current Rule 10.5 is amended and renumbered as New Rule 10.1.4.*

16 *Current Rules 10.6, 10.7.2(e)-(7) and 10.11 are amended and renumbered as New Rule 10.4 as*
17 *follows:*

18 ~~10.6~~10.4 Procedures for the day of the Canvass

19 ~~10.6.1~~10.4.1 The designated election official must provide the following information to
20 the canvass board:

- 21 (a) The name of each candidate, office, and votes received;
- 22 (b) The number or letter of each ballot issue or question and votes received;
- 23 (c) The number of ballots cast, including the number of accepted and rejected
24 mail ballots; ~~and~~
- 25 (d) The number of provisional ballots cast, including the number accepted and
26 rejected;

27 *[Current Rules 10.7.2(e)-(h) are relocated to this New Rule 10.4.1 (e)-(h) as*
28 *follows:]*

29 (e) The number of mail ballots counted and the number rejected;

30 (f) The number of in-person ballots counted;

1 (g) The number of provisional ballots counted and the number rejected listed
2 by each rejection code; and

3 (h) The number of damaged and spoiled ballots.

4 ~~10.6.2~~10.4.2 Any written documentation regarding official ~~numbers~~ **RESULTS MUST**
5 **BE** included as part of the canvass.

6 ~~10.11~~10.4.3 Written Complaints

7 ~~10.11.1~~(A) The designated election official must provide the canvass board
8 with any written complaint submitted by a registered elector about a
9 voting device.

10 ~~10.11.2~~(B) If the complaint is resolved, the designated election official must
11 provide the details of the resolution.

12 ~~10.11.3~~(C) If the complaint is pending resolution when the board meets to
13 conduct the canvass, the designated election official must provide a
14 proposal for how the issue will be resolved.

15 ~~10.7~~10.5 Official Abstract and Reporting to the Secretary of State

16 ~~10.7.1~~ ~~The canvass board must use the official abstract in a format approved by the~~
17 ~~Secretary of State.~~ *[Current Election Rule 10.7.1 is incorporated into New Rule*
18 *10.5.2.]*

19 ~~10.7.2~~10.5.1 The official county abstract must include, by precinct or ballot style,
20 where applicable:

- 21 (a) The total number of active registered electors on election day;
- 22 (b) The total number of registered electors (active and inactive) on election
23 day;
- 24 (c) The statement of votes counted by race and ballot question or issue; AND
- 25 (d) The total number of ballots cast in the election;

26 *[Current Election Rules 10.7.2(e)-(h) are relocated to New Rules 10.4.1(e)-(h).]*

27 ~~10.7.3~~10.5.2 The state portion of the abstract, which the county must **USE THE FORMAT**
28 **APPROVED BY THE SECRETARY OF STATE** and transmit to the Secretary of State,
29 must include:

- 30 (a) The total number of active registered electors on election day;
- 31 (b) The total number of registered electors (active and inactive) on election
32 day;

1 (c) ~~The statement of votes counted by race and~~ THE SUMMARY OF VOTES CAST
2 FOR EACH STATE RACE AND EACH ballot question or issue ;

3 (d) The total number of ballots cast in the election; and

4 (e) The Canvass ENR upload required under Rule 11.10.4.

5 ~~10.8-10.6~~ The County Abstract is the Official Permanent Record

6 ~~10.8.1-10.6.1~~ The designated election official must keep all official canvass reports and
7 forms as part of the official permanent election record.

8 ~~10.8.2-10.6.2~~ Once the canvass board certifies the abstract it may not withdraw the
9 certification. In the event of a recount, the canvass board may only affirm or
10 amend the abstract.

11 *Current Rule 10.9 is renumbered as New Rule 10.2.5.*

12 *Current Rule 10.10 is relocated and incorporated into New Rule 7.13*

13 *Current Rule 10.11 is renumbered as New Rule 10.4.3.*

14 *Current Rule 10.12 is renumbered as New Rule 10.3.5.*

15 ~~10.13-10.7~~ Role of the Secretary of State

16 ~~10.13.1-10.7.1~~ As part of the Secretary's duties under section 1-1-107, C.R.S., the
17 Secretary may provide guidance and investigate imperfections as outlined below.

18 ~~10.13.2-10.7.2~~ The county clerk or the canvass board may request that the Secretary of
19 State provide guidance and support to the canvass board in the exercise of the
20 board's duties.

21 ~~10.13.3-10.7.4~~ If, in the course of assisting a canvass board, the Secretary of State
22 discovers an imperfection that the Secretary believes may affect the conduct of
23 other canvass boards, the Secretary may provide notice to other counties
24 regarding the nature of the imperfection.

25 ~~10.13.4~~ ~~Imperfect returns or failure to certify~~

26 (a) ~~If the canvass board fails to certify or certifies imperfect returns that have~~
27 ~~no reasonable potential to change the outcome of any race or ballot~~
28 ~~measure, the Secretary of State and county clerk must certify the election~~
29 ~~and order recounts, if any, in accordance with Part 1, Article 11 of Title 1,~~
30 ~~C.R.S.~~

31 (b) ~~If the canvass board fails to certify or certifies imperfect returns that have~~
32 ~~a reasonable potential to change the outcome of any race or ballot~~

1 ~~measure, the Secretary of State will conduct an investigation to identify~~
2 ~~the nature of, and advise the county clerk in correcting, the inaccuracy.~~

3 *[Current Rule 10.13.4 is repealed; this information is addressed by Article 10, of Title 1,*
4 *C.R.S.]*

5 ~~10.14~~-10.8 Recount generally

6 ~~10.14.1~~-10.8.1 The purpose of a recount is to re-tabulate the ballots.

7 ~~10.14.2~~-10.8.2 For statewide or federal races, ballot issues or ballot questions, the county
8 clerk must coordinate scheduling the recount through the Secretary of State's
9 office so that it can ensure adequate observer coverage.

10 ~~10.15~~-10.9 Recount cost estimates and reimbursements

11 ~~10.15.1~~-10.9.1 A county must submit a request for reimbursement for a mandatory
12 recount of a state or federal race or ballot measure using the Secretary of State
13 approved form. The county may not request reimbursement for meals or normal
14 overhead costs or regular employee compensation. The county must include
15 itemized costs for reasonable expenditures, including:

16 (a) Mailings and notices;

17 (b) Election judges, temporary staff, canvass board pay, and overtime pay;
18 and

19 (c) Copies and other office expenses related to the recount.

20 ~~10.15.2~~-10.9.2 Requested recounts

21 (a) The county clerk must provide an itemized cost estimate in accordance
22 with section 1-10.5-106, C.R.S., upon submission of a formal request for a
23 recount.

24 (b) In preparing a cost estimate for a requested recount, the county must use
25 the Secretary of State approved form. The estimate must include
26 reasonable itemized costs for conducting the recount. The county may not
27 request reimbursement for normal overhead costs.

28 (c) The county clerk must submit a cost estimate to the Secretary of State
29 when the clerk provides it to a requesting party.

30 ~~10.16~~-10.10 In accordance with section 1-10.5-107, C.R.S., and Rule ~~10.2.2(d)~~-10.3.2(D), the
31 canvass board's role in conducting a recount includes selecting ballots for the test,
32 observing the recounting of ballots, and certifying the results.

33 ~~10.17~~-10.11 Watchers and observers DURING A RECOUNT

- 1 ~~10.17.1~~-10.11.1 The Secretary of State may appoint official observers in any
2 recount.
- 3 ~~10.17.2~~-10.11.2 Each candidate or the candidate’s watcher, media observers, and
4 official observers, may be present and witness the recount in accordance with
5 Rule 8.
- 6 ~~10.17.3~~-10.11.3 The recount board must take the canvass board oath, assisting
7 election judges must take the election judge’s oath, and any person observing the
8 recount must take a watcher’s oath.
- 9 ~~10.17.4~~-10.11.4 Complaints. A watcher may submit a complaint in writing to the
10 county clerk or designee. Written complaints during a recount will be addressed
11 in accordance with Rule 13.
- 12 ~~10.18~~-10.12 Testing recount equipment
- 13 ~~10.18.1~~-10.12.1 The canvass board must review the post-election audit before
14 selecting the equipment for testing under section 1-10.5-102(3), C.R.S. To the
15 extent feasible, the board must select equipment for testing that was not included
16 in the post-election audit.
- 17 ~~10.18.2~~-10.12.2 The county clerk must test all scanners that will be used in the
18 recount. The purpose of the test is to ensure that the tabulation machines are
19 counting properly.
- 20 (a) The test deck must include 50 ballots or 1% of the total number of ballots
21 cast in the election, whichever is greater, except that the total number of
22 ballots tested may not exceed the total number of ballots comprising the
23 county’s test deck for the Logic and Accuracy test before the election. The
24 ballots must be marked to test every option for the race or measure that
25 will be recounted.
- 26 (1) In a mandatory recount, the canvass board must select the ballots
27 to be tested from the county’s test deck for the Public Logic and
28 Accuracy test.
- 29 (2) In a requested recount, the person requesting the recount may mark
30 up to 25 ballots. Any other candidate in the race may also mark up
31 to 25 ballots. The canvass board must randomly select ballots from
32 the county’s test deck for the Public Logic and Accuracy test to
33 ensure the minimum number of test ballots required by this Rule.
- 34 (b) Sworn judges or staff must hand tally the test ballots for comparison to the
35 tabulation results.
- 36 (c) The test is limited to the race or measure that is recounted.

1 ~~10.18.3~~10.12.3 The county clerk must test the VVPAT records from 1% of the
2 DREs that had votes cast for the race or measure being recounted.

3 (a) Sworn judges or staff must manually verify the results on the machines
4 selected for the test.

5 (b) The test is limited to the race or measure that is recounted.

6 ~~10.19~~10.13 Counting ballots DURING A RECOUNT

7 ~~10.19.1~~10.13.1 In accordance with section 1-10.5-102(3)(b), C.R.S., if there are no
8 discrepancies in the test under Rule ~~10.18~~ 10.12, the recount must be conducted in
9 the same manner as the ballots were counted in the election except as outlined in
10 this Rule. If there are unresolvable discrepancies in the test, the recount must be
11 conducted as a hand count under Rule ~~10.19.5~~ 10.13.5.

12 ~~10.19.2~~10.13.2 A clear audit trail must be maintained throughout the recount
13 including, but not limited to, a log of seal numbers on transfer cases or ballot
14 boxes, and the corresponding numbered seal for each transfer case or ballot box.

15 ~~10.19.3~~10.13.3 Ballots must be reviewed for voter intent using the standards in
16 Rule 18.

17 (a) Every over-vote or under-vote in the race(s) or measure(s) subject to the
18 recount must be reviewed for voter intent under Rule 18.

19 (b) The judges conducting the voter intent review may resolve the intent
20 differently than the judges in the election.

21 ~~10.19.4~~10.13.4 To recount ballots using “Ballot Now”:

22 (a) Back up the official election database.

23 (b) Open Ballot Now with an unused Mobile Ballot Box (MBB) from the
24 election and create a Ballot Now recount database.

25 (c) Scan and resolve all recount ballots according to this Rule 10.

26 (d) Save all recount Cast Vote Records to the MBBs after verifying that the
27 number of ballots processed matches the number of ballots cast in the
28 recount contest.

29 (e) Open a new recount election in “Tally” and process the recount MBBs
30 following the tabulation procedures above.

31 (f) Compare recount results to original results and document any differences.

32 (g) Backup the test database and the official recount database.

- 1 ~~10.19.5~~10.13.5 To recount ballots by hand count.
- 2 (a) If the tabulation of the original count was conducted by hand count, the
- 3 recount must be conducted by hand count.
- 4 (b) Ballots must be counted in batches of 25 to ensure that the number of
- 5 ballots recounted matches the number originally counted.
- 6 (c) Votes must be counted by individual hash marks in 25-count sections by
- 7 two different judges.
- 8 ~~10.19.6~~10.13.6 For tabulation of DREs, if there are no discrepancies in the test
- 9 under Rule ~~10.18.3~~ 10.12.3, the county clerk must upload the memory cards.
- 10 ~~10.19.7~~10.13.7 Tabulation of ballots cast must be completed through a precise,
- 11 controlled process that ensures each container of ballots is retabulated and
- 12 resealed before tabulation of the next container begins.
- 13 ~~10.19.8~~10.13.8 The number of ballots counted according to the final results for
- 14 that race or measure must be available during the recount for comparison
- 15 purposes.
- 16 ~~10.20~~10.14 Canvass and reporting results FOR A RECOUNT
- 17 ~~10.20.1~~10.14.1 Totals of recounted ballots must be reported in summary form as
- 18 follows:
- 19 (a) Sum total of votes cast for each race or measure recounted, under-votes,
- 20 and over-votes for each location;
- 21 (b) The totals must be a combined total, not totaled by individual precincts or
- 22 location, unless the tabulation system allows.
- 23 ~~10.20.2~~10.14.2 In accordance with section 1-10.5-107, C.R.S., and this Rule 10,
- 24 the canvass board must amend, if necessary, and re-submit the abstract of votes
- 25 cast.

26 *Amendments to Current Rule 11.3.2 concerning voting systems:*

27 11.3.2 Logic and Accuracy Test

28 *[Current Rules 11.3.2(a) and (b) are amended and renumbered as New Rules*

29 *11.3.2(c)(1) and (2). Current Rules 11.3.2(c) and (d) are amended and*

30 *renumbered as New Rules 11.3.2(a) and (b):]*

- 31 ~~(e)~~(A) The ~~designated election official~~ COUNTY CLERK must conduct the public
- 32 Logic and Accuracy Test ~~before voting~~ NO LATER THAN THE 18TH DAY
- 33 BEFORE ELECTION DAY.

1 ~~(d)~~(B) The ~~designated election official~~ COUNTY CLERK must ensure that the Logic
2 and Accuracy Test is open to the media and the public to the extent
3 allowable in accordance with section 1-7-509(2)(b), C.R.S. The ~~designated~~
4 ~~election official~~ COUNTY CLERK may limit the number of representatives
5 from each group because of space limitations.

6 *Current Rules 11.3.2(a), (b), (e) through (g) are amended and renumbered as*
7 *New Rules 11.3.2(c)(1) through (5):*

8 (C) PREPARING FOR THE LOGIC AND ACCURACY TEST

9 ~~(a)~~(1) The ~~designated election official~~ COUNTY CLERK must prepare a
10 sufficient number of test ballots that represent every ballot style
11 and precinct, if applicable, allow for a sufficient number of ballots
12 to mark every vote position for every candidate on every race
13 including write-in candidates, allow for situations where a race
14 may permit an elector to vote for two or more positions, where
15 applicable, and include overvotes and undervotes for each race.

16 ~~(b)~~(2) The ~~designated election official~~ COUNTY CLERK must create a
17 Testing Board of one registered elector from each of the major
18 political parties, as defined in section 1-1-104(22), C.R.S., if
19 appointed. Testing Board members must be registered to vote in
20 the county.

21 *[Current Rules 11.3.2(c) and (d) are amended and renumbered as New*
22 *Rules 11.3.2(a) and (b) as shown above.]*

23 ~~(e)~~(3) The ~~designated election official~~ COUNTY CLERK must provide at
24 least 25 ballots that are clearly marked as test ballots to each
25 Testing Board member.

26 ~~(f)~~(4) Testing Board members must secretly vote their ballots following
27 the instructions printed on the ballots and retain a record of the
28 tally. ~~Of the 25 test ballots, two must be tested as audio ballots.~~

29 ~~(g)~~(5) The Testing Board must test the ballots on each type of voting
30 device used in the election and each type of ballot including audio
31 ballots.

32 *Current Rule 11.3.2(h) is amended and renumbered as New Rule 11.3.2(d):*

33 ~~(h)~~(D) Conducting the Test

34 (1) The ~~designated election official~~ COUNTY CLERK and Testing Board
35 must observe the tabulation of all test ballots, compare the
36 tabulation with the previously retained records of the test vote

1 count, and correct any discrepancies before the device is used in
2 the election.

3 (2) The ~~designated election official~~ COUNTY CLERK must reset the
4 public counter to zero on all devices and present zero tapes to the
5 Testing Board for verification. For any device capable of
6 producing or verifying the trusted build hash value (MD5 or SHA-
7 1) of the firmware or software, the ~~Designated Election Official~~
8 COUNTY CLERK must verify and document the accuracy of the
9 value for the device.

10 (3) The ~~designated election official~~ COUNTY CLERK must make an
11 appropriate number of voting devices available and the Testing
12 Board may witness the programming and/or downloading of
13 memory devices necessary for the test.

14 (4) The Testing Board and designated election official must count the
15 test ballots as follows:

16 (A) Optical Scanners:

17 (i) The Testing Board must count test ballots on at
18 least one, but not more than five, central count
19 scanners and at least one scanner used at a voter
20 service and polling center, if applicable.

21 (ii) The Testing Board must randomly select the
22 machines to test.

23 (iii) The Testing Board must count the board and
24 county's test ballot batches separately and generate
25 reports to verify that the machine count is identical
26 to the predetermined tally.

27 (B) DREs:

28 (i) The Testing Board must count the test ballots on at
29 least one, but not more than five, DREs.

30 (ii) The Testing Board must randomly select the
31 machines to test.

32 (iii) The Testing Board must identify and test two
33 ballots as audio ballots.

34 (iv) The Testing Board must count at least 50 of the
35 board's ballots and a random sampling of at least 25
36 of the county's test ballots separately and generate

1 reports to verify that the machine count is identical
2 to the predetermined tally. For DREs with VVPAT
3 devices, the Testing Board must manually count the
4 paper record to verify that the pre-determined totals
5 of the Testing Board and county test ballot batches
6 match the VVPAT total.

7 *Current Rules 11.3.2(h)(4)(B)(v), (vi), and (viii) are re-codified as New Rules*
8 *11.3.2(e)(1), (2), and (3):*

9 (E) COMPLETING THE TEST

10 ~~(v)~~(1) The ~~designated election official~~ COUNTY CLERK must keep all test
11 materials, when not in use, in a durable, secure box. Each member
12 of the Testing Board must verify the seals and initial the chain-of-
13 custody log maintained by the ~~designated election official~~ COUNTY
14 CLERK. If the records are opened for inspection, at least two
15 election officials must verify the seals and initial the chain-of-
16 custody log.

17 ~~(vi)~~(2) After testing, the Testing Board must watch the ~~designated election~~
18 ~~official~~ COUNTY CLERK reset and seal each voting device.

19 ~~(vii)~~(3) The Testing Board and the ~~designated election official~~
20 COUNTY CLERK must sign a written statement attesting to the
21 qualification of each device successfully tested, the number of the
22 seal attached to the voting device at the end of the test, any
23 problems discovered, and any other documentation necessary to
24 provide a full and accurate account of the condition of a given
25 device.

26 (4) AFTER TESTING, THE TESTING BOARD MUST WATCH THE COUNTY
27 CLERK CREATE A BACKUP COPY OF THE ELECTION DATABASE.

28 (5) THE COUNTY CLERK MAY NOT CHANGE THE PROGRAMMING OF ANY
29 VOTING DEVICE AFTER COMPLETING THE LOGIC AND ACCURACY
30 TEST FOR AN ELECTION, EXCEPT AS REQUIRED TO CONDUCT A
31 RECOUNT.

32 *Amendments to Current rule 11.10:*

33 11.10 Election Night Reporting (ENR). The county must report election night results for all
34 primary, general, coordinated and recall elections.

35 11.10.1 A data entry county must program the election to support the exporting of
36 election night results in accordance with the following upload requirements:

- 1 (a) List contest names and candidate names exactly as provided on the
- 2 certified list.
- 3 ~~(b) Provide contest names in all uppercase letters.~~
- 4 ~~(e)-(B)~~ For counties that use the ES&S and Premier voting systems, arrange the
- 5 contests in the order prescribed by section 1-5-403(5), C.R.S.
- 6 ~~(d)-(C)~~ Capitalize candidate names (e.g., John A. Smith).
- 7 ~~(e)-(D)~~ Present a precinct name as a ten-digit precinct number.
- 8 ~~(f)-(E)~~ For counties that use the Hart voting systems, use the “Split_name” field
- 9 split precinct naming purposes.
- 10 ~~(g)-(F)~~ Create a “Provisional” precinct.
- 11 ~~(h)-(G)~~ Use only the party codes certified by the Secretary of State.
- 12 ~~(i)-(H)~~ Do not include the party name or code in the candidate name field.

13 11.10.2 No later than ~~eight~~ 14 days before the election, a county must send the

14 following information to the Secretary of State, at the address in Rule 11.6:

- 15 (a) A data entry county must email a sample or “zero” file.
- 16 (b) A manual entry county must send a list of all ballot content.

17 11.10.3 The county must export or produce PRELIMINARY election results and

18 upload them to the ENR system a minimum of three times on election night OR

19 UNTIL COMPLETED, WHICHEVER OCCURS FIRST:

- 20 (a) After the close of polls but no later than ~~7:30~~ 8:00 p.m.
- 21 (b) At or around 9:00 p.m.
- 22 (c) The county must indicate that reporting is complete in the ENR system for
- 23 election day after the county uploads the last results on election night.

24 11.10.4 ~~After canvass the~~ THE county must export or produce OFFICIAL election

25 results, and check the appropriate box in the ENR system to indicate that the

26 canvass upload is complete, NOT LATER THAN CLOSE OF BUSINESS OF THE FIRST

27 BUSINESS DAY AFTER THE STATUTORY DEADLINE FOR COMPLETING THE CANVASS.

28 *Current Rule 12.1 is repealed. Rule 12 is reserved:*

29 **Rule 12. Recall**

1 ~~12.1 Notwithstanding any other provision of law, the designated election official must count~~
2 ~~an elector's vote for a successor candidate regardless of whether the elector voted on the~~
3 ~~recall question. [In Re: Interrogatory Propounded by Governor John Hickenlooper~~
4 ~~Concerning the Constitutionality of Certain Provisions of Article XXI, § 3 of the~~
5 ~~Constitution of the State of Colorado, 2013 CO 62.]~~

6 [RESERVED]

7 *Amendments to Current Rule 13:*

8 **Rule 13. Election and HAVA Complaints**

9 13.1 Election complaint procedures

10 13.1.1 Any individual who personally witnesses a violation of ~~Title 1, C.R.S.~~ THE
11 UNIFORM ELECTION CODE OF 1992 may file an election complaint.

12 *[Current Rule 13.1.2 is retained; unaltered]*

13 13.1.3 Processing and docketing election complaints

14 (a) Within three business days of receiving a complaint, the Secretary's
15 designee will review the complaint to determine if it satisfies Rule 13.1.2
16 and sufficiently alleges a violation OF THE UNIFORM ELECTION CODE OF
17 1992.

18 (1) If the complaint does not meet the ~~criteria~~ REQUIREMENTS OF RULE
19 13.1.3(A), the Secretary's designee will notify the complainant of
20 the ~~discrepancy~~ DEFICIENCY.

21 (2) If a complaint meets the criteria, the Secretary's designee will
22 assign a complaint number, notify the complainant, and send a
23 copy of the complaint to the person or entity alleged to have
24 committed a violation.

25 (b) After notification, the person or entity alleged to have committed the
26 violation will have 15 business days to submit a written response to the
27 Secretary of State's office.

28 *[Current Rule 13.1.4 is retained; unaltered]*

29 *[Current Rules 13.1.5 (a), (b), and (d) are retained; unaltered.] Rule 13.1.5(c) is*
30 *amended as follows:*

31 13.1.5 Investigation

32 (c) Depending on the violation alleged, the Secretary's designee may:

33 (1) Review documents;

- 1 (2) Visit the county;
- 2 (3) Conduct interviews;
- 3 (4) Test equipment; ~~or~~
- 4 (5) Take other steps necessary; OR
- 5 (6) CONVENE A HEARING AND TAKE TESTIMONY FROM INTERESTED
- 6 PARTIES.

7 *Amendments to Current Rule 13.1.6:*

8 13.1.6 Resolution of election complaints

- 9 (a) After an investigation and hearing, if applicable, the Secretary’s designee
- 10 will:
- 11 (1) Dismiss the complaint as not supported by credible evidence;
- 12 (2) Refer the complaint to a prosecuting authority under Article 13 of
- 13 Title 1, C.R.S.; or
- 14 (3) Find a violation, recommend a resolution, and forward the
- 15 recommendation for resolution to the Secretary of State, ~~who will~~
- 16 ~~adopt, amend, or reject the recommendation.~~

17 *[Current Rules 13.1.7 through 13.2.5 are retained; unaltered]*

18 *Amendments to Current Rule 13.2.6:*

19 13.2.6 Hearing and Resolution of HAVA complaints

- 20 (a) If the complainant requests, ~~The~~ THE Secretary of State or his or her
- 21 designee will hold a hearing.
- 22 (b) After the investigation and hearing, if any, the Secretary’s designee will:
- 23 (1) Dismiss the complaint as not supported by credible evidence;
- 24 (2) Refer the complaint to a prosecuting authority under Article 13 of
- 25 Title 1, C.R.S.; or
- 26 (3) Find a violation, recommend a resolution, forward the
- 27 recommendation for resolution to the Secretary of State, ~~who will~~
- 28 ~~adopt, amend, or reject the recommendation.~~

29 13.2.7 ALTERNATIVE DISPUTE RESOLUTION UNDER SECTION 1-1.5-105(2)(J), C.R.S.

1 (a) IF THE SECRETARY OF STATE DOES NOT RESOLVE THE COMPLAINT WITHIN
2 90 DAYS OF THE DATE THAT IT WAS FILED AND THE COMPLAINANT DOES NOT
3 CONSENT TO AN EXTENSION OF TIME, THE SECRETARY OF STATE WILL
4 TRANSFER THE COMPLAINT TO THE OFFICE OF ADMINISTRATIVE COURTS
5 (OAC).

6 (B) THE SECRETARY OF STATE WILL PROVIDE THE RECORD AND ANY OTHER
7 MATERIALS FROM THE PROCEEDINGS TO THE OAC.

8 (C) THE SECRETARY OF STATE WILL CONSIDER THE INITIAL DETERMINATION BY
9 THE OAC AND ISSUE A FINAL DETERMINATION WITHIN 60 DAYS OF THE
10 DATE THE DETERMINATION IS RECEIVED BY THE SECRETARY.

11 ~~13.2.7~~13.2.8 The Secretary of State’s determination is a final agency action.

12 *New Rule 14.4.6 concerning Voter Registration Drives:*

13 14.4.6 A VRD ORGANIZER OR CIRCULATOR MAY NOT HIGHLIGHT OR OTHERWISE MARK
14 THE APPROVED VOTER REGISTRATION DRIVE APPLICATION FORM, OTHER THAN TO
15 WRITE THE VRD NUMBER AND CIRCULATOR INFORMATION.

16 *Amendments to Current Rule 15:*

17 **Rule 15. Preparation, Filing, and Verification of Statewide Initiative Petitions**

18 *Current Rule 15.1 is amended and renumbered as New Rule 15.2. Current Rules 15.5.7, 15.6,*
19 *and 15.8, are amended and re-codified as New Rule 15.1 as follows:*

20 15.1 THE FOLLOWING REQUIREMENTS APPLY TO CANDIDATE, STATEWIDE INITIATIVE, RECALL,
21 AND REFERENDUM PETITIONS, UNLESS OTHERWISE SPECIFIED.

22 ~~15.5.7~~15.1.1 The Secretary of State OR COUNTY will not accept or count additional
23 signatures after proponents file the original petition or addendum.

24 ~~15.6~~15.1.2 Circulator affidavit

25 ~~15.6.1~~(A) If a petition section does not have a completed circulator affidavit,
26 the Secretary of State OR COUNTY will reject the entire section.

27 ~~15.6.2~~(B) If a petition section does not have a completed notary clause, or if
28 the date of the notary clause differs from the date the circulator signed the
29 affidavit, the Secretary of State OR COUNTY will reject the entire section.

30 ~~15.8~~15.1.3 Verifying individual signatures-ENTRIES

31 ~~15.8.1~~(A) Staff will check each individual entry against the information
32 contained in SCORE.

1 15.8.2(B)_ Staff will create and maintain a master record of each accepted and
2 rejected entry, along with the reason code for each rejected entry.

3 15.8.3(C) If an entry does not match the signor's current information in
4 SCORE, staff must check the signor's information in SCORE as of the
5 date the signor signed the petition.

6 15.8.4(D) Secretary of State OR COUNTY staff will reject the entry if:

7 ~~(a)~~(1) The name on the entry is not in SCORE;

8 ~~(b)~~(2) The middle initial or middle name on the entry does not match the
9 middle initial or middle name in SCORE;

10 ~~(c)~~(3) The address on the entry does not match the address in SCORE;

11 ~~(d)~~(4) The address on the entry is a post office box;

12 ~~(e)~~(5) The entry is incomplete;

13 ~~(f)~~(6) The signer completed the entry before the designated election
14 official approved the petition format;

15 ~~(g)~~(7) The signer was not an eligible elector at the time he or she
16 completed the entry;

17 ~~(h)~~(8) The signer completed the entry after the date on the circulator
18 affidavit;

19 ~~(i)~~(9) Evidence exists that some other person assisted the signer in
20 completing the entry but no statement of assistance accompanies
21 the entry;

22 ~~(j)~~(10) The name and signature on the entry is illegible and cannot be
23 verified in SCORE;

24 ~~(k)~~(11) The entry is a duplicate of a previously accepted entry on
25 the same petition; or

26 ~~(l)~~(12) For a candidate petition where an elector may sign only one
27 petition for the same office, the entry is a duplicate of a previously
28 accepted entry on ~~another petition~~ A PREVIOUSLY FILED PETITION
29 for the same office.

30 15.8.6(E) Secretary of State OR COUNTY staff will accept the entry if:

31 ~~(a)~~(1) The name on an entry matches or is substantially similar to the
32 information in SCORE, or if the signature on an entry is a common
33 variant of the name;

- 1 ~~(b)~~(2) A middle initial or middle name is present on the entry but not in
2 SCORE, or present in SCORE but not on the entry;
- 3 ~~(e)~~(3) A suffix is present on the entry but not in SCORE, or present in
4 SCORE but not on the entry; or
- 5 ~~(d)~~(4) The address on the entry is missing an apartment letter or number
6 or a street direction.

7 *Current Rules 15.1 and 15.2 are amended and renumbered as New Rules 15.2 and 15.3 as*
8 *follows:*

9 ~~15.1~~15.2 Petition entity license, registration, filing, and circulation

10 ~~15.1.1~~15.2.1 A petition entity that intends to pay petition circulators must obtain a
11 petition entity license, pay a fee, and register with the Secretary of State before
12 circulating petitions. The license application must include:

- 13 (a) The petition entity’s name, address, telephone number, and email address;
- 14 (b) The designated agent’s name; and
- 15 (c) An affirmation that the designated agent has read and understands Article
16 40 of Title 1, C.R.S., and has completed the Secretary of State’s circulator
17 training program.

18 ~~15.1.2~~15.2.2 Before compensating a circulator, the designated agent must register with
19 the Secretary of State by submitting a signed form that includes a list of the
20 proposed initiatives the petition entity will circulate.

21 ~~15.1.3~~15.2.3 If a petition entity fails to register a proposed initiative over any two-year
22 period, the license expires. The Secretary of State will notify a petition entity that
23 its license has expired within 30 days after the date of expiration.

24 ~~15.1.4~~15.2.4 A petition entity may renew an expired license without a fee by submitting
25 a new license application.

26 ~~15.2~~15.3 Petition representatives FOR INITIATIVE PETITIONS

27 ~~15.2.1~~15.3.1 A petition section must list the names of the two proponents or the names
28 of the two designated representatives, as defined in 1-40-104, C.R.S.

29 ~~15.2.2~~15.3.2 The term “person responsible,” as used in section 1-40-118(2.5)(a),
30 C.R.S., means a person who circulates a petition, or causes a petition to be
31 circulated, and who commits, authorizes, or knowingly permits fraud as defined in
32 sections 1-40-111(3)(a) and 1-40-135(2)(c), C.R.S., that results in invalid
33 signatures or petition sections.

1 ~~15.3~~ 15.4 ~~Petition~~ STATEWIDE INITIATIVE PETITION circulation

2 ~~15.3.1~~ 15.4.1 Petition circulation may begin after the title board’s final decision,
3 including disposition of any rehearing motion, after the time for filing a rehearing
4 motion, and after the Secretary of State has approved the petition format. If an
5 appeal is filed with the Supreme Court, the six-month period specified in section
6 1-40-108(1), C.R.S., begins on the date the petition is first signed or on the date
7 the Supreme Court’s decision becomes final, whichever is first. Signatures
8 gathered outside of this period are invalid.

9 ~~15.3.2~~ 15.4.2 The petition circulator must provide a permanent residence address on the
10 circulator affidavit. If the circulator is not a permanent Colorado resident, the
11 circulator must also provide the Colorado address where he or she temporarily
12 lives.

13 (a) For purposes of Article 40 of Title 1, C.R.S., and this Rule, a circulator's
14 permanent “residence” or “domicile” means his or her principal or primary
15 home or place of abode in which a circulator's habitation is fixed and to
16 which the circulator, whenever absent, has the present intention of
17 returning after a departure or absence, regardless of the duration of the
18 absence. A permanent “residence” or “domicile” is a permanent building
19 or part of a building and may include a house, condominium, apartment,
20 room in house, or mobile home. Except as provided in paragraph (b) of
21 this Rule, a vacant lot, business address, or post office box is not a
22 permanent “residence” or “domicile”. (Sections 1-2-102(1)(a)(i) and 1-40-
23 121(1)(b), C.R.S.)

24 (b) A homeless circulator must provide the address or location where he or
25 she is living the date the affidavit is signed. The circulator must provide a
26 physical location; a post office box may not be provided.

27 (c) For the purposes of sections 1-40-106(4)(b), 1-40-111(3)(a), 1-40-
28 121(2)(a), and 1-40-135(2)(c), C.R.S., a circulator’s permanent residence
29 address that does not comply with this Rule ~~15.3.2~~ 15.4.2 is a “false
30 address”.

31 ~~15.4~~ 15.4.3 Proponents may file a petition or addendum only once, and may not
32 supplement additional signatures after filing the petition or addendum, even if the
33 additional signatures are offered before the deadline to submit the original petition
34 or addendum.

35 15.5 ~~Petition~~ STATEWIDE INITIATIVE PETITION receipt by Secretary of State

36 15.5.1 Except as specified in Rule ~~15.2.1~~ 15.3.1, the Secretary of State will not accept a
37 petition that lists proponents other than those authorized by law.

38 *[Current Rules 15.5.2 through 15.5.6 are retained; unaltered]*

1 *[Current Rule 15.5.7 moved to New Rule 15.1.1]*

2 *[Current Rule 15.6 is amended and renumbered as New Rule 15.1.2.]*

3 ~~15.7~~ 15.6 ~~Petition~~ STATEWIDE INITIATIVE PETITION verification

4 ~~15.7.1~~ 15.6.1 Verification by random sample.

5 ~~15.7.2~~ 15.6.2 Preliminary count and random number generation.

6 (a) After counting the entries on each petition section, Secretary of State staff
7 will enter the petition identification number, the petition section number,
8 the page number, and the number of entries on the page into the database.

9 (b) Staff will then create a record for each entry that contains the petition
10 identification number, petition section number, page number, and the entry
11 number. Staff will tally the total number of entries.

12 (c) If the number of entries is less than the total number of signatures required
13 to certify the measure to the ballot, the Secretary of State will issue a
14 statement of insufficiency.

15 ~~15.7.3~~ 15.6.3 Random sample. The database will generate a series of random numbers
16 equal to 4,000 signatures or five percent of the total number of signatures,
17 whichever is greater. Staff will check the validity of the random signatures in
18 accordance with this Rule. Staff will maintain a master record of each accepted
19 and rejected entry, along with the reason code for each rejected entry.

20 *[Current Rule 15.8 is amended and renumbered as New Rule 15.1.3.]*

21 ~~15.9~~ 15.7 Curing insufficient STATEWIDE INITIATIVE petitions

22 ~~15.9.1~~ 15.7.1 If petition proponents submit additional signatures within the permitted
23 time, Secretary of State staff will verify the additional signatures in accordance
24 with this Rule 15.

25 ~~15.9.2~~ 15.7.2 If the Secretary of State found the original submission insufficient based
26 on the random sample verification, staff will add the number of additional valid
27 signatures to the number of projected valid signatures in the original submission.

28 (a) If the new projected number of valid signatures equals 110% or more of
29 the required signatures, the Secretary of State will issue a statement of
30 sufficiency.

31 (b) If the new projected number of valid signatures equals more than 90% but
32 less than 110% of the required signatures, staff will verify all previously
33 submitted signatures. Staff will add the total number of valid signatures in

1 the original petition to the number of additional valid signatures submitted
2 in the addendum in order to determine sufficiency.

3 ~~15.9.3-15.7.3~~ If the initial verification was of every signature, staff will add the number
4 of additional valid signatures to the number of valid signatures in the original
5 submission in order to determine sufficiency.

6 ~~15.9.4-15.7.4~~ Staff will issue a new statement of insufficiency or sufficiency that reports
7 the total number of valid signatures submitted.

8 *[Current Rule 15.10 is repealed:]*

9 ~~15.10~~ Petition protests

10 ~~15.10.1~~ A petition protest must specifically state the reasons for challenging the
11 determination of sufficiency or insufficiency.

12 (a) A protest alleging the violation of a specific statute or rule must cite the
13 statute or rule and specifically state the violation.

14 (b) A protest alleging the improper acceptance or rejection of individual
15 entries must cite the entry and petition section number and specifically
16 state why the entry should be accepted or rejected, as applicable.

17 ~~15.11-15.8~~ Referendum petitions

18 ~~15.11.1-15.8.1~~ This Rule applies to statewide referendum petitions under Article V,
19 Section 1 (3) of the Colorado Constitution.

20 ~~15.11.2-15.8.2~~ Except where this Rule states otherwise, any statutory or constitutional
21 provision that applies specifically to initiative petitions also applies to referendum
22 petitions.

23 ~~15.11.3~~ The following procedural steps that apply to initiative petitions do not
24 apply to referendum petitions:

25 (a) Review and comment by legislative staff on the text of proposed initiated
26 constitutional amendments and initiated laws, under Article V, Section
27 1(5), Colorado Constitution, and section 1-40-105, C.R.S.

28 (b) Title setting by the title setting review board established in section 1-40-
29 106, C.R.S.

30 ~~15.11.4-15.8.3~~ Proponents may submit a referendum petition to the Secretary of State for
31 approval at any time after the General Assembly has passed the bill. The
32 Secretary of State will not issue final approval of the referendum petition form
33 until the bill has become law under Article IV, Section 11 of the Colorado
34 Constitution.

1 ~~15.11.5~~15.8.4 Each referendum petition section must consist of the following, in the
2 order listed:

3 *[New Rules 15.8.4 (a)-(g), formerly numbered 15.11.5 (a)-(g), are retained;*
4 *unaltered]*

5 ~~15.11.6~~15.8.5 A referendum petition section must include only the matters required by
6 Article 40, Title 1, C.R.S., and this Rule, and no extraneous material.

7 ~~15.11.7~~15.8.6 The ballot title must consist of the title of the act on which the referendum
8 is demanded, followed by the bill number, in substantially the following form, in
9 which the underlined material is only for example:

10 “An Act concerning registration requirements for motor vehicles, and, in
11 connection therewith, authorizing two- and five-year registration periods and
12 authorizing discretionary vehicle identification number inspections, and making
13 an appropriation, being House Bill No. 02-1010.”

14 ~~15.11.8~~15.8.7 When referendum is demanded on less than an entire Act of the General
15 Assembly, the ballot title and submission clause must consist of the ballot title
16 preceded by words in substantially the following form, in which the underscored
17 material is only for example, and ending in a question mark:

18 “Shall Section 3 (concerning definition of terms) and Section 4 (eliminating
19 licensing requirements for motor vehicle dealers) of the following Act of the
20 General Assembly be approved:” The material in parentheses shall correctly and
21 fairly summarize the subject or the effect of the portion of the Act referenced.

22 ~~15.11.9~~15.8.8 If a referendum petition is timely filed with the Secretary of State with a
23 sufficient number of valid signatures, it will appear on the ballot at the next
24 general election that occurs at least three months after the referendum petition is
25 filed with the Secretary of State.

26 *Amendments to Current Rule 16.1 concerning military and overseas voters (UOCAVA):*

27 16.1 General Rules concerning voting by military and overseas electors

28 16.1.1 For the purposes of this Rule 16, elector means a covered voter as defined in
29 section 1-8.3-102(2), C.R.S.

30 16.1.2 In accordance with the Help America Vote Act of 2002 and this Rule 16, each
31 county clerk’s office must have a dedicated fax machine for the purpose of fax
32 ballot transmission.

33 16.1.3 ~~In accordance with section 1-8.3-109, C.R.S., a ballot application submitted by an~~
34 ~~elector is effective through the next regularly scheduled General Election, unless~~
35 ~~the elector specifies otherwise.~~ THE COUNTY CLERK MUST MAIL OR
36 ELECTRONICALLY TRANSMIT A BALLOT TO ALL ACTIVE ELIGIBLE ELECTORS. AN

1 ELECTOR WHO REQUESTS COVERED-VOTER STATUS MUST SUBMIT AN APPLICATION
2 AFFIRMING HIS OR HER ELIGIBILITY TO DO SO IN ACCORDANCE WITH SECTION 1-8.3-
3 102(2), C.R.S.

4 ~~16.1.4 Notwithstanding any other provision of law, an elector may submit an application~~
5 ~~for registration and ballot request with his or her voted ballot as long as the ballot~~
6 ~~is timely submitted and received under sections 1-8.3-111 and 1-8.3-113, C.R.S.~~

7 ~~16.1.5~~ 16.1.4 Use of a Federal Write-in Absentee Ballot (FWAB) as an application for
8 registration or ballot request. Notwithstanding any other provision of law, if If an
9 unregistered elector submits a ~~FWAB~~ FEDERAL WRITE-IN ABSENTEE BALLOT
10 (FWAB) by the deadline set forth in sections 1-8.3-111 and 1-8.3-113, C.R.S., the
11 FWAB is a timely application for registration and ballot request.

12 ~~16.1.6~~ 16.1.5 In accordance with sections 1-8.3-111 and 1-8.3-113, C.R.S., all ballots
13 cast must be voted and mailed or electronically transmitted no later than 7:00 p.m.
14 MT on election day, and received by the county clerk or the Secretary of State no
15 later than the close of business on the eighth day after election day.

16 ~~16.1.7~~ 16.1.6 Ballots received by the Secretary of State

17 (a) If the Secretary of State timely receives a ballot under section 1-8.3-113,
18 C.R.S., and Rule 16, the Secretary of State will immediately notify the
19 appropriate county clerk and forward the ballot by the most efficient
20 means available no later than the next business day.

21 (b) To ensure voter secrecy, any county notified that the Secretary of State has
22 received a ballot must retain a minimum of ten voted ballots to be counted
23 with the ballot received by the State.

24 ~~16.1.8~~ 16.1.7 The county clerk must send a minimum of one correspondence no later
25 than 60 days before the Primary Election to each elector whose record is marked
26 "Inactive" The correspondence may be sent by email or mail and, at a minimum,
27 must notify the electors of:

28 (a) The status of the elector's record and ballot request;

29 (b) The upcoming federal elections;

30 (c) How to update the elector's mailing information and request a ballot; and

31 (d) Any other information the county clerk deems appropriate.

32 ~~16.1.9~~ 16.1.8 No later than 45 days before an election, the county clerk must report to
33 the Secretary of State the number ballots transmitted to military and overseas
34 electors by the 45-day deadline.

1 ~~16.1.10~~ 16.1.9 Failure to meet the 45-day ballot transmission deadline in section 1-8.3-
2 110, C.R.S.

- 3 (a) If a county fails to meet the 45-day ballot transmission deadline provided
4 for any state or federal election, the county clerk must immediately report
5 the failure and reason for the failure to the Secretary of State.
- 6 (b) The county clerk must provide a plan to the Secretary of State for
7 complying with the deadline in the next state or federal election.
- 8 (1) The county must submit the plan to the Secretary of State no later
9 than 60 days before the transmission deadline.
- 10 (2) The county must provide a weekly progress report on
11 implementing the plan to the Secretary of State beginning 50 days
12 before the transmission deadline.
- 13 (3) The county clerk must provide a daily progress report to the
14 Secretary of State beginning five days before the transmission
15 deadline.

16 *Amendments to Current Rule 16.2.1 concerning electronic transmission for military and*
17 *overseas voters (UOCAVA):*

18 16.2.1 In accordance with sections 1-8.3-110 and 1-8.3-113, C.R.S., an elector may
19 request to receive and return his or her ballot by electronic transmission.

20 *[Current Rules 16.2.1 (a) and (b) are retained; unaltered]*

- 21 (c) ~~At~~ IN ACCORDANCE WITH SECTION 1-8.3-113(1), C.R.S., AN elector who
22 chooses to receive his or her unvoted ballot by online ballot delivery may
23 return his or her ballot by fax or email.
- 24 (d) To return a voted ballot and self-affirmation by email, the elector must
25 scan and return the documents as an email attachment.
- 26 (E) IF AN ELECTOR REQUESTS TO RECEIVE HIS OR HER BALLOT BY ELECTRONIC
27 TRANSMISSION, THE COUNTY CLERK MUST TRANSMIT THE ELECTOR'S
28 BALLOT ELECTRONICALLY FOR ALL COVERED ELECTIONS UNTIL THE
29 ELECTOR REQUESTS OTHERWISE.

30 *Amendments to Rule 16.2.6:*

31 16.2.6 Upon receipt of a voted ballot sent by electronic transmission, the county clerk
32 must verify the elector's signature in accordance with Rule ~~7.7~~-7.8. After the
33 affidavit has been verified, a bipartisan team of judges must duplicate the ballot.
34 Duplicating judges must not reveal how the elector voted.

1 *Amendments to Current Rule 18.3.2(d)(6) concerning sequence of resolution procedures for*
2 *central count optical scan:*

3 (6) The county must separately log the seal number of each box
4 containing one or more valid write-in votes. ~~The total write-in~~
5 ~~votes must be indicated on the final summary along with seal~~
6 ~~numbers for each sealed box of scanned ballots.~~

7 *Amendments to Current Rule 21 concerning voting system standards for certification:*

8 ~~21.1—Definitions. The following definitions apply to their use in this Rule only.~~

9 *Current Rule 21.1.1 is moved to New Rule 1.1.1.*

10 *Current Rule 21.1.2 is amended and moved to New Rule 1.1.2.*

11 *Current Rule 21.1.3 is amended and moved to New Rule 1.1.3*

12 *Current Rule 21.1.4 is amended and moved to New Rule 1.1.4.*

13 *Current Rule 21.1.5 is amended and moved to New Rule 1.1.7.*

14 *Current Rule 21.1.6 is amended and move to New Rule 1.1.11.*

15 *Current Rule 21.1.8 is repealed as follows:*

16 ~~21.1.8—“EAC” means the United States Election Assistance Commission.~~

17 *Current Rule 21.1.9 is amended and moved to New Rule 1.1.18.*

18 *Current Rule 21.1.10 moved to New Rule 1.1.19.*

19 *Current Rules 21.1.11 and 21.1.12 are repealed as follows:*

20 ~~21.1.11—“Equipment” or “device” means a complete and inclusive term to~~
21 ~~represent all items submitted for certification by the voting system provider. This~~
22 ~~can include, any voting device, accessory to voting device, DRE, touch screen~~
23 ~~voting device, card programming device, software, and hardware. “Equipment”~~
24 ~~may also mean a complete end to end voting system solution.~~

25 ~~21.1.12—“Modification” means a revision or a new release of an electronic or~~
26 ~~electromechanical voting system.~~

27 *Current Rule 21.1.13 is amended and moved to New Rule 1.1.29.*

28 *Current Rules 21.1.14 through 21.1.17 are repealed as follows:*

29 ~~21.1.14—“Remote site” means any physical location identified by a designated~~
30 ~~election official as a location where the jurisdiction conducts the casting of ballots~~

1 for a given election. A remote site includes, locations such as voter service and
2 polling centers.

3 21.1.15 ~~“Removable storage media” means storage devices that can be removed~~
4 ~~from the system and transported to another location for readout and report~~
5 ~~generation. Examples of removable storage media include, but are not limited to,~~
6 ~~programmable read-only memory (PROM), random access memory (RAM) with~~
7 ~~battery backup, thumb drives, magnetic media, and optical media.~~

8 21.1.16 ~~“Secretary of State” means the Colorado Secretary of State, his or her~~
9 ~~designee, and agents including employees, contractors, and volunteers.~~

10 21.1.17 ~~“Security” means the ability of a voting system to protect election~~
11 ~~information and election system resources with respect to confidentiality,~~
12 ~~integrity, and availability.~~

13 *Current Rule 21.1.18 is amended and moved to New Rule 1.1.36.*

14 *Current Rules 21.1.19 and 21.1.20 are repealed as follows:*

15 21.1.19 ~~“Test Log” or “test records” means the documentation of certification~~
16 ~~testing and processes. This documentation may include, certification testing~~
17 ~~reports, test plans, requirements matrices, photographs, written notes, video, and~~
18 ~~audio recordings.~~

19 21.1.20 ~~“Trusted build” means the write once installation disk or disks for~~
20 ~~software and firmware for which the Secretary of State has established the chain~~
21 ~~of evidence to the building of a disk, which is then used to establish or re-~~
22 ~~establish the chain of custody of any component of the voting system that~~
23 ~~contains firmware or software. The trusted build is the origin of the chain of~~
24 ~~evidence for any software and firmware component of the voting system.~~

25 *Current Rule 21.1.21 is amended and moved to New Rule 1.1.44.*

26 ~~21.2~~21.1 Introduction

27 ~~21.2.1~~21.1.1 For Colorado purposes, no single component of a voting system, or
28 device, meets the definition of a voting system except that nothing in this Rule
29 requires the testing of an entire modified system if the Secretary of State
30 determines in accordance with section 1-5-618, C.R.S., that a modification to any
31 certified voting system requires testing for security and accuracy. Only the
32 modification and any affected features or capabilities must be tested to ensure
33 compliance with this Rule.

34 ~~21.2.2~~21.1.2 Sufficient components must be assembled to create a configuration that
35 allows the system or modification as a whole to meet the requirements as
36 described for a voting system in this Rule.

1 ~~21.2.3~~21.1.3 The certification of a voting system is not a requirement that a county
2 purchase or lease all of the components of the voting system. Counties may
3 choose to configure and use a subset of the certified voting system and may use
4 the services of a vendor or third party to provide ballot definition and election
5 programming of memory cards. Counties are not required to use a paper ballot
6 tabulation device if they choose to manually tabulate the election results.

7 ~~21.3~~21.2 Certification Process Overview and Timeline

8 ~~21.3.1~~21.2.1 The voting system will be considered as a unit, and all components tested
9 at once, unless the circumstances necessitate otherwise. Any change made to
10 individual components of a voting system will require the entire voting system to
11 be recertified unless the change is a modification that can be approved under
12 section 1-5-618(1.5), C.R.S.

13 ~~21.3.2~~21.2.2 For a voting system to be certified, the voting system provider must
14 successfully complete all phases of the certification process. The certification
15 process includes: submission of a complete application, a documentation review,
16 a public demonstration of the system, and functional testing.

17 ~~21.3.3~~21.2.3 The flow of each phase of certification is as follows:

18 (a) Phase I – The voting system provider must submit an application and all
19 documentation required in Rule ~~21.4~~–21.3. The Secretary of State will
20 review the application and inform the voting system provider whether or
21 not the application is complete. If the application is incomplete, the
22 Secretary of State will identify the deficiencies and the voting system
23 provider will have 30 days to remedy the deficiencies and make the
24 application complete. When the application is complete, the Secretary of
25 State will make arrangements with the voting system provider for a public
26 demonstration.

27 (b) Phase II – The Secretary of State will review the submitted
28 documentation, VSTL reports from previous testing, and evaluations
29 provided by other states.

30 (c) Phase III – The Secretary of State will prepare a certification test plan. If a
31 VSTL is contracted to test the voting system, the VSTL will work with the
32 Secretary of State to prepare a certification test plan. The certification test
33 plan will be presented to the voting system provider for review before
34 execution of the test plan.

35 (d) Phase IV– Upon receipt of the voting system provider’s agreement to the
36 certification test plan, the Secretary of State or the VSTL will execute the
37 test plan.

38 (e) Phase V – The Secretary of State will review the test results and determine
39 whether the voting system substantially meets the requirements for

1 certification. Within 30 days of a decision, the Secretary of State will post
2 the certification test report for the voting system on its website.

3 ~~21.3.4~~21.2.4 The Secretary of State will certify voting systems that substantially
4 comply with the requirements in this Rule 21, Colorado Election Code, and any
5 additional testing the Secretary of State finds necessary.

6 ~~21.4~~21.3 Application Procedure

7 ~~21.4.1~~21.3.1 Any voting system provider may apply to the Secretary of State for
8 certification at any time.

9 ~~21.4.2~~21.3.2 A voting system provider that desires to submit a voting system for
10 certification must complete the Secretary of State’s “Application for Certification
11 of Voting System” that is available on the Secretary of State’s website.

12 ~~21.4.3~~21.3.3 The Secretary of State, in accordance with section 24-21-104(1)(a),
13 C.R.S., will charge the voting system provider all direct and indirect costs
14 associated with the testing of a voting system submitted for certification. The
15 Secretary of State will provide an estimate of costs for certification testing before
16 the certification process begins. In order to begin testing, the voting system
17 provider must provide a written approval of the cost estimate. The voting system
18 provider must pay all costs before the Secretary of state will issue a final
19 determination.

20 ~~21.4.4~~21.3.4 Along with the application, the voting system provider must submit all
21 documentation required in this Rule 21 in electronic format.

22 ~~21.4.5~~21.3.5 The vendor must identify any material it asserts is exempt from public
23 disclosure under the Colorado Open Records Act, Part 2, Article 72 of Title 24,
24 C.R.S., together with a citation to the specific grounds for exemption before
25 beginning Phase III of the certification process.

26 ~~21.4.6~~21.3.6 The voting system provider must coordinate with the Secretary of State for
27 the establishment of the trusted build. The voting system provider must submit all
28 documentation and instructions necessary for the creation and guided installation
29 of files contained in the trusted build which will be created at the start of
30 functional testing and will be the model tested. At a minimum, the trusted build
31 must include a compilation of files placed on write-once media, and an
32 established hash file distributed from a VSTL or the National Software Reference
33 Library to compare federally certified versions. The trusted build disks should all
34 be labeled with identification of the voting system provider’s name and release
35 version.

36 ~~21.4.7~~21.3.7 All materials submitted to the Secretary of State must remain in the
37 custody of the Secretary of State as follows:

- 1 (a) For certified systems, until the certification is permanently revoked, or
- 2 until no components of the certified system are used in the State of
- 3 Colorado; and
- 4 (b) For systems that are not certified, a period of 25 months.

5 ~~21.5~~-21.4 Voting System Standards

6 ~~21.5.1~~21.4.1 The 2002 Voting Systems Standards are incorporated by reference.

7 Material incorporated by reference in the Election Rules does not include later

8 amendments or editions of the incorporated material. Copies of the material

9 incorporated by reference may be obtained by contacting the Federal Election

10 Commission, 999 E Street NW, Washington, DC, 20463, 800-424-9530. Copies

11 are also available online at

12 [http://www.eac.gov/testing_and_certification/voluntary_voting_system_guideline](http://www.eac.gov/testing_and_certification/voluntary_voting_system_guidelines.aspx)

13 [s.aspx](http://www.eac.gov/testing_and_certification/voluntary_voting_system_guidelines.aspx).

14 ~~21.5.2~~21.4.2 All voting systems must meet the 2002 Voting System Standards.

15 ~~21.5.3~~21.4.3 The voting system provider must document that all voting system

16 software, hardware, and firmware meet all requirements of federal law that

17 address accessibility for the voter interface of the voting system. These laws

18 include:

- 19 (a) The Help America Vote Act,
- 20 (b) The Americans with Disabilities Act, and
- 21 (c) The Federal Rehabilitation Act.

22 ~~21.5.4~~21.4.4 Independent Analysis.

23 ~~(a)~~—Before completion of functional testing, all voting system providers

24 submitting a voting system must complete an independent analysis of the

25 system, which includes:

26 ~~(1)~~(A) An application penetration test conducted to analyze the system for

27 potential vulnerabilities ~~according to current industry standards~~ that may

28 result from poor or improper system configuration, known or unknown

29 hardware or software flaws, or operational weaknesses in process or

30 technical countermeasures. The test must involve active exploitation of

31 security vulnerabilities of the voting system, whether or not the

32 vulnerabilities can be mitigated through compensating controls.

33 ~~(2)~~(B) A source code evaluation conducted in accordance with Software Design

34 and Coding Standards of the 2002 Voting System Standard or the most

35 current version of the Voluntary Voting System Guidelines approved after

36 January 1, 2008.

1 ~~(3)~~ (C) A complete report detailing all findings and recommended compensating
2 controls for vulnerabilities and deficiencies identified.

3 ~~(4)~~ (D) The voting system provider must use at least one of the following to
4 perform the independent analysis:

5 ~~(A)~~ (1) An EAC approved VSTL;

6 ~~(B)~~ (2) Testing conducted in another state; or

7 ~~(C)~~ (3) Some combination of such VSTL and state testing that meets the
8 requirements of this Rule.

9 ~~(5)~~ (E) The Secretary of State or VSTL will conduct a quality review of all work
10 under this section. The review may include an examination of the testing
11 records, interviews of the individuals who performed the work, or both.
12 Review of testing records may be conducted at the VSTL, the state in
13 which the testing was conducted, or at the site of any contractor or
14 subcontractor utilized by another state to conduct the testing.

15 ~~(6)~~ (F) The Secretary of State may reject any evaluation if not satisfied with the
16 work product and to require additional analysis to meet the requirements
17 of section 1-5-608.5, C.R.S., and this Rule.

18 ~~21.5.5~~ 21.4.5 Functional Requirements

19 (a) Functional requirements must address all detailed operations of the voting
20 system related to the management and controls required to successfully
21 conduct an election.

22 (b) The voting system must provide for appropriately authorized users to:

23 (1) Set up and prepare ballots for an election;

24 (2) Lock and unlock system to prevent or allow changes to ballot
25 design;

26 (3) Conduct hardware diagnostic testing;

27 (4) Conduct logic and accuracy testing;

28 (5) Conduct an election and meet requirements as identified in this
29 Rule 21 for procedures for voting, auditing information, inventory
30 control where applicable, counting ballots, opening and closing
31 polls, recounts, reporting and accumulating results;

32 (6) Conduct the post-election audit; and

33 (7) Preserve the system for future election use.

- 1 (c) The voting system must integrate election day voting results with mail and
2 provisional ballot results.
- 3 ~~(d) The voting system must provide for the tabulation of votes cast in~~
4 ~~combined precincts at remote sites, where more than one precinct is voting~~
5 ~~at the same location, on either the same ballot style or on a different ballot~~
6 ~~style.~~
- 7 (e)-(D) The election management system must provide authorized users with the
8 capability to produce electronic files including election results in either
9 ASCII (both comma-delimited and fixed-width) or web-based format. The
10 software must provide authorized users with the ability to generate these
11 files on an “on-demand” basis. After creating such files, the authorized
12 users must have the capability to copy the files to diskette, tape, CD-ROM
13 or other media type.
- 14 (1) Exports necessary for the Secretary of State must conform to a
15 format approved by the Secretary of State. The format must be
16 compatible with a commercially available data management
17 program such as a spreadsheet, database, or report generator.
- 18 (f)-(E) The voting system must include hardware or software to enable the
19 closing of the voting location and disabling the acceptance of ballots on all
20 vote tabulation devices to allow for the following:
- 21 (1) Printout of the time the voting system was closed.
- 22 (2) Printout of the public counter and protective counter upon closing
23 the ballot casting functionality.
- 24 (3) Ability to print a report which must contain:
- 25 (A) Names of the offices;
- 26 (B) Names of the candidates and party, when applicable;
- 27 (C) A tabulation of votes from ballots of different political
28 parties at the same voting location in a primary election;
- 29 (D) Ballot titles;
- 30 (E) Submission clauses of all initiated, referred or other ballot
31 issues or questions;
- 32 (F) The number of votes counted for or against each candidate
33 or ballot issue;
- 34 (G) Date of election (day, month and year);

- 1 (H) Precinct number (ten digit format);
- 2 (I) County or jurisdiction name;
- 3 (J) “State of Colorado”;
- 4 (K) Count of votes for each contest; and
- 5 (L) An election judge’s certificate with an area for judges’
6 signatures with the words similar to: “Certified by us”, and
7 “Election Judges”. Space must allow for a minimum of two
8 signatures.
- 9 (4) Votes counted by a summary of the voting location and by
10 individual precincts.
- 11 (5) Ability to produce multiple copies of the unofficial results at the
12 close of the election.
- 13 ~~(g)~~(F) The election management system must ensure that an election setup may
14 not be changed once ballots are printed and/or election media devices are
15 downloaded without proper authorization and acknowledgement by the
16 application administrative account. The application and database audit
17 transaction logs must accurately reflect the name of the system operator
18 making the change(s), the date and time of the change(s), and the “old”
19 and “new” values of the change(s).
- 20 ~~(h)~~(G) All DRE or BMD voting devices must use technology providing visual or
21 auditory ballot display and selection methods used by people with
22 disabilities.
- 23 ~~(i)~~(H) All electronic voting devices supplied by the voting system provider and
24 used at voter service and polling centers must have the capability to
25 continue all normal voting operations and provide continuous device
26 availability during a 2-hour period of electrical outage without any loss of
27 election data.
- 28 ~~(j)~~(I) The voting system must provide capabilities to protect the anonymity of
29 ballot choices.
- 30 (1) All optical scan devices, associated ballot boxes, and VVPAT
31 storage devices must provide physical locks and procedures during
32 and after the vote casting operation.
- 33 (2) All DRE devices must provide randomization of all voter choices
34 and stored electronic ballot information during and after storage of
35 the voters’ ballot selections.

1 ~~21.5.6~~21.4.6 Physical and design characteristics

2 *[Rules 21.4.6 (a) and (b), formerly numbered 21.5.6 (a) and (b), are retained;*
3 *unaltered]*

4 ~~21.5.7~~21.4.7 Ballot Definition Subsystem

5 *[Rules 21.4.7 (a)-(d), formerly numbered 21.5.7 (a)-(d), are retained; unaltered]*

6 ~~21.5.8~~21.4.8 Trusted Build. The voting system must allow the operating system
7 administrative account to verify that the software installed is the certified software
8 by comparing it to the trusted build or other reference information.

9 ~~21.5.9~~21.4.9 Audit Capacity

10 *[Rules 21.4.9 (a)-(d), formerly numbered 21.5.9 (a)-(d), are retained; unaltered]*

11 ~~21.5.10~~21.4.10 Security requirements. ~~(a)~~— All voting systems must meet the
12 following minimum system security requirements:

13 ~~(1)~~(A) The voting system must meet the following requirements to accommodate
14 a general system of access by least privilege and role-based access control:

15 ~~(A)~~(1) Operating system administrative accounts may not have access to
16 read or write data to the database;

17 ~~(B)~~(2) Operating system user/operator accounts must be able to be created
18 that are restricted from the following aspects of the operating
19 system:

20 ~~(i)~~(A) No access to system root directory;

21 ~~(ii)~~(B) No access to operating system specific folders;

22 ~~(iii)~~(C) No access to install or remove programs; and

23 ~~(iv)~~(D) No access to modify other user accounts on the
24 system.

25 ~~(C)~~(3) Application administrative accounts must have full access and
26 rights to the application and database;

27 ~~(D)~~(4) Application user/operator accounts must have limited rights
28 specifically designed to perform functional operation within the
29 scope of the application. This user/operator must be restricted in
30 the creation or modification of any user/operator accounts.

31 ~~(2)~~(B) The voting system must meet the following requirements for network
32 security:

- 1 ~~(A)~~ (1) All network-applicable components of the voting system must
2 have the ability to operate on a closed network dedicated to the
3 voting system;
- 4 ~~(B)~~ (2) All network-applicable components of the voting system must
5 include the limited use of non-routable IP address configurations
6 for any device connected to the closed network. For the purposes
7 of this requirement, non-routable IP addresses are those defined in
8 the RFC 1918 Address base; and
- 9 ~~(C)~~ (3) The voting system must include provisions for updating security
10 patches, software and/or service packs without access to the open
11 network.
- 12 ~~(3)~~ (C) All voting systems that use databases must: Have databases hardened to
13 specifications developed by the voting system provider. Documentation
14 included with the application must provide a detailed procedure for
15 hardening according to current industry standards. Any government or
16 industry guidelines adopted in whole, or in part, are to be identified in the
17 documentation.
- 18 ~~(4)~~ (D) The voting system must meet the following requirements for operating
19 system security:
- 20 ~~(A)~~ (1) All voting systems must have all operating systems hardened to
21 specifications developed by the voting system provider according
22 to current industry standards. Documentation included with the
23 application must provide a detailed procedure for hardening. Any
24 government or industry guidelines adopted in whole, or in part, are
25 to be identified in the documentation.
- 26 ~~(B)~~ (2) The voting system provider must configure the voting system
27 operating system of the workstation and server used for the
28 election management software to the following requirements:
- 29 ~~(i)~~ (A) The ability for the system to take an action upon inserting a
30 removable media (auto run) must be disabled; and
- 31 ~~(ii)~~ (B) The operating system must only boot from the drive or
32 device identified as the primary drive.
- 33 ~~(C)~~ (3) The voting system provider must use a virus protection/prevention
34 application on the election management server(s)/workstations
35 which must be capable of manual updates without the use of direct
36 connection to the internet.
- 37 ~~(5)~~ (E) The voting system must meet the following requirements for password
38 security:

- 1 ~~(A)~~ (1) All passwords must be stored and used in a non-reversible format;
- 2 ~~(B)~~ (2) Passwords to the database must not be stored in the database;
- 3 ~~(C)~~ (3) Password to the database must be owned and only known by the
4 application;
- 5 ~~(D)~~ (4) The application's database management system must require
6 separate passwords for the administrative account and each
7 operator account;
- 8 ~~(E)~~ (5) The system must be designed in such a way to ensure that the use
9 of the administrative account password is not required for normal
10 operating functions;
- 11 ~~(F)~~ (6) The system must allow users to change passwords;
- 12 ~~(G)~~ (7) The use of blank or empty passwords must not be permitted at any
13 time with the exception of a limited one-time use startup password
14 which requires a new password to be assigned before the system
15 can be used; and
- 16 ~~(H)~~ (8) All voting systems must have all components of the voting system
17 capable of supporting passwords of a minimum of eight characters,
18 and must be capable of including numeric, alpha and special
19 characters in upper case or lower case used in any combination.
- 20 ~~(G)~~ (F) All modules of the system must meet the 2002 voting system standards
21 requirements for installation of software, including hardware with
22 embedded firmware:
- 23 ~~(A)~~ (1) Where the system includes a feature to interpret and control
24 execution using data from a script, code tokens, or other form of
25 control data file separate from the source code, the human-readable
26 source information must be made available as part of a source code
27 review.
- 28 ~~(B)~~ (2) Security features and procedures must be defined and implemented
29 to prevent any changes of interpreted data files after the initial
30 election testing of the final election definition Replacement of the
31 interpreted data files with tested and approved files from the
32 trusted build must be by authorized personnel before the election
33 definition is finalized for an election.
- 34 ~~(C)~~ (3) The introduction of interpreted data during execution must not be
35 permitted unless defined as a predefined set of commands or
36 actions subject to security review and the interpretation function

1 provides security edits on input to prevent the introduction of other
2 commands or the modification or replacement of existing code.

3 ~~(D)~~ (4) The application must not allow users to open database tables for
4 direct editing.

5 ~~(F)~~ (G) All voting systems must meet the following minimum requirements for
6 removable storage media with data controls:

7 ~~(A)~~ (1) All voting data stored that includes, ballot images, tally data and
8 cast vote records must be authenticated and validated.

9 ~~(B)~~ (2) All non-voting data stored must be authenticated, encrypted, and
10 validated.

11 ~~(C)~~ (3) All removable media, upon insertion on server and/or workstations
12 hosting the elections management software, must automatically be
13 scanned by antivirus software.

14 ~~21.5.11~~-21.4.11 Telecommunications requirements

15 *[Rules 21.4.11 (a)-(g), formerly numbered 21.5.11 (a)-(g), are retained;*
16 *unaltered]*

17 ~~21.5.12~~-21.4.12 Voter-verifiable paper record requirements

18 *[Rules 21.4.12 (a)-(d), formerly numbered 21.5.12 (a)-(d), are retained;*
19 *unaltered]*

20 ~~21.5.13~~-21.4.13 Documentation Requirements

21 *[Rules 21.4.13 (a)-(c), formerly numbered 21.5.13 (a)-(c), are retained;*
22 *unaltered]*

23 (d) For the review of VSTL or other state testing in Rule ~~21.5.12(a)~~
24 21.4.12(A) copies of all VSTL or state qualification reports, test logs and
25 technical data packages must be provided to the Secretary of State.

26 (1) The voting system provider must execute and submit any
27 necessary releases for the applicable VSTL, state or EAC to
28 discuss any and all procedures and findings relevant to the voting
29 system with the Secretary of State and allow the review by the
30 Secretary of State of any documentation, data, reports, or similar
31 information upon which the VSTL or other state relied in
32 performing its testing. The voting system provider must provide a
33 copy of the documentation to the Secretary of State.

1 (2) The voting system provider, the VSTL, the state or the EAC will
2 identify to the Secretary of State any specific sections of
3 documents for which they assert a legal requirement for redaction.

4 *[Rules 21.4.13 (d)-(r), formerly numbered 21.5.13 (d)-(r), are retained;*
5 *unaltered]*

6 ~~21.6~~21.5 Testing preparation procedures

7 ~~21.6.1~~21.5.1 Voting system provider demonstration

8 *[Rules 21.5.1 (a)-(p), formerly numbered 21.6.1 (a)-(p), are retained; unaltered]*

9 (q) Functional testing must be completed according to the phases identified in
10 Rule ~~21.3.3~~21.2.3.

11 *[Rules 21.5.1 (r) and (s), formerly numbered 21.6.1 (r) and (s), are retained;*
12 *unaltered]*

13 (t) The Secretary of State will maintain records of the test procedures in
14 accordance with Rule ~~21.4.7~~21.3.7. The records must identify the system
15 and all components by voting system provider name, make, model, serial
16 number, software version, firmware version, date tested, test number, test
17 plan, requirements matrix, test team notes, and other supplemental
18 information, and results of test. The test environment conditions must be
19 described.

20 *[Rules 21.5.1 (u), formerly numbered 21.6.1 (u), is retained; unaltered]*

21 ~~21.6.2~~21.5.2 General testing procedures and instructions

22 *[Rules 21.5.2 (a)-(i), formerly numbered 21.6.2 (a)-(i), are retained; unaltered]*

23 ~~21.7~~21.6 Temporary use

24 ~~21.7.1~~21.6.1 If a voting system provider has a system that has not yet been approved for
25 certification through the Secretary of State, the voting system provider or the
26 designated election official may apply to the Secretary of State for temporary
27 approval of the system to be used for up to one year.

28 ~~21.7.2~~21.6.2 Upon approval of temporary use, a jurisdiction may use the voting system,
29 or enter into a contract to rent or lease the voting system for a specific election
30 upon receiving written notice from the Secretary of State's office. At no time may
31 a jurisdiction enter into a contract to purchase a voting system that has been
32 approved for temporary use.

1 ~~21.7.3~~21.6.3 Temporary use does not supersede the certification requirements or
2 process, and may be revoked at any time at the discretion of the Secretary of
3 State.

4 ~~21.8~~21.7 Decertification

5 ~~21.8.1~~21.7.1 If, after any time the Secretary of State has certified a voting system, it is
6 determined that the voting system fails to substantially meet the standards set
7 forth in this Rule 21, the Secretary of State will notify any jurisdictions in the
8 State of Colorado and the voting system provider of that particular voting system
9 that the certification of that system for future use and sale in Colorado is to be
10 withdrawn.

11 ~~21.8.2~~21.7.2 Certification of a voting system may be revoked or suspended at the
12 discretion of the Secretary of State based on information that may be provided
13 after the completion of the initial certification. This information may come from
14 any of the following sources:

15 *[Rules 21.7.2 (a)-(i), formerly numbered 21.8.2 (a)-(i), are retained; unaltered]*

16 ~~21.8.3~~21.7.3 If any voting system provider, provides for use, installs, or causes to be
17 installed an uncertified or decertified voting system or component, the Secretary of
18 State may suspend use of the component or the voting system.

19 ~~21.8.4~~21.7.4 In accordance with section 1-5-621, C.R.S., the Secretary of State will
20 hold a public hearing to consider the decision to decertify a voting system.

21 ~~21.9~~21.8 Modifications and reexamination. Any modification, change or other alteration to
22 a certified voting system requires certification or review of the modification under section
23 1-5-618, C.R.S., unless the voting system provider decides to present the modified
24 system for certification under this Rule.

25 ~~21.10~~21.9 Acceptance Testing by Jurisdictions

26 ~~21.10.1~~21.9.1 Whenever a jurisdiction acquires voting equipment, the jurisdiction must
27 perform acceptance tests of the system before it may be used to cast or count
28 votes at any election. The voting system must be operating correctly, pass all tests
29 as directed by the acquiring jurisdiction’s project manager or contract negotiator
30 and must be identical to the voting system certified by the Secretary of State.

31 ~~21.10.2~~21.9.2 The voting system provider must provide all manuals and training
32 necessary for the proper operation of the system to the jurisdiction.

33 ~~21.10.3~~21.9.3 The election jurisdiction must perform functional and programming tests
34 for all functions of the voting system at their discretion.

35 ~~21.11~~21.10 Escrow of voting system software and firmware by voting system provider. The
36 voting system provider must meet the requirement for software escrow per the following:

- 1 ~~21.11.1~~21.10.1 The voting system provider must place in escrow a copy of the
2 election MANAGEMENT software, firmware, and supporting documentation being
3 certified with either the Secretary of State or an independent escrow agent
4 approved by the Secretary of State. [Section 1-7-511, C.R.S.]
- 5 ~~21.11.2~~21.10.2 Within ten days of the voting system provider receiving
6 notification of examination of voting equipment as part of the certification
7 process, the voting system provider must arrange for the completion of escrow
8 requirements as indicated by this Rule.
- 9 ~~21.11.3~~21.10.3 The voting system provider must sign a sworn affidavit that the
10 election MANAGEMENT software in escrow is the same as the election
11 MANAGEMENT software used in its voting systems in this state.
- 12 ~~21.11.4~~21.10.4 A complete copy of the certified election MANAGEMENT software
13 including any and all subsystems of the certified software will be maintained in
14 escrow.
- 15 ~~21.11.5~~21.10.5 Any changes to current configurations or new installations must be
16 approved through the certification program of the Secretary of State.
- 17 ~~21.11.6~~21.10.6 In addition to the requirements listed below, the voting system
18 provider must include a cover/instructions sheet for any escrow material to
19 include the voting system provider, address and pertinent contact information,
20 software version, hardware version, firmware revision number, and other uniquely
21 identifying numbers of the software submitted for certification.
- 22 ~~21.11.7~~21.10.7 Election MANAGEMENT software source code, maintained in
23 escrow, must contain internal documentation such that a person reasonably
24 proficient in the use of the programming language can efficiently use the
25 documentation to understand the program structure, control techniques, and error
26 processing logic in order to maintain the source code should it be removed from
27 escrow for any reason.
- 28 ~~21.11.8~~21.10.8 System documentation will include instructions for converting the
29 escrowed source code into object code, organized and configured to produce an
30 executable system, if warranted.
- 31 ~~21.11.9~~21.10.9 System documentation will include technical architecture design,
32 analysis, detail design, testing and an installation and configuration guide.
- 33 ~~21.11.10~~21.10.10 A set of schematics and drawings on electronic vote casting and
34 counting equipment purchased or in use by the county clerk must be filed with the
35 Secretary of State.
- 36 ~~21.11.11~~21.10.11 All parties must treat as confidential the terms of this Rule
37 including all escrow materials and any other related information that comes into
38 their possession, control or custody in accordance with this section.

1 ~~21.11.12~~21.10.12 Copies of electronic media and supporting documentation for
2 escrow within the Secretary of State will be sent to:

3 Colorado Secretary of State
4 Attn: Voting Systems Specialist
5 1700 Broadway – Suite 200
6 Denver, CO 80290

7 ~~21.11.13~~21.10.13 Any cost of using an alternative third party escrow agent must be
8 borne by the voting system provider.

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

1 CCR 201-2 Income Tax 1 - eff 08/14/2014

Effective date

08/14/2014

REGULATION 39-22-303.4.

- ~~(1) — The provisions of this regulation apply for income tax years beginning prior to January 1, 2009. Statutory sections referenced in the regulation refer to those sections as they existed prior to January 1, 2009.~~
- ~~(2) — **"Safe Harbor" lease income.** All income and deductions created by "safe harbor" lease transactions shall be included in the numerator of the Colorado revenue factor only if the lessor's commercial domicile is located in Colorado. All income and deductions created by "safe harbor" lease transactions shall not be included in the numerator of the Colorado revenue factor if the lessor's commercial domicile is not in Colorado.~~
- ~~(3) — **Colorado destination sales of a corporation not having nexus in Colorado when such corporation is an includable member of an affiliated group of corporations.** In the case of a corporation that does not have nexus (is not doing business) in Colorado even though it is an "includable corporation" in an affiliated group of unitary corporations filing a combined Colorado return, the sales of such corporation of property delivered to purchasers in Colorado shall not constitute Colorado sales for purposes of determining the revenue factor.~~

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00223

Opinion of the Attorney General rendered in connection with the rules adopted by the
Taxpayer Service Division - Tax Group

on 07/08/2014

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 07/08/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 08, 2014 14:45:42

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

1 CCR 201-2 Income Tax 1 - eff 08/14/2014

Effective date

08/14/2014

CHILD CARE TAX CREDIT

39-22-119

- (1) **Child Care-Tax Credit** Resident individuals who claim the federal tax credit for child care expenses on their federal income tax return shall be allowed a credit against their Colorado income tax liability as follows:
 - (a) A credit equal to 50% of the federal tax credit for taxpayers whose federal adjusted gross income is \$25,000 or less.
 - (b) A credit equal to 30% of the federal tax credit for taxpayers whose federal adjusted gross income is between \$25,001 and \$35,000.
 - (c) A credit equal to 10% of the federal credit for taxpayers whose federal adjusted gross income is between \$35,001 and \$60,000.
 - (d) This credit cannot be claimed by taxpayers whose federal adjusted gross incomes exceeds of \$60,000.
- (2) The ages of children eligible for the child tax credits are based on the child's age at the end of the taxable year for which the credit is claimed. The ages of children eligible for the child care credit are determined in the same manner as determined for the federal child care credit.
- (3) **Part-year residents.** A part-year Colorado resident is allowed only that portion of the Colorado child care credit and the family child care credit that is equal to the applicable credit multiplied by the ratio (not to exceed 100%) of the taxpayer's Colorado modified adjusted income over the taxpayer's entire federal modified taxable income.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00222

Opinion of the Attorney General rendered in connection with the rules adopted by the
Taxpayer Service Division - Tax Group

on 07/08/2014

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 07/08/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 08, 2014 14:45:07

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

1 CCR 201-2 Income Tax 1 - eff 08/14/2014

Effective date

08/14/2014

~~CHARITABLE CONTRIBUTION SUBTRACTION FOR NON-ITEMING TAXPAYERS.~~

~~REGULATION 39-22-104(4)(M)(II).~~

Status Table:

Fiscal Year¹	Tax Year²	Is Subtraction Available³:	Subtraction allowed for contribution in excess of:	Maximum Subtraction Allowed
∅	∅	∅	∅	∅
1999-2000	2000	NO	∅	∅
2000-2001	2001	YES	\$500	IRC §170 max.
2001-2002	2002	No	None	∅
2002-2003	2003	unkown	∅	∅
∅	∅	∅	∅	∅

¹~~July 1 to June 30.~~

²~~Any tax year beginning on or after January 1 of that calendar year.~~

³~~Sufficient excess revenues exist in years where subtraction is available.~~

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00221

Opinion of the Attorney General rendered in connection with the rules adopted by the
Taxpayer Service Division - Tax Group

on 07/08/2014

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 07/08/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 08, 2014 14:40:48

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

1 CCR 201-2 Income Tax 1 - eff 08/14/2014

Effective date

08/14/2014

~~EXECUTIVE DIRECTOR.~~

~~REGULATION (39-) 22-103.6.~~

~~See also subsection 39-21-101(2), C.R.S. 1973, wherein Executive Director is defined to include the Deputy Director of the Department of Revenue when authorized to act on behalf of the Executive Director.~~

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00217

Opinion of the Attorney General rendered in connection with the rules adopted by the
Taxpayer Service Division - Tax Group

on 07/08/2014

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 07/08/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 08, 2014 14:38:16

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

1 CCR 201-2 Income Tax 1 - eff 08/14/2014

Effective date

08/14/2014

~~INTEREST, DIVIDEND AND CAPITAL GAIN SUBTRACTION.~~

~~REGULATION 39-22-104(4)(L).~~

- ~~(1) Interest, dividends and net capital gains can be subtracted from federal taxable income reported on a taxpayer's Colorado income tax return. This subtraction is available only in tax years in which state revenues exceed the limitation on state fiscal year spending by the amounts established in 39-22-104(4)(I)(III) and (IV). In October or November of each year, the State will certify whether there are sufficient excess revenues to make this subtraction available. See Regulation 39-22-120 for years in which the subtraction is available.~~
- ~~(2) The maximum amount a taxpayer can subtract in a tax year pursuant to this subsection 104(4)(L) is:~~
- ~~Tax year 2000 \$1,200 single, \$2,400 joint;~~
- ~~Tax year 2001 and later \$1,500 single, \$3,000 joint.~~
- ~~(3) The subtraction is allowed only to the extent the interest, dividend, or net capital gain is included in taxpayer's federal taxable income, and only to the extent the interest, dividend, or net capital gain is not also subtracted from federal taxable income on the taxpayer's Colorado income tax return pursuant to 39-22-104(4) or 39-22-518, C.R.S.~~

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00220

Opinion of the Attorney General rendered in connection with the rules adopted by the
Taxpayer Service Division - Tax Group

on 07/08/2014

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 07/08/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 08, 2014 14:39:58

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

1 CCR 201-2 Income Tax 1 - eff 08/14/2014

Effective date

08/14/2014

~~**BASIC DATE**~~

~~**REGULATION (39-) 22-103.2.**~~

~~Any income accrued or any appreciation in asset value occurring prior to July 1, 1937, is not subject to income taxation by the state of Colorado.—~~

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00216

Opinion of the Attorney General rendered in connection with the rules adopted by the
Taxpayer Service Division - Tax Group

on 07/08/2014

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 07/08/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 08, 2014 14:37:21

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Revenue

Agency

Taxpayer Service Division - Tax Group

CCR number

1 CCR 201-2

Rule title

1 CCR 201-2 Income Tax 1 - eff 08/14/2014

Effective date

08/14/2014

SUBTRACTIONS FROM FEDERAL TAXABLE INCOME

39-22-104(4)

- (1) **Sequence of modifications decreasing federal taxable income.** Modifications decreasing federal taxable income may be claimed in the sequence most advantageous to the taxpayer.
- (2) **Modification for Railroad Retirement and Railroad Unemployment benefits.** Railroad retirement benefits are exempt from state taxation under 45 U.S.C., paragraph 231m, and railroad unemployment benefits are exempt under 45 U.S.C., paragraph 352(e). Thus, to the extent that such income is included in federal taxable income, it may be modified out in determining Colorado taxable income.
- (3) **Taxation of a Colorado resident individual on income earned before becoming Colorado resident.** Colorado taxable income of a Colorado resident individual is defined as the resident's federal taxable income, as modified by additions and subtractions set forth in §§39-22-104(3) and (4), C.R.S., respectively. A resident individual's income is subject to Colorado taxation regardless of whether it is derived from sources inside or outside of Colorado. Income generated from sources outside Colorado prior to a taxpayer becoming a Colorado resident, but received after the taxpayer becomes a resident, is subject to Colorado income tax. Examples include, but are not limited to, pension payments, deferred compensation payments, or income from the exercise of a stock option. However, credit for income tax paid to another state in the same year will be allowed with respect to income derived from sources within such state(s) after the individual becomes a Colorado resident.

Cross Reference

1. See §39-22-108, C.R.S. and Department Rule 39-22-108 for information on the credit for taxes paid to another state.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00219

Opinion of the Attorney General rendered in connection with the rules adopted by the
Taxpayer Service Division - Tax Group

on 07/08/2014

1 CCR 201-2

INCOME TAX

The above-referenced rules were submitted to this office on 07/08/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 08, 2014 14:39:13

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Education

Agency

Colorado State Board of Education

CCR number

1 CCR 301-37

Rule title

1 CCR 301-37 Educator Licensing 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF EDUCATION

Colorado State Board of Education

COLORADO EDUCATOR LICENSING ACT OF 1991

1 CCR 301-37

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

2260.5-R-1.00 Statement of Basis and Purpose.

The statutory basis for these Rules adopted May 12, 1994, is found in 22-2-107(1)(c), State Board-Powers, 22-60.5-101, et.seq., C.R.S., the Colorado Educator Licensing Act of 1991 and 22-2-109(1), State Board-Additional Duties. These Rules establish the standards and criteria for the issuance of licenses and authorizations to teachers, special services providers, principals, and administrators. The Act calls for the State Board of Education to adopt rules for a three-tiered system of licensure for education personnel which includes an Initial License for entry-level educators, a Professional License for experienced educators, and a voluntary Master Certificate for outstanding educators.

These Rules also provide for the issuance of special authorizations to educators as necessary to meet the needs of Colorado schools and students. Standards and processes for the approval of educator preparation programs through institutions of higher education and at alternative sites are provided. Criteria for the renewal of licenses and authorizations are established which provide for significant involvement of practicing educators. Standards for endorsement in subject areas or other areas of educational specialization are prescribed.

These Rules provide a process for the recognition of educator preparation programs in other states to facilitate the movement of educators among states. As required by the Act, the Rules establish the requirements of induction programs provided by local school districts to assist new educators through support, supervision, ongoing professional development, and evaluation.

The Rules establish the standards and processes by which licenses may be denied, suspended, annulled, or revoked for conviction of certain criminal offenses, unethical behavior, or professional incompetence. Other miscellaneous provisions are included to meet the requirements of the Act.

1.01 Statement of findings and reasons for adoption of emergency rules

Following adoption of the (rules for the) Administration of the Colorado Educator Licensing Act of 1991, the Colorado State Board of Education has received considerable unsolicited oral and written testimony from local boards of education and boards of cooperative educational services expressing concern over the increase requirements for substitute teachers to provide services in the public schools. Local districts assert that the standards for issuance of licenses and substitute authorizations have diminished their available pool of substitute teachers to the extent that classrooms and groups of students will have no adult supervision when the regularly assigned teacher is absent. The State Board of Education finds that such potential lack of supervision threatens the well-being of students and finds that the immediate adoption of Emergency rules [4.09 - 4.09 (3) and 4.10] on October 7, 1994 is imperatively necessary for the preservation of public health, safety, and welfare of students. These Rules are effective upon adoption and shall be valid for ninety days.

1.02 Statement of findings and reasons for adoption of emergency rules

Following adoption of the (rules for the) Administration of the Colorado Educator Licensing Act of 1991, the Colorado State Board of Education adopted emergency rules [4.09 - 4.09(3) and 4.10] regarding substitute teacher authorizations on October 7, 1994 and readopted them for technical reasons on November 10, 1994. A hearing was held on December 8, 1994 to consider permanent adoption of these Rules. Testimony presented at the hearing indicated that neither the prior emergency nor the proposed permanent rules were sufficient to meet the immediate needs of Colorado school districts throughout the state for substitute teachers to provide adult supervision when the regularly assigned teacher is absent. The State Board of Education finds that, based on this new information, and to guarantee the safety and supervision of students, the immediate adoption of emergency rules [4.09 - 4.09(3) and 4.10] on December 8, 1994 is imperatively necessary for the preservation of public health, safety, and welfare of students. Waiting to provide official notice prior to adoption of these emergency rules would jeopardize the safety of Colorado public school students on a daily basis. These Rules are effective upon adoption and shall be valid for ninety days.

1.03 Statement of Basis and Purpose for Amendment.

The statutory basis for amendments to these Rules adopted July 13, 1995 is found in 22-2-107 (l)(c) and 22-60.5-101, et. seq., C.R.S. These Rules are amended to conform to legislative amendments (SB 95-75) to 22-60.5-111(l)(a)(f), 22-60.5-114(2), and 22-60.5-309.5, C.R.S. Changes have also been made to conform to HB 95-1189, which negated selected existing rules. In addition, these amendments clarify and improve language, correct technical errors and omissions, and reflect further development of the licensing program.

1.04 Statement of Basis and Purpose for Amendment.

The statutory basis for the amendments to these Rules adopted December 13, 1996 is found in 22-2-107(l)(c), 22-2-109(1), and 22-60.5-101, et. seq., C.R.S. These amendments are required to comply with legislative action through Senate Bill 96-236 which eliminated selected sections of the State Board's earlier adopted rules. These amendments relate to the powers and duties of the professional standards boards, the establishment of educator licensing review boards, the requirements for induction programs for certain authorizations, and the requirement for renewal of licenses. These amendments also modify the requirements for field experiences in preservice educator preparation programs and address technical flaws or omissions in the earlier rules. Revised endorsement standards for early childhood education, middle childhood education, English language arts education, mathematics education, science education, social studies education, early adolescence education, linguistically diverse education, school audiologist, school occupational therapist, school nurse, school psychologist, school social worker, school speech/language pathologist, and school counselor are included. In addition, amendments are included to address legislative requirements regarding teacher shortages and basic skills assessments for certain Special Services Licenses.

1.05 Statement of Basis and Purpose for Amendment.

The statutory basis for amendments to these rules adopted on September 11, 1997, is found in 22-2-107(1)(c), 22-2-109(1), and 22-60.5-101, et.seq., C.R.S. These amendments are required to conform the State Board's Rules with legislative amendments to the Educator Licensing Act of 1991, resulting from the passage of HB 97-1058 and HB 97-1108. In addition, these amendments correct technical errors and omissions found in the Board's early adopted Rules. Specifically, these amendments delete outdated definitions related to educator review boards and peer review, clarify the requirements for licensure of out-of-state applicants, enable the Department to issue professional licenses to teachers who hold national certification, provide requirements for the reinstatement of expired certificates or licenses and provide for the establishment of a fee for such reinstatements, provide for multiple renewals of Initial licenses if holders are unable to complete induction programs, clarify the experience requirements for principals and administrators, provide for the issuance of professional licenses for educators unable to complete induction if districts have obtained waivers of induction programs, establish a Type IV Authorization-Extension for educators unable to renew licenses due to hardships, modify the standards for principal and administrator preparation programs, change the requirements for renewal of professional licenses, eliminate the minority alternative teacher fellowship program and minority teacher fund, modify the requirements for the State Board in receiving recommendations from the Professional Standards Boards, and create an inactive status for holders of professional licenses who wish to surrender their licenses for an unspecified period and later return to active status.

1.06 Statement of Basis and Purpose for Amendment.

The statutory basis for the amendments to these Rules adopted on August 20, 1998 is found in 22-2-107(1) (c), 22-2-109(1), and 22-60.5-101, et. seq., C.R.S. These amendments are required to comply with legislative action through House Bill 98-1208 which exempts school psychologists and school social workers from the basic skills assessment for licensure, House Bill 98-1089 which specifies the requirements for evaluator training in approved principal and administrator preparation programs, and House Bill 1267 which modifies the standards and criteria for the approval of teacher education programs, modifies the criteria for the renewal of professional licenses, and revises the criteria for the evaluation of programs of preparation for teachers, principals and administrators. These amendments also remove the previous 60 day employment limitation for holders of the one-year type v authorization-substitute. In addition, amendments include revised endorsement standards for agriculture, business/marketing, consumer and family studies, technical education, and trade and industry education.

1.07 Statement of Findings and Reasons for Adoption of Amendments.

Following the passage of SB 02-152, the State Board of Education finds that to meet the timeline therein, it is necessary to adopt rules to provide the content of principal preparation programs.

1.08 Statement of Basis and Purpose for Adoption of Amendments

The statutory basis for these Rules, adopted as emergency rules on October 3, 2002, is found in 22-2-107 (l)(c), State Board Powers, 22-60.5-101, et seq., C.R.S, the Colorado Educator Licensing Act of 1991, 22-2-109(l)(p), State Board of Education - additional duties - teacher standards - principal standards, and 22-2-109 (6)(a). These Rules establish the standards and criteria for the issuance of licenses and authorizations to principals. The purpose of these amendments to the rules for the

Administration of Educator Licensing Act of 1991, is to ensure that principal preparation programs be performance-based, enabling principal candidates to demonstrate proficiency in leading high-quality, standards-based schools.

1.09 Statement of Basis and Purpose for Adoption of Amendments

Following the passage of SB 99-154, the State Board of Education amended the rules on September 11, 2003, and finds that to meet the requirements therein, it is necessary to adopt these updated rules for endorsements appropriate for licensure to ensure that these are current and, additionally, in keeping with federal requirements. The statutory basis for these Rules is found in 22-2-109 (l)(g)(h)(i), C.R.S., State Board of Education - additional duties - teacher standards - principal standards; the rules for the Administration of the Educator Licensing Act of 1991, 2260.5-R-7.04 Review of License and Endorsement Standards. These Rules establish the standards and criteria for review of the endorsement standards for currency. The purpose of these amendments to the rules for the

Administration of Educator Licensing Act of 1991, is to ensure that the licensing endorsements be performance-based, enabling educators to demonstrate proficiency and high-quality in their endorsement areas.

1.10 Statement of Basis and Purpose for Proposed Amendments

The statutory authority for the proposed amendments to these Rules is found in Sections 22-2-107(l)(c) and 22-60.5-101, et seq., C.R.S. The proposed amendments are necessitated by legislative amendments to the Educator Licensing Act of 1991, resulting from enactment of HB 99-1039 and HB 03-1114, with regard to educator fingerprinting, the denial, suspension, revocation, or annulment of licenses, and school district reporting requirements. Additionally, under the Administration of the Educator Licensing Act of 1991, during a review of current rules it was determined that several sections of the rules appear to be in conflict with Colorado revised statutes. The statutory basis for these rules is found in Section 22-2-109 (l)(g)(h)(i), C.R.S., State Board of Education - additional duties - teacher standards - principal standards; the rules for the Administration of the Educator Licensing Act of 1991. 2260.5-R-7.04 review of license and endorsement standards. The purpose of these amendments to the rules for the Administration of Educator Licensing Act of 1991 is to ensure that Colorado State Board of Education's adopted rules are in compliance with state statute.

1.11 Statement of Basis and Purpose for Adoption of Amendments

The statutory authority for the proposed amendments to these Rules is found in sections 22-2-107(1)(c) and 22-60.5-101, et seq., C.R.S. The proposed amendments adopted by the State Board of Education on December 9, 2004 are necessitated based on a review of Department Rules by Legislative Legal Services which determined that several sections of the rules appear to be in conflict with Colorado Revised Statutes. The statutory basis for these Rules is found in 22-2-109 (1)(g)(h)(i), C.R.S., State Board of Education – Additional Duties – Teacher Standards – Principal Standards; the Rules for the Administration of the Educator Licensing Act of 1991, 2260.5-R-7.04 Review of License and Endorsement Standards. The purpose of these amendments to the Rules for the Administration of Educator Licensing Act of 1991 is to ensure that Colorado State Board of Education's adopted rules are in compliance with state statute.

1.12 Statement of Basis and Purpose for Amendment.

The statutory basis for amendments to these Rules adopted on November 10, 2005, is found in 22-2-107(1)(c), 22-2-109(1), and 22-60.5-101, et.seq., C.R.S. These amendments are required to conform to the enactment of HB 05-1026, which necessitates amendments to the Rules for the Administration of the Educator Licensing Act of 1991, C.R.S. 301-37. The amendments relate to requirements for the Alternative Principal Authorization, changes in the Rules for renewal activities for professional licensure, inactive status of licenses, changing the name of the Provisional License to Initial License, changing the name of the Temporary Authorization to Interim Authorization, and hiring of a person who holds an Alternative Teacher License. The amendments ensure that the Rules are in compliance with state statutes.

1.13 Statement of Basis and Purpose for Amendments.

The statutory authority for the amendments to these Rules is found in sections 22-2-107(1)(c) and 22-60.5-101, et seq., C.R.S. The amendments are necessitated by legislative amendments to the Educator Licensing Act of 1991 resulting from enactment of SB 06-176, which changes educator fingerprint submission requirements and modifies the grounds for the denial, annulment, suspension or revocation of licenses. In addition, the amendments clarify and improve language and correct technical errors. The purpose of these amendments to the Rules for the Administration of the Educator Licensing Act of 1991 is to ensure that the Colorado State Board of Education's adopted rules are in compliance with state statute.

1.14 Statement of Basis and Purpose for Amendments.

The statutory authority for the amendments to these Rules is found in sections 22-2-107 (1) (c) and 22-60.5-101, et seq., C.R.S. The purposes of these amendments to the Rules for the Administration of the Educator Licensing Act of 1991 is to ensure that the Colorado State Board of Education's adopted rules are in compliance with state statute, as requested by Legislative Legal Services with regard to initial principal licenses, alternative principal licenses, temporary educator eligibility, changes in titles of licenses and adjunct authorizations.

1.15 Statement of Basis and Purpose of Amendments.

The statutory authority for the amendments to these Rules is found in sections 22-2-107 (1) (c) and 22-60.5-101, et seq., C.R.S. The purposes of these amendments to the Rules for the Administration of the Educator Licensing Act of 1991 is to ensure that the Colorado State Board of Education's adopted rules are in compliance with state statute, as requested by Legislative Legal Services with regard to denial, suspension, revocation, or annulment of licenses, and school district reporting requirements, necessitated by enactment of HB 08-1344 and SB 06-176.

1.16 Statement of Purpose and Adoption for Amendments to 22-60.5-R-4.04

Senate Bill 08-017, 22-2-132 C.R.S. concerning Occupational Educational Credentialing, requires the Colorado Department of Education (CDE) to issue credentials to secondary occupational instructors or Career and Technical Education (CTE) instructors. Prior to the enactment of Senate Bill 08-017, the Colorado Community College System (CCCS) has issued secondary and postsecondary credentials. They will continue to issue postsecondary credentials, but not secondary credentials. CCCS will promulgate Rules for the Administration of the Colorado Vocational Act, 8 CCR 1504-2 that conform to current law. The amendments to the following rules for the Administration of the Educator Licensing Act of 1991 provide consistency between the CCCS rules 8 CCR 1504-2 and CDE rules 1 CCR 301-37, section 22-60.5-R-4.04 concerning the Authorization of Career and Technical Education credentials.

1.17 Statement of Basis and Purpose of Amendments

The authority for the amendments to these Rules is found in sections 22-2-107 (1) (c) and 22-60.5-101, et. seq., C.R.S. Senate Bill 09-160, which aligned the state's Alternative Teacher Program and Teacher in Residence Program and required that the State Board amend its rules concerning the Department's issuance of Initial Teacher Licenses and Alternative Teacher Licenses. The State Board has the authority to adopt rules necessary to ensure the least cumbersome process possible for issuing and renewing educator licenses, pursuant to section 22-60.5-115, C.R.S.

1.18 Statement of Basis and Purpose of Amendments.

The authority for the amendments to these Rules is found in sections 22-2-107 (1) (c) and 22-61.5-101, et. seq., C.R.S. House Bill 09-1240 established the Colorado Teacher of the Year program to honor and reward the teacher named annually as the Colorado Teacher of the Year and required the State Board to adopt rules necessary for the creation and implementation of the program.

1.19 Statement of Basis and Purpose of Amendments.

House Bill 10-1034 amended the statutory requirements that individuals must meet to be authorized by the Colorado Department of Education as a School Speech-Language Pathology Assistant (SLPA). This legislation, found at 22-60.5-111(10)(c), C.R.S., requires the State Board to promulgate rules establishing a minimum number of credits of course work in speech, language, and hearing sciences that an individual with a bachelor's degree must complete in order to obtain authorization. The legislation also broadens the required educational background of a School SLP-A candidate to include a bachelor's degree in "any other field" if the candidate has completed the specified number of credits of course work as specified in these rules.

1.20 Statement of Basis and Purpose of Amendments.

The statutory authority for the amendments to these Rules is found in sections 22-2-107(1)(c) and 22-60.5-106 and 308, C.R.S. The purpose of these amendments to the Rules for the Administration of the Educator Licensing Act of 1991 is to ensure that the Rules are in compliance with state statute in order to articulate the standards for the Initial Administrator License with a Director of Special Education Endorsement.

1.21 Statement of Basis and Purpose of Amendments

The statutory authority for the amendments to these Rules is found in sections 22-2-107(1)(c) and 22-60.5-106, C.R.S. The purpose of these amendments to the Rules for the Administration of the Educator Licensing Act of 1991 is to update existing rules to conform with current research-based knowledge and practice with regard to better serving linguistically and culturally diverse students, and to increase availability of effective educators.

1.22 Statement of Basis and Purpose for Amendment

The statutory authority for the amendments to these Rules is found in Sections 22-2-107(l)(c) and 22-60.5-101, et seq., C.R.S. The amendments are necessitated by enactment of SB 08-208, SB 10-175 and HB 11-1121, which, in part, amended the Colorado Educator Licensing Act of 1991 with regard to the grounds for denying, suspending, revoking or annulling licenses. The purpose of the amendments is to ensure that these Rules are in compliance with state statute.

1.23 Statement of Basis and Purpose for Amendment

The statutory authority for the amendments to these Rules is found in Sections 22-2-107(l)(c) and 22-60.5-101, et seq., C.R.S. The purpose of the amendments is to bring the rules into compliance with state statute, pursuant to review by the Colorado Office of Legislative Legal Services.

2260.5-R-2.00 General Licensing Regulations.

The Colorado Department of Education has the sole authority to issue educator licenses and authorizations. Pursuant to 22-63-201 and 22-32-126, C.R.S., a Colorado license or authorization is required for employment as a teacher, special services provider, or principal in a Colorado school district or school.

2.01 Definitions.

- 2.01(1) Accepted institution of higher education: An institution of higher education that offers at least the standard bachelor's degree and is recognized by one of the following regional associations: Western Association of Schools and Colleges, Northwest Association of Schools, Colleges and Universities, North Central Association of Colleges and Schools, New England Association of Schools and Colleges, Southern Association of Colleges and Schools, or Middle States Association of Colleges and Schools.
- 2.01(2) Accredited non-public school: Any non-public school which is accredited by the State Board of Education pursuant to the rules and regulations of said board.
- 2.01(3) Administrator: Any person who may or may not be licensed, but who administers, directs, or supervises an education instructional or education-related program, or a portion thereof, in any school or school district in the state and who is not the chief executive officer or an assistant chief executive officer of such school.
- 2.01(4) Advanced program: A post-baccalaureate degree program for the advanced preparation of teachers and other professional school personnel. Graduate credit is commonly awarded. Master's, specialist, and doctoral degrees are included, as well as non-degree programs offered at the graduate level.
- 2.01(5) Alternative teacher contract: A one or two year contract, as described in section 22-60.5-207, entered into for an alternative teacher position by a holder of an alternative teacher license pursuant to section 22-60.5-201(1)(a) and a school district, accredited nonpublic school, or board of cooperative services that provided a one-year or two-year alternative teacher program.
- 2.01(6) Alternative teacher program: A one-or two year program of study and training for teacher preparation for a person of demonstrated knowledge and ability who holds an Alternative Teacher License pursuant to section 22-60.5-201 (1)(a), C.R.S., which meets the standards of and has been approved by the State Board of Education, and that upon completion, leads to a recommendation for initial licensure by the designated agency providing the program.
- 2.01(7) Alternative teacher support team: A team established by the designated agency for each holder of an Alternative Teacher License employed as an alternative teacher. At a minimum, each alternative teacher support team shall be composed of the alternative teacher's mentor teacher and the principal and a representative of an accepted institution of higher education.
- 2.01(8) Approved induction program: A program of continuing professional development for Initial licensees that meets the requirements of the State Board of Education, and that upon completion, leads to a recommendation for a Professional License by the school district or districts providing such induction program.
- 2.01(9) Approved program of preparation: A program of study for the preparation of educators that meets the content requirements of the Colorado State Board of Education and for public and private institutions, is approved by Colorado Commission on Higher Education and that, upon completion, leads to a recommendation for licensure by an accepted institution of higher education.
- 2.01(10) Award Recipient: The teacher named the Colorado Teacher of the Year.
- 2.01(11) Basic program: A college or university program for the initial preparation of teachers. The courses commonly lead to a baccalaureate degree; exceptions may include graduate or other extended programs designed to prepare teachers for initial licensure.

- 2.01(12) Board of Education: The governing body authorized by law to administer the affairs of any school district in the state except junior and community college districts. "Board of Education" includes a board of cooperative services organized pursuant to 22-5-101, C.R.S.
- 2.01(13) Clinical experiences: Experiences that are characterized by careful planning, stipulated goals, required activities, projected performance levels and evaluation of growth. Included are microteaching clinics, participation experiences, skill clinics, developing case studies, curriculum development clinics, and use of instructional technology and/or computers. These are conducted both as school-based and campus-based experiences.
- 2.01(14) Colorado Teacher of the Year: The Colorado teacher named Teacher of the Year in the state program administered by the Department and coordinated through the national teacher of the year program.
- 2.01(15) Department of Education or Department: The State Department of Education as defined in 24-1-115, C.R.S.
- 2.01(16) Designated agency: A school district or districts, an accredited non-public school, a Board of Cooperative Services, an accepted institution of higher education, or a non-profit organization, or any combination thereof, which is responsible for the organization, management, and operation of an approved alternative teacher program.
- 2.01(17) Diversity: The backgrounds of all students and school personnel.
- 2.01(18) Endorsement: The designation on a license or an authorization of grade level or developmental level, subject matter, or service specialization in accordance with the preparation, training, and experience of the holder of such license or authorization. Endorsements typically reflect major areas of specialization.
- 2.01(19) Endorsement/Specialty area: The sequence of courses and experiences in the academic or professional area that the education student plans to teach, for the grade level or developmental level at which the student plans to teach, and/or for the services that the student plans to provide. Examples of specialty areas include science, elementary education, counseling, reading and physical education.
- 2.01(20) Exceptional populations: Students who possess physical, mental, communication or emotional exceptionalities which may necessitate special attention by school personnel.
- 2.01(21) Field-based experiences: Experiences conducted at a school site, a school administration center, a school clinic, or community agency. These experiences might include classroom observations, tutoring, assisting school principals, administrators, teachers, or special services providers, participation in school and community-wide activities, student teaching, and internships.
- 2.01(22) Knowledge base: The assumptions, theories, and research findings which provide the foundations that support the model(s) on which the program is founded, articulated, implemented, and evaluated.
- 2.01(23) Licensure: The official recognition by a state governmental agency that an individual has met state mandated requirements and is approved to practice as a duly certified/licensed educator in the state.

- 2.01(24) Mentor administrator: Any administrator who is designated by the school district or districts providing an approved induction program for initial administrator licensees and who has demonstrated outstanding administrative skills and school leadership and can provide exemplary modeling and counseling to initial administrator licensees participating in an approved induction program.
- 2.01(25) Mentor principal: Any principal who is designated by the school district or districts providing an approved induction program for initial principal licensees and who has demonstrated outstanding principal skills and school leadership and can provide exemplary modeling and counseling to initial principal licensees participating in an approved induction program.
- 2.01(26) Mentor special services provider: Any special services provider who is designated by the school district or districts providing an approved induction program for initial special services licensees and who has demonstrated outstanding special services provider skills and school leadership and can provide exemplary modeling and counseling to initial special services licensees participating in an approved induction program.
- 2.01(27) Mentor teacher:
- 2.01(27)(a) Any teacher who is designated by the school district or accredited non-public school employing an alternative teacher and who has demonstrated outstanding teaching and school leadership and can provide exemplary modeling and counseling to alternative teachers participating in an alternative teacher program; or
- 2.01(27)(b) Any teacher who is designated by the school district or districts providing an approved induction program for initial teacher licensees and who has demonstrated outstanding teaching and school leadership and can provide exemplary modeling and counseling to initial teacher licensees participating in an approved induction program.
- 2.01(28) Practicum: An intensive experience in which education students practice and demonstrate professional skills and knowledge. Student teaching and internships are examples of a practicum.
- 2.01(29) Principal: Any person who is employed as the chief executive officer or an assistant chief executive officer of any school in the state and who administers, directs, or supervises the education instruction program in such school.
- 2.01(30) Professional education unit: The college, school, department, or other administrative body within the institution that is primarily responsible for the preparation of teachers and other professional education personnel.
- 2.01(31) Teacher of the Year Sabbatical: a period of paid leave from work for the purposes of carrying out the responsibilities of the teacher of the year by the Award Recipient.
- 2.01(32) School: Any of the public schools of the state.
- 2.01(33) School district: Any school district organized and existing pursuant to law, but does not include junior or community college districts. "School District" includes a Board of Cooperative Services organized pursuant to 22-5-101, C.R.S.
- 2.01(34) Special services provider: Any person other than a teacher, principal, or administrator who is employed by any school district to provide professional services to students in direct support of the education instructional program.

2.01(35) State Board of Education: The State Board of Education established by Section 1 of Article IX of the State Constitution.

2.01(36) Student teaching: Part of the 800-hours of field experience required in a teacher preparation program, it is an in-depth, direct teaching experience conducted in a school and classroom setting. It is considered a culminating field-based experience for the basic teacher preparation program where candidates practice and demonstrate professional skills and knowledge.

2.01(37) Teacher: Any person employed to instruct students in any school in the state.

2.02 Validity of certificates/license.

2.02(1) Certificates and Letters of Authorization issued by the Colorado Department of Education prior to July 1, 1994, shall remain valid for the period for which they were issued.

2.02(2) Endorsements placed on teacher or special services certificates prior to July 1, 1994, which were based upon major areas of specialization or experience and academic credit, may be continued on subsequent Teacher or Special Services License renewals provided all renewal requirements specified in section 12.00 of these Rules have been met.

2.02(3) Certificates and licenses which have expired are not valid for teaching in the schools of Colorado.

2.03 General Requirements for Colorado Licenses.

2.03(1) Degree. Each applicant for a Colorado license shall be required to hold the appropriate degree for the license and/or endorsement program completed at an accepted institution.

2.03(1)(a) It will be determined that an applicant "holds" or "has been awarded" the bachelor's or higher degree when the registrar of the accepted institution of higher education certifies that the applicant has met all requirements for graduation with the degree, whether or not the degree has been conferred upon the applicant in formal ceremonies or otherwise conveyed to the individual.

2.03(1)(b) The Colorado Department of Education and Colorado accepted institutions of higher education may recognize credits and degrees earned in foreign institutions of higher education, if, after appropriate evaluation by an established credentials evaluation service, there is evidence that such program or degrees are the equivalent of the specific license requirements.

2.03(2) Approved Program. A Colorado Initial License may be issued upon satisfactory completion of a Colorado approved program, an alternative teacher program as prescribed in section 18.00 of these Rules; a teacher-in-residence program, as prescribed in section 4.12, or an approved out-of-state program of educator preparation as defined in section 2.03(1) (b) of these Rules and have demonstrated the required competencies, as specified.

2.03(3) Out-of-State Applicants/Reciprocity. A Colorado Initial License may be issued to an applicant from another state or country whose qualifications meet or exceed the requirements of the State Board of Education and who has met the following:

2.03(3)(a) has completed the appropriate degree, experience, and educational level for the license and endorsement requested as specified in these Rules.

2.03(3)(b) has completed a state-approved program at an accepted out-of-state institution in the endorsement area sought, or

- 2.03(3)(c) has successfully completed other state authorized educator preparation programs, including alternative teacher preparation programs.
- 2.03(3)(d) holds or is eligible to hold a standard license issued by the state education agency or meets the official requirements of the legally designated licensing agency of the preparing state.
- 2.03(3)(e) has provided evidence of satisfactory completion of the Colorado State Board of Education adopted assessments appropriate to the license requested; except that a teacher license applicant need not provide evidence of satisfactory completion the State Board of Education adopted assessments appropriate to the license requested if the applicant has provided evidence of having three years or more of teaching experience in another state or country for which the Department of education has granted reciprocity.
- 2.03(4) The State Board of Education may enter into interstate reciprocal agreements whereby the Department of Education agrees to issue Initial Licenses to persons licensed in other states and such states agree to issue licenses to Colorado license holders. Such agreements shall not be inconsistent with section 2.03 (3) of these Rules. Applicants who have completed the requirements of sections 2.03 (3), (a)-(d) only may be eligible for an Interim Authorization as provided in section 4.10 of these Rules, unless they also can provide evidence of having at least three years of continuous, successful, evaluated experience as a teacher, special services provider, principal or administrator in an established elementary or secondary school in another state or country, in which case they may be eligible for a professional license.
- 2.03(5) Pursuant to 22-60.5-201(3), C.R.S., the State Board may annually designate teacher shortage areas and modify the requirements in 8.00 and 9.00 of these Rules for endorsements in such shortage areas for the purpose of issuing Initial Teacher Licenses or Authorizations-Interim to out-of-state applicants.
- 2.03(6) Pursuant to 22-60.5, 201 (3.5), The Department of Education may issue Professional Teacher Licenses to applicants who have earned and present certificates issued by the National Board for Professional Teaching Standards.
- 2.04 Application Procedures.**
- 2.04(1) The applicant shall submit a completed application form provided by the Colorado Department of Education.
- 2.04(2) The applicant shall provide official transcripts of all college records.
- 2.04(2)(a) Each college transcript filed for licensing purposes shall be authentic, original or photocopy, bearing the embossed seal of the institution, the signature of the registrar, and including descriptive titles, course numbers, credits, and grades for each course listed and degrees earned, if any. For the purpose of these Rules, credits shall be in semester hours or may be interpreted as meaning the equivalent in quarter, trimester, unit or term credits.
- 2.04(2)(b) Transcripts from institutions outside the United States shall be in English or shall include an authentic English translation, and have been evaluated by an established credential evaluation service, for course equivalence.
- 2.04(2)(c) Transcripts must be submitted with the application for a license, become a part of the applicant's record with the Colorado Department of Education and are not returnable.

- 2.04(3) The fee for the examination and review of an application for a license or authorization or the renewal or reinstatement thereof, shall be established by the State Board of Education and shall be nonrefundable.
- 2.04(4) Each applicant for an initial license shall be required to submit a statement from the designated recommending official of the accepted institution of higher education or of the approved Designated Agency. Such statement shall certify that the applicant has completed the approved program in a satisfactory manner and is in good standing. The recommendation shall indicate the level and subject or grades of student teaching, the area of endorsement recommended as defined in sections 8.00-11.00 of these Rules. Applicants applying under reciprocity shall also submit a copy of the valid out-of-state certificate or license or statement of eligibility.
- 2.04(5) Prior to submitting to the Department an application for a license, authorization or endorsement, or the renewal or reinstatement of a license or authorization, the applicant shall be required to submit to the Colorado Bureau of Investigation a complete set of his or her fingerprints taken by a qualified law enforcement agency and the fingerprint processing fee, unless the applicant previously submitted a complete set of his or her fingerprints to the Department or the Colorado Bureau of Investigation in connection with an educator license or authorization application. Each applicant shall also be required to submit to the Department an oath form certifying to prior felony or misdemeanor convictions, but not including any misdemeanor traffic offense or traffic infraction, and such other information necessary to determine the applicant's moral fitness.

2260.5-R-3.00 Types of Licenses

3.01 Initial Teacher License.

An Initial Teacher License shall be valid for three years after the date of issuance and may be renewed as provided in section 12.01 of these Rules.

- 3.01(1) Applicants who have completed an Approved Program of Preparation at an Institution of Higher Education. An Initial Teacher License may be issued to an applicant who has met the following requirements:
- 3.01(1)(a) The applicant holds a bachelor's or higher degree from an accepted institution.
 - 3.01(1)(b) The applicant has completed an approved teacher preparation program at an accepted institution of higher education.
 - 3.01(1)(c) The applicant has provided an institutional recommendation which:
 - 3.01(1)(c)(i) Verifies satisfactory completion of the approved program;
 - 3.01(1)(c)(ii) Specifies the grade/developmental level(s), endorsement area(s) or specialization(s) completed by the applicant;
 - 3.01(1)(c)(iii) Verifies successful completion of student teaching, internship, or practicum and the grade/developmental level(s)/and endorsement/specialization areas of the experience;
 - 3.01(1)(c)(iv) Certifies that the applicant has demonstrated thorough knowledge of the subject matter to be taught and has the competencies essential for educational service; and,

- 3.01(1)(c)(v) Such institutional recommendation shall not be required for applicants who completed educator preparation programs as described in section 2.03 (3) (c) of these Rules.
- 3.01(1)(d) Has submitted the application for a license, including the official transcripts, the fees, and other supporting data as required in section 2.04 of these Rules.
- 3.01(1)(e) Has demonstrated subject matter knowledge necessary for teaching in the endorsement area.
 - 3.01(1)(e)(i) For elementary education teachers, including special education generalist teachers, by passage of the Colorado State Board of Education approved elementary content test.
 - 3.01(1)(e)(ii) For secondary teachers by:
 - 3.01(1)(e)(ii)(1) a degree in the endorsement area, or
 - 3.01(1)(e)(ii)(2) Passage of the Colorado State Board of Education approved assessment of content area knowledge relevant to the person's area of endorsement; or
 - 3.01(1)(e)(ii)(3) Twenty-four hours of coursework in the endorsement area.
- 3.01(2) Applicants who have completed an approved Alternative Teacher Program. An Initial Teacher License may be issued to an applicant who has met the following requirements:
 - 3.01(2)(a) The applicant holds an Alternative Teacher License as prescribed in section 3.12 of these Rules;
 - 3.01(2)(b) The applicant has completed a State Board of Education approved one-year or two-year alternative teacher program as provided in section 18.00 of these Rules.
 - 3.01(2)(c) The applicant has submitted an application for an Initial License, fees and accompanying documents as provided in section 2.04 of these Rules.
 - 3.01(2)(d) The applicant has provided a recommendation from the approved Designated Agency which:
 - 3.01(2)(d)(i) Verifies satisfactory completion of the approved program;
 - 3.01(2)(d)(ii) Verifies employment as a teacher of record in the approved endorsement area; and
 - 3.01(2)(d)(iii) Certifies that the applicant has demonstrated thorough knowledge of the subject matter to be taught and has demonstrated the competencies essential for educational service.
 - 3.01(2)(e) Has demonstrated subject matter knowledge necessary for teaching in the endorsement area.
 - 3.01(2)(e)(i) For elementary education teachers, including special education generalists teachers, by passage of the Colorado State Board of Education approved elementary content test.

3.01(2)(e)(ii) For secondary teachers by:

3.01(2)(e)(ii)(1) A degree in the endorsement area; or

3.01(2)(e)(ii)(2) Passage of the Colorado State Board of Education approved assessment of content area knowledge relevant to the person's area of endorsement; or

3.01(2)(e)(ii)(3) Twenty-four semester hours of course credit as demonstrated through transcript evaluation in the endorsement area.

3.02 Initial Special Services License.

An Initial Special Services License shall be valid for three years after the date of issuance and may be renewed as provided in section 12.01 of these Rules. An Initial Special Services License may be issued to an applicant who has met the following requirements:

3.02(1) Holds a bachelor's or higher degree from an accepted institution.

3.02(2) Has completed an approved special service preparation program at an accepted institution of higher education.

3.02(3) Has supplied an institutional recommendation which:

3.02(3)(a) Verifies satisfactory completion of the approved program.

3.02(3)(b) Specifies the area of endorsement(s)/specialization(s) completed by the applicant.

3.02(3)(c) Verifies successful completion of an internship or practicum in a school setting or other appropriate setting as defined in section 11.00 of these Rules.

3.02(3)(d) Certifies that the applicant has demonstrated thorough knowledge of the special service area and has the competencies essential for educational service.

3.02(4) Has submitted the application for a license, including the official transcripts, the fees, and other supporting data as required in section 2.04 of these Rules.

3.02(5) Holds a valid license, certificate, or registration in the provider's respective discipline, where applicable, and met the requirements for an Initial or professional special or related services license.

3.03 Initial Principal License.

An Initial Principal License shall be valid for three years after the date of issuance and may be renewed as provided in section 12.01 of these Rules. An Initial Principal License may be issued to an applicant who has met the following requirements:

3.03(1) An Initial Principal License may be issued to an applicant who:

3.03(1)(a) Holds an earned baccalaureate degree from an accepted institution of higher education;

3.03(1)(b) Has completed an approved principal preparation program in an accepted institution of higher education or approved alternative principal program.

- 3.03(1)(c) Provides documented evidence of three or more years of full-time successful experience as a licensed or certificated professional in a public or non-public elementary or secondary school in this state or another state.
 - 3.03(1)(d) Has submitted the application for an Initial License, including official transcripts, the fees, and other supporting data as described in section 2.04 of these Rules.
 - 3.03(1)(e) Has demonstrated professional competencies as evidenced by passing scores on the State Board- adopted licensing assessments including basic skills, oral English proficiency and content/professional knowledge.
- 3.03(2) An Initial Principal License shall be valid in any school district or districts which provide or have been granted a waiver from providing an approved induction program for principals as described in section 14.00 of these Rules.
- 3.03(3) An Initial Principal License shall be valid for occasional teaching, which shall not constitute more than one half of a typical teaching assignment.
- 3.03(4) Has demonstrated professional competencies as evidenced by passing scores on the State Board adopted licensing assessments including basic skills, oral English proficiency and content/professional knowledge.

3.04 Initial Administrator License.

An Initial Administrator License shall be valid for three years after the date of issuance and may be renewed as provided in section 12.01 of these Rules. An Initial Administrator License may be issued to an applicant who has met the following requirements:

- 3.04(1) Holds a baccalaureate degree from an accepted institution of higher education.
- 3.04(2) Has completed an approved graduate program for school administration in an accepted institution of higher education, or evidence of partial completion of an approved administration preparation program in each of two or more accepted institutions of higher education. Among items supplied by the designated institutional recommending official will be the applicant's status in each institution, work completed, and work remaining to be completed. Upon a finding of completion of any one program by combining work taken in all, the requested license may be issued, assuming all requirements set forth in these Rules have been met.
- 3.04(3) Has submitted the application for an Initial License, including official transcripts, the fees, and other supporting data as described in section 2.04 of these Rules.
- 3.04(4) Has demonstrated professional competencies as evidenced by either a passing score on the State Board adopted licensing assessment in content/professional knowledge, or evidence of three years of professional administrative experience.
- 3.04(5) An Initial Administrator License shall be valid in any school district or districts which provide or have been granted a waiver from providing an approved induction program for administrators as described in section 14.00 of these Rules.
- 3.04(6) Holders of an Initial Administrator Licenses who have completed three or more years of successful experience working with students as a licensed professional in a public or nonpublic elementary or secondary school in this state or another state may function as an occasional teacher. For purposes of this section, occasional teaching is defined as no more than one-half of a typical teaching assignment.

3.05 Professional Teacher or Special Service License.

A Professional Teacher or Special Service License shall be valid for a period of five years from the date of issuance except as provided in section 3.08 of these Rules, and may be renewed. A Professional Teacher or Special Service License may be issued to an applicant who has met the following requirements:

- 3.05(1) Holds a Colorado Initial Teacher or Special Service License.
- 3.05(2) Has successfully completed an approved induction program as prescribed in section 13.00 of these Rules and has been recommended for the Professional License by the district providing such induction program except as provided in section 3.05 (4) of these Rules. If an out-of-state applicant holds a license from the other state for which standards of issuance are comparable to Colorado's licensing requirements and has completed three or more years of continuous, successful, evaluated experience as a teacher or special service provider in an established elementary or secondary school and provides documentation of such employment, that applicant will be exempted from Colorado's induction program requirement and issued a Professional License.
- 3.05(3) Has filed an application for the professional license, submitted appropriate documentation necessary to determine eligibility for the license, and paid the required fees.
- 3.05(4) Applicants for Professional Licenses need not complete an approved induction program as an initial teacher or special services licensee if the applicant previously completed an induction program while teaching under an Adjunct Instructor Authorization, an Emergency Authorization, or an Interim Authorization, or a Temporary Educator Eligibility Authorization. If the applicant is employed by a school district that has obtained a waiver of the induction program requirement, the applicant shall demonstrate completion of any requirements specified in the school district's plan for support, assistance, and training of an initially licensed educator.

3.06 Professional Principal License.

A Professional Principal License shall be valid for a period of five years from the date of issuance, except as provided in section 3.10 of these Rules, and may be renewed.

- 3.06(1) A Professional License may be issued to an applicant who has met the following requirements:
 - 3.06(1)(a) [Holds an earned master's degree from an institution of higher education and an initial principal license; and 3.06(1)(b) Has successfully completed an approved induction program as described in Section 14.00 of these Rules and has been recommended by the school district or districts which provide such induction program except as provided in section 3.06 (1)(d) of these Rules. If an out-of-state applicant holds a license from the other state for which standards of issuance are comparable to Colorado's licensing requirements and has completed three or more years of continuous, successful, evaluated experience as a principal in an established elementary or secondary school and provides documentation of such employment, that applicant will be exempted from Colorado's induction program requirement and issued a Professional license; or
 - 3.06(1)(b) While employed under a principal authorization, successfully completes an induction program and completes the individualized alternative principal program; or
 - 3.06(1)(c) If the applicant is employed by a school district that has obtained a waiver of the induction program requirement, the applicant shall demonstrate completion of any requirements specified in the school district's plan for support, assistance, and training of an initially-licensed principal; and,.

3.06(1)(d) Has filed an application for a professional license, submitted appropriate documentation necessary to determine eligibility for the license, and paid the required fees.

3.06(2) A Professional Principal License shall be valid for occasional teaching which shall not constitute more than one-half of a full-time teaching assignment. A Principal who has previously held a Professional Teacher License, may be reissued that license, upon application.

3.07 Professional Administrator License.

A Professional Administrator License shall be valid for a period of five years from the date of issuance, except as provided in Section 3.11 of these Rules, and may be renewed.

3.07(1) A Professional Administrator License may be issued to an applicant who meets the following requirements:

3.07(1)(a) Holds an earned master's degree from an institution of higher education;

3.07(1)(b) Holds a valid initial administrator license; and

3.07(1)(b) Completes an approved induction program and has been recommended for licensure by the school districts that provided such induction program.

3.07(2) Notwithstanding the provisions of 3.07(1), the department may issue a Professional Administrator License if a person is employed under an Emergency Authorization or a Temporary Educator Eligibility Authorization and successfully completes an approved administrator induction program.

3.07(3) Holders of Professional Administrator Licenses who have completed three or more years of successful experience working with students as a licensed or certificated professional in a public or nonpublic elementary or secondary school in this state or another state may function as an occasional teacher. For purposes of this section, occasional teaching is defined as no more than one-half of a typical teaching assignment.

3.08 Master Teacher Certificate.

A Master Teacher Certificate shall be valid for the period of time for which the applicant's Professional License is valid and renewable at its expiration. Issuance of a Master Teacher Certificate shall extend the validity of the Professional Teacher License to seven years.

3.08(1) A Master Teacher Certificate may be issued to an applicant who has met the following requirements:

3.08(1)(a) Holds a valid Colorado Professional Teacher License.

3.08(1)(b) Has been involved in ongoing professional development and training.

3.08(1)(c) Has demonstrated outstanding achievements in and contributions to education.

3.08(1)(d) Has displayed excellence and depth in all of the content and performance standards required for the professional license.

3.08(1)(e) Has demonstrated advanced teaching competencies or expertise through:

3.08(1)(e)(i) The attainment of National Board for Professional Teaching Certification, as available, or

3.08(1)(e)(ii) The development of a master certification portfolio of demonstrated excellence. Such portfolio shall:

3.08(1)(e)(ii)(a) Include evidence of advanced competencies in teaching as defined as planning, instruction, diagnosis, assessment, leadership and professionalism in accordance with State Board of Education standards in section 5.00 of these Rules and demonstrated excellence beyond the professional level.

3.08(1)(e)(ii)(b) Include evidence of contributions to the education community through service such as a mentor, teacher of teachers, writer, researcher, or member of a state-wide or national board or commission.

3.08(1)(e)(iii) The portfolio shall be evaluated for demonstrated excellence.

3.09 Master Special Services Certificate.

A Master Special Services Certificate shall be valid for the period of time for which the applicant's Professional License is valid and renewable at its expiration. Issuance of a Master Special Services Certificate shall extend the validity of the Professional Special Services License to seven years. A Master Special Services Certificate may be issued to an applicant who has met the following requirements:

3.09(1) Holds a valid Colorado Professional Special Services License and is employed in the area of specialization in a school.

3.09(2) Has been involved in ongoing professional development and training.

3.09(3) Has demonstrated advanced competencies or expertise.

3.09(4) Has been recognized for outstanding achievements in the field of specialization.

3.09(5) Has met the following requirements for the area of specialization:

3.09(5)(a) Audiologist:

3.09(5)(a)(i) Holds National Certification in Audiology.

3.09(5)(a)(ii) Has completed at least five years of full-time, successful experience as a school audiologist.

3.09(5)(a)(iii) Has completed graduate level university training in school audiology and related areas.

3.09(5)(a)(iv) Has been involved in at least four of the following areas: local/state/national professional organizations; mentoring or supervision of peers; publication; professional presentations; funded grants; professional leadership; community activities and organizations;

3.09(5)(a)(v) Has been granted an exemplary performance evaluation by a team of peers.

3.09(5)(b) School Counselor:

3.09(5)(b)(i) Has held a Colorado Professional License in School Counseling for a minimum of five years.

- 3.09(5)(b)(ii) Has demonstrated professional growth through continuing education, professional leadership experiences and exceptional program development.
- 3.09(5)(b)(iii) Has demonstrated commitment to the school counseling profession through professional organization involvement, supervision and training of other school counselors, publication of professional materials, and presentations at professional conferences.
- 3.09(5)(b)(iv) Has demonstrated active community involvement, development of effective parent partnership programs, and promotion of co-operation with other professional educators.
- 3.09(5)(c) School Occupational Therapist:
 - 3.09(5)(c)(i) Holds a Master's degree in Occupational Therapy or school/pediatric health related fields or the equivalent.
 - 3.09(5)(c)(ii) Holds an Occupational Therapy Registration and outstanding performance evaluations for a minimum of five years.
 - 3.09(5)(c)(iii) Has demonstrated outstanding contribution or accomplishments to the profession through at least three of the following: achieved certification or accreditation in an area of specialization of occupational therapy; supervised and mentored occupational therapy students; completed graduate level professional course work; completed research and/or publication in the area of school occupational therapy; made presentations at professional meetings; wrote grants; held office in national, state, and local professional organizations or boards.
 - 3.09(5)(c)(iv) Has received recognition for outstanding achievements in occupational therapy.
 - 3.09(5)(c)(v) Is involved in community programs.
- 3.09(5)(d) Orientation and Mobility Specialist:
 - 3.09(5)(d)(i) Has demonstrated outstanding professional activities in at least three of the following areas: authored professional publications, juried articles, newsletters, or books; made presentations at professional meetings or conferences; mentored other professionals and supervised student practicum experiences; taught at the university or school district inservice levels; served as a model for demonstrations; provided active community leadership by promoting disability education and participation; wrote grant, proposals which were funded;
 - 3.09(5)(d)(ii) Has received recognition for demonstrated leadership in the field.
- 3.09(5)(e) School Physical Therapist:
 - 3.09(5)(e)(i) Holds a Master's degree in Physical Therapy or school/pediatric health related fields or the equivalent.
 - 3.09(5)(e)(ii) Holds a Professional License and provides evidence of outstanding performance evaluations for a minimum of five years.

- 3.09(5)(e)(iii) Has demonstrated outstanding contributions or accomplishments to the profession through at least three of the following: achieved certification or accreditation in an area of specialization of physical therapy; supervised and mentored physical therapy students; completed graduate level professional course work; completed research and/or publication in the area of school physical therapy; presented at professional meetings; written grants; held office in national, state, and local professional organizations or boards.
- 3.09(5)(e)(iv) Has received recognition for outstanding achievements in physical therapy.
- 3.09(5)(e)(v) Has been involved in community programs.
- 3.09(5)(f) School Nurse:
 - 3.09(5)(f)(i) Has completed additional preparation in the following areas: advanced practice in nursing; specialties in school health related fields; additional certification in nursing administration, vocational education and other certifications applicable to school nursing;
 - 3.09(5)(f)(ii) Has demonstrated professional leadership experiences and exceptional program development.
 - 3.09(5)(f)(iii) Has mentored school nurses and supervised practicum students.
 - 3.09(5)(f)(iv) Has had active participation In school nurse professional organizations.
 - 3.09(5)(f)(v) Has participated in teaching, research and/or publishing to further the specialty of school nursing.
- 3.09(5)(g) School Psychologist:
 - 3.09(5)(g)(i) Has demonstrated commitment to the profession of school psychology through active involvement and leadership in local, state, national school psychology organizations.
 - 3.09(5)(g)(ii) Has mentored school psychologists with an Initial License and supervised school psychology interns.
 - 3.09(5)(g)(iii) Has contributed to school and district program development.
 - 3.09(5)(g)(iv) Has produced professional publications and presentations.
 - 3.09(5)(g)(v) Has received recognition by peers for outstanding performance.
- 3.09(5)(h) School Social Worker:
 - 3.09(5)(h)(i) Has demonstrated leadership in state school social work organizations.
 - 3.09(5)(h)(ii) Has actively participated in leadership roles in national social work organizations and other community and human service organizations.
 - 3.09(5)(h)(iii) Holds advanced credentials in the field, e.g., doctorate in social work, school social work specialist credential, diplomate in clinical social work.

3.09(5)(h)(iv) Has demonstrated outstanding skill in service to schools and children, such as: creation of innovative and successful programs and services to meet the needs of students; inservicing, mentoring, and supervising school social workers and other school professionals.

3.09(5)(h)(v) Has received recognition by peers for outstanding performance.

3.09(5)(i) Speech/Language Pathologist:

3.09(5)(i)(i) Has demonstrated professional growth through professional leadership experiences and exceptional program development.

3.09(5)(i)(ii) Has demonstrated commitment through involvement in local, state, and national professional organizations.

3.09(5)(i)(iii) Has accepted additional responsibilities at the school, district, state, and national levels.

3.09(5)(i)(iv) Has published appropriate materials at the district, state, or national levels.

3.09(5)(i)(v) Has presented original research and materials at professional conferences.

3.09(5)(i)(vi) Has supervised practicum and internship students.

3.09(5)(i)(vii) Has mentored and supervised other speech/language pathologists.

3.10 Master Principal Certificate.

A Master Principal Certificate shall be valid for the period of time for which the applicant's Professional Principal License is valid and is renewable at its expiration. Issuance of a Master Principal Certificate shall extend the validity of the Professional Principal License to seven years. A Master Principal Certificate may be issued to an applicant who has met the following requirements:

3.10(1) Holds a valid Professional Principal License.

3.10(2) Has displayed excellence and depth in all of the content and performance standards required for the Professional License.

3.10(3) Has demonstrated excellence on all performance standards and displays depth in all content knowledge. In addition, the master principal has modeled sustained commitment to improved student performance, to on-going systemic renewal, and to strengthening of the profession. The master principal has demonstrated superior performance through accomplishments having significant impact on the school's educational community.

3.10(3)(a) The master principal must possess knowledge in the following areas:

3.10(3)(a)(i) systemic renewal strategies

3.10(3)(a)(ii) multiple models for school and district management

3.10(3)(a)(iii) dynamic political and policy movements in the state

- 3.10(3)(a)(iv) promising practices in the professional development of educational leaders
- 3.10(3)(a)(v) leading research and writing on instructional strategies, student learning, assessment methodology, and supervisory techniques
- 3.10(3)(a)(vi) how to capitalize on opportunities presented by diverse stakeholders
- 3.10(3)(b) The master principal must demonstrate the s/he:
 - 3.10(3)(b)(i) creates a community of learners who focus on student performance
 - 3.10(3)(b)(ii) translates vision into program excellence
 - 3.10(3)(b)(iii) provides value added leadership to create an organization that has purpose, direction, and energy
 - 3.10(3)(b)(iv) implements programs in schools that result in sustained improvement in student performance
 - 3.10(3)(b)(v) integrates multiple instructional models to meet diverse learning needs of both students and adults in order to enhance student performance
 - 3.10(3)(b)(vi) imagines alternatives based on knowledge of best practices and creates those alternatives as a model for others
 - 3.10(3)(b)(vii) engages a diverse school community in sustained efforts for school improvement
 - 3.10(3)(b)(viii) influences and provides a model for the larger system (for example: the district, the state, etc.)
 - 3.10(3)(b)(ix) contributes to the development of the profession through mentoring, teaching, writing, etc.
- 3.10(4) Has demonstrated evidence of positive impacts on student performance at the building level.
- 3.10(5) Has contributed to the education community through service as a mentor, teacher, writer, researcher, or other service oriented activity.

3.11 Master Administrator Certificate.

A Master Administrator Certificate shall be valid for the period of time for which time the applicant's Professional Administrator License is valid and is renewable at its expiration. Issuance of a Master Administrator Certificate shall extend the validity of the Professional Administrator License to seven years. A Master Administrator Certificate may be issued to an applicant who has met the following requirements:

- 3.11(1) Holds a valid Professional Administrator License.
- 3.11(2) Has displayed excellence and depth in all of the content and performance standards required for the Professional License.

3.11(3) Has demonstrated excellence on all performance standards and displays depth in all content knowledge. In addition, the master administrator has modeled sustained commitment to improved student performance, to on-going systemic renewal, and to strengthening of the profession. The master administrator has demonstrated superior performance through accomplishments having significant impact on an educational community.

3.11(3)(a) The master administrator must possess knowledge in the following areas:

3.11(3)(a)(i) systemic renewal strategies

3.11(3)(a)(ii) multiple models for school and district management

3.11(3)(a)(iii) dynamic political and policy movements in the state

3.11(3)(a)(iv) promising practices in the professional development of educational leaders

3.11(3)(a)(v) leading research and writing on instructional strategies, student learning, assessment methodology, and supervisory techniques

3.11(3)(a)(vi) how to capitalize on opportunities presented by diverse stakeholders

3.11(3)(b) The master administrator must demonstrate that s/he:

3.11(3)(b)(i) initiates and sustains significant change in the district directed toward predetermined goals, themes and needs

3.11(3)(b)(ii) creates a community of learners who focus on student performance

3.11(3)(b)(iii) translates vision into program excellence

3.11(3)(b)(iv) provides value added leadership to create an organization that has shared purpose, direction, and energy

3.11(3)(b)(v) provides incentives, direction, and motivation for development of programs that enhance student performance

3.11(3)(b)(vi) imagines alternatives based on knowledge of best practices and creates those alternatives as a model for others

3.11(3)(b)(vii) engages a diverse community in sustained efforts for school improvement in the entire district

3.11(3)(b)(viii) influences and provides a model for the larger system (for example: the state, the nation, etc.)

3.11(3)(b)(ix) contributes to the development of the profession through mentoring, teaching, writing, etc.

3.11(4) Has demonstrated evidence of positive impacts on student performance throughout the district.

3.11(5) Has contributed to the education community through service as a mentor, teacher, writer, researcher, or other service oriented activity.

3.12 Alternative Teacher License.

An alternative teacher license shall authorize the holder to be employed only as an alternatively-licensed teacher while participating in an approved alternative teacher preparation program, pursuant to the terms of an alternative teacher contract. An alternative teacher license may be issued to an applicant who:

3.12(1) Holds a bachelor's degree from an accepted institution of higher education.

3.12(2) Has met the requirements for application as provided in sections 2.04 (1), (2), (3), and (5) of these Rules.

3.12(3) Has demonstrated subject matter knowledge in the endorsement area.

3.12(3)(a) For elementary education teachers, including special education generalist teachers, by passage of the Colorado State Board of Education approved elementary content test.

3.12(3)(b) For secondary teachers by

3.12(3)(b)(i) 24 semester hours of course credit, or

3.12(3)(b)(ii) Passage of the Colorado State Board of Education approved assessment of content area knowledge relevant to the person's area of endorsement; or.

3.12(3)(b)(iii) Has been recommended by an accepted institution of higher education as holding a baccalaureate degree in the endorsement area.

3.12(4) An alternative teacher license shall be valid from the date of issuance.

3.12(4)(a) The alternative teacher in a one-year alternative teacher preparation program is expected to complete the program in one year. The alternative teacher license for a 1-year program is valid for 1 year from date of issuance. The program may be extended for only one year based on documentation of unforeseen circumstances that are reviewed for approval by the department.

3.12(4)(b) The alternative teacher in a two-year alternative teacher preparation program is expected to complete the program in two years. The alternative teacher license for a 2-year program is valid for 2 years from date of issuance.

3.12(4)(c) A person may be employed as an alternative teacher for a total of three years for the purpose of receiving a special education endorsement.

3.12(5) an alternative teacher license shall be valid in any school district or accredited nonpublic school.

2260.5-R-4.00 Types of Authorizations.

The Department of Education is authorized to issue the following authorizations to persons meeting the qualifications prescribed below:

4.01 Authorization: Adjunct Instructor.

An adjunct instructor is a specialist or expert in a content area not available through regular or alternative teacher preparation in an endorsable content area, and who is without formal training. The purpose of adjunct instruction is to provide students with highly specialized academic enrichment, outside of, and supportive of required content areas.

4.01(1) The adjunct instructor authorization may be issued for three years when:

4.01(1)(a) an applicant possesses outstanding talent and demonstrates specific abilities and knowledge in a particular area of specialization that is not already an approved endorsement area, as specified in section 8.00 of these Rules. Adjunct Instructors may be hired to enrich, augment, or enhance the instructional program for students in a school or school district.

4.01(1)(b) a school district board of education or board of cooperative services requests the applicant's services, and provides documented evidence of the applicant's outstanding talent, specific abilities, and particular knowledge for the assignment.

4.01(1)(c) the applicant's services are required, as based upon evidence of a documented student need.

4.01(1)(d) The applicant has been employed for at least five years in the area of specialization or holds a BA degree or higher in the area of specialization.

4.01(2) At the end of the three years, with documented evidence of continuing need, a school district may request renewal of the applicant's authorization.

4.02 Authorization: Intern.

4.02(1) The intern authorization: may be issued for one year to an applicant who holds a bachelor's or higher degree from an accepted institution of higher education.

4.02(2) The applicant shall be enrolled in an approved program for special services provider preparation, which requires an internship, offered by an accepted institution of higher education in Colorado.

4.02(3) The internship shall be served under the supervision of a licensed professional special services provider.

4.02(4) For the period of time while the holder serves as an intern, the applicant may receive pay from the school district.

4.03 Authorization: Emergency.

The applicant for an Emergency Authorization has not yet met the requirements for a Colorado Initial Educator License or a Speech Language Pathology Assistant Authorization, but provides evidence of enrollment in a program that will meet the requirements for that License or Authorization.

4.03(1) The emergency authorization may be issued to an applicant for one school year, when:

4.03(1)(a) a Colorado school district requests the emergency authorization, in order to employ a non-licensed teacher, principal, administrator, or special services provider.

4.03(1)(b) the school district provides documented evidence of a demonstrated need for specific and essential educational services for students, which can be provided by the applicant, and which would, otherwise, be unavailable, due to a shortage of licensed educators with appropriate endorsements.

4.03(1)(c) in the judgment of the Colorado State Board of Education,

4.03(1)(c)(i) the employment of the non-licensed applicant is essential to the preservation of the district's instructional program, and,

4.03(3)(c)(ii) the State Board of Education determines that the establishment of an alternative teacher preparation program by the local board of education, is not a practicable solution for resolution of the demonstrated shortage.

4.03(2) If in the judgment of the Colorado State Board of Education, there is adequate and appropriate documented evidence of continuing school district hardship, the Board may, consequently, renew and issue the emergency authorization, for one year only.

4.03(3) The employing school district may provide an induction program for applicants on an emergency authorization, as specified in sections 13.00 and 14.00 of these Rules.

4.03(3)(a) if an induction program was completed while holding such an authorization, it may be applied toward meeting the requirements for a Colorado professional educator license.

4.03(3)(b) if an induction program was completed satisfactorily, and the requirements for a Colorado Initial Educator License have been completed by the applicant while holding an emergency authorization, the applicant may be issued a Professional License.

4.04 Authorization: Career and Technical Education.

The secondary career and technical education authorization may be issued to a candidate who meets the requirements for a career and technical education credential, as issued by the Colorado Department of Education.

4.04(1) A three-year Initial Career and Technical Education Authorization may be issued, by the Colorado Department of Education, to an applicant who:

4.04(1)(a) complies with all Colorado Department of Education authorization application requirements, including

4.04(1)(b) evidence of the successful completion of required relevant training, occupational experience, and coursework.

4.04(2) A five-year professional career and technical education authorization may be issued to an applicant who holds an Initial career and technical education authorization.

4.04(3) A professional career and technical education authorization may be renewed for five-years, if the holder of the authorization completes the credential renewal requirements and presents a renewed professional credential application and appropriate fees to the Colorado Department of Education.

4.04(4) Post secondary CTE credentials are issued by the Colorado Community College System, and are governed by the Rules for the Administration of the Colorado Vocational Act, 8 CCR 1504-2.

4.05 Authorization: Substitute.

May be issued to an applicant to serve only as a substitute educator, and will be valid for a period of one year, three years, or five years, when the applicant has met the requirements listed below. The authorization may be used for employment in any Colorado school district. The terms of the substitute authorization are determined, as follows:

4.06 Authorization: Substitute (Five-Year)

May be issued to an applicant who:

- 4.06(1) holds a current valid teaching certificate, or a current valid educator license from another state, or
4.06(2) who has previously held a valid Colorado teaching certificate or license.

4.07 Authorization: Substitute (Three-Year)

May be issued to an applicant who holds a bachelor's or higher degree from an accepted institution of higher education.

4.08 Authorization: Substitute (One-Year)

May be issued to an applicant who:

- 4.08(1) holds a high school diploma, or its equivalent, as verified by the employing school district; and
4.08(2) who provides evidence of successful experience working with children or youth, as verified by the employing school district.

4.09 Renewal of Substitute Authorizations,

Issued pursuant to sections 4.06, 4.07, and 4.08 of these Rules, may be re-issued, indefinitely, upon application.

4.10 Authorization: Interim

May be issued for a period of one year, to an out-of-state applicant who has not completely fulfilled Colorado educator licensing requirements. The Interim Authorization may be renewed, once, for a period of one year.

4.10(1) Such authorization may be issued to an applicant who:

4.10(1)(a) holds or is eligible for a valid educator certificate or license, as a teacher, principal, or administrator, in another state.

4.10(1)(b) has not successfully passed the Colorado State Board of Education-approved assessment(s) required for obtaining a Colorado Initial Educator License, when an applicant does not have documented evidence of three-years of full-time successful teaching experience.

4.10(1)(c) meets the requirements for a Colorado Initial Educator License.

4.10(2) The employing school district may provide an induction program for holders of an interim authorization. Induction programs completed while holding such authorizations may apply toward fulfilling the requirements of a Colorado Initial or Professional Educator License.

4.11 Authorization: School Speech-Language Pathology Assistant, for Ages Birth – 21.

4.11(1) The School Speech-Language Pathology Assistant (SLP-A) serves as a member of an educational team, and is authorized to perform tasks prescribed, directed, and supervised by a certified Speech-Language Pathologist (SLP), in implementing services for children/students with speech, language, cognitive, voice, oral-muscular, augmentative/alternative communication disorders, and hearing impairments. A School Speech-Language Pathology Assistant authorization is valid for five years. The Department may renew the authorization for succeeding five-year periods upon presentation of documented evidence of completion of content-related renewal requirements which includes 50 contact hours of continuing education. The candidate for authorization as an SLP-A, ages 0-21, shall meet the following requirements:

4.11(1)(a) hold a bachelor's degree in speech communication, speech-language pathology, or communication disorders-speech sciences, or a Bachelor's degree in any other field with 24 credits in speech language hearing sciences, from an accepted institution of higher education and an official transcript review approval by the Department;

4.11(1)(b) have successfully completed a school speech-language pathology assistant program or equivalent that meets or exceeds recommended guidelines established by a national association of speech-language-hearing professionals;

4.11(1)(c) have successfully completed a minimum of 100 clock-hours of a school-based practicum, under the supervision of an ASH nationally-certified SLP, in accordance with the requirements of section 4.11(6) below; and

4.11(1)(d) have demonstrated knowledge and skills in the competencies specified in sections 4.11(2) and 4.11(3) below.

4.11(2) The school speech-language pathology assistant is knowledgeable about communication processes and basic human communication, and is able to articulate:

4.11(2)(a) the anatomical/physiological, psychological, developmental, linguistic, and cultural bases of communication processes.

4.11(2)(b) communication disorders, including articulation, fluency, voice and resonance, receptive and expressive language, and language-based learning disabilities.

4.11(2)(c) hearing disorders and their impact on speech and language.

4.11(2)(d) cognitive and social aspects of communication disorders.

4.11(2)(e) communication modalities, including oral, written, manual, augmentative, and alternative communication techniques and assistive technologies.

4.11(2)(f) normal development of reading and writing in the context of the general education curriculum.

4.11(2)(g) characteristics of exceptional students including categorical disabilities, learning differences and developmental deficits.

4.11(3) The SLP-A is knowledgeable about service delivery, and is able to

4.11(3)(a) use appropriate verbal and written language in interactions with children/students, teachers and related professionals.

4.11(3)(b) follow oral and written directions, including those in intervention plans, and:

- 4.11(3)(b)(i) assist in the selection, preparation, and presentation of instructional and other related materials.
 - 4.11(3)(b)(ii) maintain documentation, accurately and concisely, and in a timely manner.
 - 4.11(3)(b)(iii) implement documented intervention plans, as developed by the supervising speech-language pathologist.
 - 4.11(3)(b)(iv) assist with clerical duties, as assigned by the supervising speech-language pathologist, including, but not limited to scheduling, safety/maintenance of supplies and equipment, and record keeping.
 - 4.11(3)(b)(v) collect data for quality improvement, including child/student performance data in classrooms or individual therapy settings.
 - 4.11(3)(b)(vi) record children/students status, with regard to established objectives, as stated in the intervention plans, and report information to the supervising speech-language pathologist.
 - 4.11(3)(c) use constructive feedback from the supervising speech-language pathologist to adapt or modify interaction and/or intervention with children/students.
 - 4.11(3)(d) provide consistent, discriminating, and meaningful feedback and reinforcement to the children/students.
 - 4.11(3)(e) implement designated intervention goals/objectives, in specified sequence.
- 4.11(4) The SPL-A is knowledgeable about screening and assessment, though s/he may not perform standardized or non-standardized diagnostic tests, including, but not limited to: feeding evaluations, or interpret test results or counsel parents; and is able to:
- 4.11(4)(a) assist the speech-language pathologist with speech-language and hearing screenings or assessments, without interpretation, and report results directly to the supervising speech-language pathologist.
 - 4.11(4)(b) assist with informal documentation, as directed by the speech-language pathologist.
 - 4.11(4)(c) provide descriptive behavioral observations that contribute to screening/assessment results, directly to the supervising speech-language pathologist.
 - 4.11(4)(d) support the speech-language pathologist in research projects, in-service training, and public relations programs, including child find activities.
- 4.11(5) The SPL-A is knowledgeable about ethical practice, and maintaining appropriate relationships with children/students, families, teachers and related service professionals, and is able to:
- 4.11(5)(a) demonstrate respect for, and maintain the confidentiality of, information pertaining to students and their families.
 - 4.11(5)(b) behave in accordance with educational facility guidelines.
 - 4.11(5)(c) articulate an awareness of student needs and respect for cultural values.

- 4.11(5)(d) direct student, family and educational professionals to the speech-language supervisor, for information regarding testing, intervention and referral.
- 4.11(5)(e) request assistance from the speech-language supervisor, as needed.
- 4.11(5)(f) manage time effectively and productively.
- 4.11(5)(g) recognize own professional limitations, and perform within boundaries of training and job responsibilities.

4.11(6) [Expired 05/15/2013 per Senate Bill 13-079]

- 4.11(6)(a) [Expired 05/15/2013 per Senate Bill 13-079]
- 4.11(6)(b) [Expired 05/15/2013 per Senate Bill 13-079]
- 4.11(6)(c) [Expired 05/15/2013 per Senate Bill 13-079]
- 4.11(6)(d) [Expired 05/15/2013 per Senate Bill 13-079]

4.12 Authorization: Teacher in Residence

The Teacher in Residence Authorization is replaced by a two-year alternative teacher preparation program.

- 4.12(1) Applicants enrolled in a Teacher In Residence Program may complete their program under rules in effect at the time of their initial enrollment.
- 4.12(2) Designated Agencies approved for and offering a Teacher in Residence Program shall:
 - 4.12(12)(a) Receive CDE approval for changes to program procedures and content to meet the requirements of current statute and rule.
 - 4.12(12)(b) Refer to approved programs as two-year alternative teacher preparation programs.

4.13 Authorization: Temporary Educator Eligibility (TEE).

The applicant for a Temporary Educator Eligibility (TEE) Authorization has not yet met the requirements for a Colorado Initial Teacher License as a special education teacher, or a special services provider license or an administrator license for a special education director, but provides evidence of continuing enrollment in a program which will meet the requirements for that license. The Temporary Educator Eligibility Authorization will be issued for one year and may be renewed twice for a total of three years.

- 4.13(1) An approved Temporary Educator Eligibility (TEE) Authorization may be issued to an applicant, when:
 - 4.13(1)(a) a Colorado school district requests the Temporary Educator Eligibility (TEE) Authorization, in order to employ as a teacher or administrator, an applicant who does not yet meet licensing requirements, but who meets the eligibility requirements specified below; or

- 4.13(1)(b) the school district provides documented evidence of a demonstrated need for specific and essential educational services which can be provided by the applicant, but which would be otherwise unavailable, to students, due to a shortage of licensed educators with appropriate endorsement(s).
- 4.13(2) A related or special services provider, who has met the minimum degree requirement necessary to practice in their profession, but who has not completed his/her national content exam, or school practicum may qualify for a TTE, under supervision of a professionally-licensed person in the same discipline.
- 4.13(3) The Temporary Educator Eligibility (TEE) Authorization is renewable two times.
- 4.13(4) The applicant shall:
- 4.13(4)(a) be continuously enrolled in an approved or alternative preparation program leading to a bachelor's, or higher degree, from an accepted institution of higher education.
- 4.13(4)(b) be entered into an approved or alternative special education or special education director preparation program, offered by an accepted institution of higher education.
- 4.13(4)(c) [Expired 5/15/08 per Senate Bill 08-075]
- 4.13(5) The authorization shall remain in effect, contingent upon the applicant maintaining continuous progress toward completion of the approved preparation program, but is only renewable two times.

4.14 Authorization: Educational Interpreter.

The Educational Interpreter Authorization shall be issued for five years and is renewable.

4.14(1) shall provide documented evidence:

- 4.14(1)(a) of successful performance on the following professional skill assessments:
- 4.14(1)(a)(i) for sign language interpreters, a minimum score of 3.5 on the Educational Interpreter Performance Assessment (EIPA);
- 4.14(1)(a)(ii) for cued speech transliterators, satisfactory performance on a state or national assessment of transliterating skills;
- 4.14(1)(a)(iii) for oral interpreters, satisfactory performance on a state or national assessment of oral interpreting skills;
- 4.14(1)(b) of a passing score on the Educational Interpreter Performance Assessment (EIPA) written test, demonstrating content knowledge necessary to effectively interpret/transliterate, in an educational environment;
- 4.14(1)(c) of an associate's degree, in educational interpreting, or in a related educational field, effective, July 1,2006. Interpreters with a valid authorization, but who do not hold an associate's or higher degree, will be allowed to continue employment without the associate's degree, as long as their authorization status does not lapse.
- 4.14(1)(d) of having met the requirements for authorization and having demonstrated the competencies specified below:

- 4.14(2) The educational interpreter is knowledgeable about interpreting and interpreter processing; analyzing communication, for the speaker's intention, from an instructional and personal perspective; and is able to:
- 4.14(2)(a) effectively analyze communication for the speaker's style, affect, register, and overall prosodic and coherence markers.
 - 4.14(2)(b) effectively manage the interpreting process, in order to produce a linguistically-appropriate representation of classroom communication, as based on student ability and the IEP goals.
 - 4.14(2)(c) manage the process for effectively switching from one speaker and mode to another.
 - 4.14(2)(d) utilize attending and interrupting techniques effectively, based on culturally-appropriate methods and classroom protocol.
 - 4.14(2)(e) effectively apply, in interpreting and interpreter processing, knowledge of:
 - 4.14(2)(e)(i) cognitive processes associated with consecutive and simultaneous interpreting, and the implication of each for interpreting classroom discourse.
 - 4.14(2)(e)(ii) the differences between classroom discourse and conversational discourse, and the implication of those differences in the interpreting process.
 - 4.14(2)(e)(iii) how to implement communication processes in a manner consistently inclusive students/children, who are deaf and hard of hearing as related, but not limited to, issues of turn taking; use of visuals; avoiding overlap of speaking/signing processes, while students view a visual aid; challenges associated with the use of multimedia; and uncaptioned materials.
 - 4.14(2)(e)(iv) classroom subject matter concepts and associated vocabulary and terminology.
- 4.14(3) The educational interpreter is knowledgeable about deafness in the educational process, and is able to:
- 4.14(3)(a) identify and articulate about current concepts, practices, trends and issues, relevant to interpreting in a public school setting, and indicate how these relate to similar trends and issues in deaf education.
 - 4.14(3)(b) demonstrate awareness of current publications, resources, legislation, and educational materials related to interpreting in K-12 settings, and relevant to deaf education.
- 4.14(4) The educational interpreter is knowledgeable about meeting the needs of the student, in terms of audition, and is able to:
- 4.14(4)(a) articulate about and demonstrate basic knowledge of degrees of hearing loss, mild through profound, and their effects on language and speech development, and the implication of those effects on the interpreting process.
 - 4.14(4)(b) demonstrate basic knowledge of personal and classroom amplification systems; their benefits and limitations; and the impact of such systems on the interpreting process.

- 4.14(4)(c) demonstrate the ability to conduct basic trouble-shooting for hearing aids, cochlear implants, and fm problems.
- 4.14(5) The educational interpreter is knowledgeable about consultation, and is able to:
- 4.14(5)(a) communicate about specific professional roles, functions, and formal and informal relationships, as related to various responsibilities, such as, but not limited to, interpreting, tutoring, aiding, and consulting with an interpreter in an educational setting.
 - 4.14(5)(b) articulate and demonstrate techniques for collaborative problem-solving and decision-making among professionals working with students who are deaf or hard of hearing.
 - 4.14(5)(c) articulate potential issues, and effectively alleviate concerns of, general education teachers who may express apprehension about effectively working with students in their classes who are deaf or hard of hearing, and refer the teacher, when relevant, to other appropriate resource personnel, for follow-up.
 - 4.14(5)(d) discuss appropriate strategies for facilitating open communication, between and among special educators, general educators, interpreters/tutors, and others, as appropriate, and as related to an interpreted education and the successful integration of deaf and hard of hearing children into regular education classrooms.
 - 4.14(5)(e) apply the educational interpreting process to individualized education program (IEP) development, and assist in implementing IEP strategies, particularly as related to classroom interpreting.
 - 4.14(5)(f) identify and gain access to resources, for general educators, parents, special educators, and interested others, relevant to sign language communication, interpreting, and deafness-related topics.
- 4.14(6) The educational interpreter is knowledgeable about curriculum, teaching, and tutoring methods and is able to:
- 4.14(6)(a) demonstrate and apply knowledge of instructional strategies/techniques, relevant to the tutoring of elementary and secondary students in general education courses.
 - 4.14(6)(b) articulate and demonstrate ways to collaborate with teacher(s), regarding individualized modifications to, and/or adaptation of, material, the curriculum, and the learning environment, to address the language and auditory competencies of students who are deaf or hard of hearing.
 - 4.14(6)(c) demonstrate ways to assist in: communicating with the teacher; forming an effective working classroom partnership with the teacher; facilitating communication between teacher and student, and teacher and family, as appropriate; implementing IEP and other relevant strategies, and providing resources, as relevant, for achieving goals set for student learning; and incorporating the interpreting process, when appropriate and relevant.
 - 4.14(6)(d) articulate the general scope and sequence of basic curricular areas.
 - 4.14(6)(e) articulate basic knowledge of learning styles and instructional design, and their implications on instruction, and on the interpreting process.

- 4.14(6)(f) demonstrate knowledge of the strategies/techniques that must be employed when interpreting standardized tests or classroom assessments, student who are deaf or hard of hearing, including, as related to, content standards.
- 4.14(7) The educational interpreter is knowledgeable about methods of assisting other educators with instruction, and is able to:
 - 4.14(7)(a) discuss and demonstrate basic ways to collaborate with teacher(s) regarding modification and/or adaptation of materials, curriculum, and environments, for students who are deaf or hard of hearing.
 - 4.14(7)(b) identify basic instructional methods, techniques, and materials, which are appropriate for students who are deaf or hard of hearing.
 - 4.14(7)(c) identify and locate resources which can assist with integrating deaf awareness and self-advocacy into the student's experience.
- 4.14(8) The educational interpreter is knowledgeable about meeting the social and emotional needs of deaf or hard of hearing students, and is able to:
 - 4.14(8)(a) demonstrate techniques that educators might use in creating a positive and effective learning environment, conducive to the encouragement of achievement, through appropriate application of affective education and behavior management strategies.
 - 4.14(8)(b) demonstrate the fostering of independence in students who utilize an interpreter.
 - 4.14(8)(c) acquire and use available resources relevant to the deaf experience, self-awareness, and identity, students who are deaf or hard of hearing.
- 4.14(9) The educational interpreter is knowledgeable about meeting classroom management needs, and is able to:
 - 4.14(9)(a) implement strategies that effectively integrate students who are deaf or hard of hearing into a variety of classroom and other education environments.
 - 4.14(9)(b) demonstrate basic appropriate classroom and teaching modifications that may benefit students who are deaf or hard of hearing.
 - 4.14(9)(c) effectively communicate, with school and education staff, about the role of the educational interpreter/tutor in the general education and special education classrooms, and in non-academic settings, such as, but not limited to, the lunchroom and playground.
- 4.14(10) The educational interpreter is knowledgeable about child development and language development, and is able to:
 - 4.14(10)(a) articulate the psychological, sociological, and physiological development of students with normal hearing, as related to interpreting and tutoring.
 - 4.14(10)(b) discuss the potential impact of hearing loss on processing, motor, visual language, and cognitive development, as related to interpreting and tutoring.
 - 4.14(10)(c) discuss common medical conditions and medications which may impact performance in the classroom, as related to interpreting and tutoring.

- 4.14(11) The educational interpreter is knowledgeable about meeting the language needs of student, and is able to:
- 4.14(11)(a) effectively communicate about spoken language and sign language development; the implications for each of these; and both, in the interpreting process.
 - 4.14(11)(b) articulate the relationships between language and cognition, reading, and content areas, and the implications of each, for the interpreting process.
 - 4.14(11)(c) demonstrate and explain the differences between commonly used sign language, between these, and sign systems, and the implications of the differences for the interpreting process.
 - 4.14(11)(d) demonstrate an understanding of children's language acquisition and how language acquisition for deaf children compares/differs from that of children who are not deaf.
 - 4.14(11)(e) monitor own sign language use, with regard to flexibility and adaptability necessary to match the student's preferred mode of communication, as designated on the IEP communication plan.
- 4.14(12) The educational interpreter is knowledgeable about meeting the speech needs of the student, and is able to:
- 4.14(12)(a) articulate and demonstrate normal speech development.
 - 4.14(12)(b) communicate effectively about the development of speech characteristics, and speech in general, in students who are deaf or hard of hearing, and the implications of these in the interpreting process.
 - 4.14(12)(c) demonstrate respect for differences in students and families; self-assess the effectiveness of interpreting, as based on the achievement of students; and pursue continuous professional development, through appropriate literature, activities, and coursework, and through participation in relevant professional organizations.
- 4.14(13) The Educational Interpreter Authorization shall be issued for five years and can be renewed by submitting documented evidence of four semester hours of professional development, or its equivalent in contact hours, in the content area of the Educational Interpreter Authorization.

4.15 Authorization: Junior Reserve Officer Training Corps (JROTC).

A JROTC instructor authorization shall be valid for five years from date of issuance, and may be issued to an applicant who provides documented evidence of JROTC certification based upon successful acquisition of service-specific JROTC Program Director certification, and/or completion of a specific-service JROTC program preparation requirements, which include, but not limited to, completion of a specific-service JROTC certification training program.

- 4.15(1) The JROTC authorization may be renewable, based upon documented evidence of service-specific JROTC recertification, following successful completion of a service-specific JROTC recertification course, or other requirements, as may be stipulated.

4.16 Authorization: Adult Basic Education.

An adult basic education authorization shall be valid for five years from the date of issuance, and may be issued to an applicant who has an associate degree or higher and provides documented evidence of adult basic education instruction training and experience, based upon successful completion of adult basic education authorization requirements.

4.16(1) The adult basic education authorization may be renewed based upon documented evidence of additional adult basic education instruction training as required every five years.

4.17 Principal Authorization.

A Principal Authorization shall be valid for three years from date of issuance, and may be issued to a person who does not hold a Principal License, but who holds an earned baccalaureate or higher degree and who is enrolled in an approved alternative principal preparation program;

4.17(1) [Repealed 5/15/08 per Senate Bill 08-075]

4.17(2) [Repealed 5/15/08 per Senate Bill 08-075]

4.17(3) [Repealed 5/15/08 per Senate Bill 08-075]

4.17(4) To receive a Principal Authorization, a person, in collaboration with a school district, shall submit to the Department of Education documentation that includes:

4.17(4)(a) The course work, practicum, and other educational requirements, identified by the school district in collaboration with the person that will comprise the person's individualized alternative principal program and which the person will complete while he or she is employed under the Principal Authorization; the district may work with an approved governmental, non-profit, or for-profit entity in designing and implementing the individualized alternative principal program.

4.17(4)(b) A letter from the collaborating school district stating the school district's intention to employ the applicant as a principal or a vice principal upon issuance of the Principal Authorization; and

4.17(5) At a minimum, a person's individualized alternative principal program shall ensure that:

4.17(5)(a) The person receives information, experience, and training and develops skills comparable to the information, experience, training, and skills, possessed by a person who qualifies for a initial principal license as provided in section 22-60.5-301 (1) (a);

4.17(5)(b) All candidates for a Principal License shall be required to provide documented evidence of having met or surpassed the performance-based principal licensure standards, as cited in 22-60.5-R-6.00.

4.17(5)(c) The person receives coaching and mentoring from one or more licensed principals and administrators and continuing performance-based assessment of the person's skills development; and

4.17(5)(d) The person demonstrates professional competencies using performance based measures in subject matter areas as specified by rule of the State Board pursuant to section 22-60.5-303, C.R.S.

4.17(6) If the State Board determines that the individualized alternative principal program meets the requirements specified in 4.17 (5), the State Board shall approve the individualized alternative principal program, and the Department of Education shall issue the Principal Authorization to the applicant. A Principal Authorization shall be valid for three years and may not be renewed.

4.17(7) [Expired 5/15/08 per Senate Bill 08-075]

4.17(8) A candidate who meets all requirements for an Alternative Principal License, upon successful completion of an alternative principal preparation program, may apply for a Colorado Alternative Principal's License or if they have successfully completed an induction program may apply for a Professional Principal's License.

4.18 Native American Language & Culture Instructor Authorization

The native American language and culture instructor authorization may be issued for five years, at the request of an employing school district and with documented evidence of need, to an applicant who:

4.18(1) qualifies for an adjunct instructor authorization as specified in section 4.01 of these rules; or

4.18(2) has demonstrated expertise in a native American language of a federally recognized tribe by:

4.18 (2)(a) providing evidence of demonstrated expertise in a native American language of a federally recognized tribe, as verified by the employing school district; and

14.18(2)(b) identifying a partnering, licensed teacher, as verified by the employing school district; and

14.18(2)(c) meeting the following objective standards, as verified by the employing school district:

14.18(2)(c)(i) is able to listen, speak, read and write the native American language identified, at a proficient level, for the purposes of interpersonal, interpretive and presentational communication.

14.18(2)(c)(ii) is knowledgeable about the language and culture, can describe their interrelationships, and is able to articulate to students, other educators and interested stakeholders:

14.18(2)(c)(ii)(A) perspectives related to historic and contemporary ideas, attitudes and values of the members of native American society, their history and the language(s) they speak;

14.18(2)(c)(ii)(B) the practices within a society that are based on historical, geographical and sociological influences representative of the culture of the native American language being taught;

14.18(2)(c)(ii)(C) the contributions and achievements of the culture to the fields of literature, the arts, science, mathematics, business, technology and other related and appropriate areas;

14.18(2)(c)(ii)(D) the geographic, economic, social

and political features of traditional and contemporary cultures associated with the native American language being taught; and,

14.18(2)(c)(ii)(E) is able to create a learning environment which accepts, encourages and promotes the culture and language that native American language speakers bring into the classroom.

4.18(3) Holders of a native American language and culture instruction authorization are prohibited from teaching any subject other than the native American language for which they have demonstrated expertise.

4.18(4) The native American language and culture instruction authorization may, at the request of the employing school district and with documented evidence of continuing need, be renewed by the applicant for five years.

2260.5-R-5.00 Standards for the Approval of the Program Content of Professional Education and Professional Development of Teachers and Special Service Personnel.

The following shall serve as standards for the licensing of all teacher education candidates in Colorado and reflect the knowledge and skills required of beginning teachers.

5.01 Standard One: Knowledge of Literacy.

The teacher shall be knowledgeable about student literacy development in reading, writing, speaking, viewing, and listening. The teacher has demonstrated the ability to:

5.01(1) Plan and organize reading instruction based on ongoing assessment.

5.01(2) Develop phonological and linguistic skills related to reading including:

- 5.01(2)(a) Phonemic awareness.
- 5.01(2)(b) Concepts about print.
- 5.01(2)(c) Systematic, explicit phonics.
- 5.01(2)(d) Other word identification strategies.
- 5.01(2)(e) Spelling instruction.

5.01(3) Develop reading comprehension and promotion of independent reading including:

- 5.01(3)(a) Comprehension strategies for a variety of genre.
- 5.01(3)(b) Literary response and analysis.
- 5.01(3)(c) Content area literacy.
- 5.01(3)(d) Student independent reading.

- 5.01(4) Support reading through oral and written language development including:
- 5.01(4)(a) Development of oral English proficiency in students.
 - 5.01(4)(b) Development of sound writing practices in students including language usage, punctuation, capitalization, sentence structure, and spelling.
 - 5.01(4)(c) The relationships among reading, writing, and oral language.
 - 5.01(4)(d) Vocabulary development.
 - 5.01(4)(e) The structure of standard English.
- 5.01(5) Utilize Colorado Model Content Standards in Reading and Writing for the improvement of instruction.

5.02 Standard Two: Knowledge of Mathematics:

The teacher shall be knowledgeable about mathematics and mathematics instruction. The teacher has demonstrated the ability to:

- 5.02(1) Develop in students an understanding and use of:
- 5.02(1)(a) Number systems and number sense
 - 5.02(1)(b) Geometry
 - 5.02(1)(c) Measurement
 - 5.02(1)(d) Statistics and probability
 - 5.02(1)(e) Functions and use of variables
- 5.02(2) Utilize Colorado Model Content Standards in Mathematics for the improvement of instruction.

5.03 Standard Three: Knowledge of Standards and Assessment:

The teacher shall be knowledgeable about strategies, planning practices, assessment techniques, and appropriate accommodations to ensure student learning in a standards-based curriculum. The teacher has demonstrated the ability to:

- 5.03(1) Design short and long range standards-based instructional plans.
- 5.03(2) Develop valid and reliable assessment tools for the classroom.
- 5.03(3) Develop and utilize a variety of informal and formal assessments, including rubrics.
- 5.03(4) Assess, compare and contrast the effects of various teaching strategies on individual student performance relative to content standards.
- 5.03(5) Use assessment data as a basis for standards-based instruction.
- 5.03(6) Provide effective verbal and written feedback that shape improvement in student performance on content standards.

5.03(7) Prepare students for the Colorado Student Assessment Program (CS AP), Third Grade Literacy Assessment, and other assessments of educational achievement.

5.03(8) Ensure that instruction is consistent with school district priorities and goals, the Colorado Model Content Standards, and the 1999 Colorado Accreditation Program.

5.04 Standard Four: Knowledge of Content:

The elementary teacher is knowledgeable, in addition to literacy and mathematics in the following content areas: civics, economics, foreign language, geography, history, science, music, visual arts, and physical education. Middle school and secondary content teachers shall be knowledgeable in literacy and mathematics and expert in their content endorsement area(s). The teacher has demonstrated the ability to:

5.04(1) Utilize content knowledge to ensure student learning.

5.04(2) Enhance content instruction through a thorough understanding of all Colorado model content standards.

5.04(3) Apply expert content knowledge to enrich and extend student learning.

5.04(4) Integrate literacy and mathematics into content area instruction.

5.05 Standard Five: Knowledge of Classroom and Instructional Management:

The teacher is knowledgeable about classroom practice in order to successfully manage time, communications, and record keeping procedures that will support and enhance student learning. The teacher has demonstrated the ability to:

5.05(1) Create a learning environment characterized by acceptable student behavior, efficient use of time, and disciplined acquisition of knowledge, skills, and understanding.

5.05(2) Apply sound disciplinary practices in the classroom.

5.05(3) Apply appropriate intervention strategies and practices to ensure a successful learning environment.

5.05(4) Raise the academic performance level of a group of students, over time, to a higher level.

5.05(5) Understand the cognitive processes associated with various kinds of learning (e.g. critical and creative thinking, problem structuring and problem solving, invention, memorization and recall) and ensure attention to these learning processes so that students can master content standards.

5.05(6) Work in cooperation with library media and other resource specialists in providing student instruction on how to access, retrieve, analyze, synthesize and evaluate information, and integrate these information literacy skills into the curriculum to accomplish standards-based learning activities.

5.05(7) Accurately document and report ongoing student achievement.

5.05(8) Communicate with parents and guardians effectively in order to involve them as participants and partners in student learning.

5.05(9) Communicate a variety of assessment results, and their implications to students, parents, guardians, professionals, administrators, and the community.

5.06 Standard Six: Knowledge of Individualization of Instruction:

The teacher is responsive to the needs and experiences children bring to the classroom, including those based on culture, community, ethnicity, economics, linguistics, and innate learning abilities. The teacher is knowledgeable about learning exceptionalities and conditions that affect the rate and extent of student learning, and is able to adapt instruction for all learners. The teacher has demonstrated the ability to:

- 5.06(1) Employ a wide range of teaching techniques to match the intellectual, emotional, and social level of each student, and choose alternative teaching strategies and materials to achieve different curricular purposes.
- 5.06(2) Design and/or modify standards-based instruction in response to diagnosed student needs, including the needs of exceptional learners and English language learners.
- 5.06(3) Utilize his/her understanding of educational disabilities and giftedness and their effects on student learning in order to individualize instruction for these students.
- 5.06(4) Teach students within the scope of a teacher's legal responsibilities and students' educational rights, and follow procedures as specified in state, federal and local statutes.
- 5.06(5) Develop and apply individualized education plans.
- 5.06(6) Collect data on individual student achievement and be accountable for each child's learning.
- 5.06(7) Use specific knowledge of student medical conditions and medications and their possible effects on student learning and behavior.

5.07 Standard Seven: Knowledge of Technology:

The teacher is skilled in technology and is knowledgeable about using technology to support instruction and enhance student learning. The teacher has demonstrated the ability to:

- 5.07(1) Apply technology to the delivery of standards-based instruction.
- 5.07(2) Use technology to increase student achievement.
- 5.07(3) Utilize technology to manage and communicate information.
- 5.07(4) Apply technology to data-driven assessments of learning.
- 5.07(5) Instruct students in basic technology skills.

5.08 Standard Eight: Democracy, Educational Governance and Careers in Teaching:

The teacher recognizes the school's role in teaching and perpetuating our democratic system. The teacher knows the relationships among the various governmental entities that create laws, rules, regulations, and policies that determine educational practices. The teacher has demonstrated the ability to:

- 5.08(1) Model and articulate the democratic ideal to students, including:
 - 5.08(1)(a) The school's role in developing productive citizens.
 - 5.08(1)(b) The school's role in teaching and perpetuating the principles of a democratic republic.

- 5.08(2) Model, and develop on the part of the students, positive behavior and respect for the rights of others, and those moral standards necessary for personal, family, and community well being.
- 5.08(3) Understand and respond to influences on educational practice including:
- 5.08(3)(a) Federal and state constitutional provisions.
 - 5.08(3)(b) Federal executive, legislative and legal influences.
 - 5.08(3)(c) State roles of the governor, legislature and State Board of Education.
 - 5.08(3)(d) Local school districts, boards of education and boards of cooperative educational services.
 - 5.08(3)(e) Non-traditional and non-public schools, including: charter schools, religious schools and home schooling.
 - 5.08(3)(f) Public sector input from business, advocacy groups, and the public.
- 5.08(4) Promote teaching as a worthy career and describe various career paths in education, including local, state, national, and international options, higher education, public and private education.
- 5.08(5) Evaluate his/her own performance and access the professional development options necessary to improve that performance.

2260.5-R-6.00 Performance-Based Principal Licensure Standards.

The following shall serve as standards to guide the development of the content of principal and administrator professional education programs offered by institutions of higher education and as a standard for the ongoing professional development of these educators.

6.01 Standard One: Foundations For Leadership.

The principal shall behave ethically and be knowledgeable about how to create an environment that encourages and develops responsibility, ethics, and citizenship, in self and others, and set the direction for a school community committed to and focused on learning. The principal shall be able to:

- 6.01(1) Endorse the role of the school within the community and in upholding the fundamental principles and perpetuation of our democratic republic.
- 6.01(2) Sustain and promote the conviction that education is the fundamental right of all students.
- 6.01(3) Accept personal and professional accountability for the educational processes of the school.
- 6.01(4) Consistently identify student achievement as the primary objective of the school.
- 6.01(5) Set high standards for the instruction of all students and for their academic achievement.
- 6.01(6) Recognize that the state's Model Content Standards represent the level of knowledge, skills, values, and abilities expected of all Colorado students.
- 6.01(7) Exemplify a personal and professional commitment to ethical conduct and respect for others and their rights.

6.01(8) Invest in continuing self-education and collaboration with peers and others in the field, to assure that professional expertise is maintained to the highest level and that there is continuing awareness of the latest information about child development, learning research, and applicable models of instruction.

6.02 Standard Two: Contextual Understanding.

The principal shall acknowledge, and address in planning, the internal and external factors affecting the school and the learning process. The principal shall be able to:

6.02(1) Implement the requirements established for education by federal and state law, state rule and regulation, and local policy.

6.02(2) Convey respect for the roles of elected officials and administration.

6.02(3) Identify and include in planning the social, economic, and political factors which affect the educational process.

6.02(4) Recognize and address the challenges and strengths, including but not limited to those brought by students from a variety of backgrounds, cultures, communities, ethnicities, economic levels, current life situations and conditions, and varying degrees of linguistic skills.

6.03 Standard Three: Planning And Organization.

The principal is knowledgeable about the elements of planning; plan implementation; and organizational, change, and time management. The principal shall be able to:

6.03(1) Develop a plan for the school, with stakeholder involvement, which establishes a unifying statement of purpose with regard to meeting required standards for students, provides for the appropriate allocation of resources and which identifies:

6.03(1)(a) Instructional objectives.

6.03(1)(b) Assignments of responsibility.

6.03(1)(c) Timelines.

6.03(1)(d) Methods of evaluation.

6.03(2) Implement, monitor, and assess the progress of the plan, at regular intervals, and provide for modification, as necessary.

6.03(3) Establish and adhere to timely, efficient, effective, and ethical administrative practices.

6.04 Standard Four: Content Knowledge Instruction.

The principal is knowledgeable about all requisite Colorado Model Content Standards and knows and is able to demonstrate effective instructional and assessment methodologies and strategies. The principal shall be able to:

6.04(1) Assist staff in establishing an effective schedule of instruction and an organized approach to providing students with required knowledge, skills, abilities, and understanding.

6.04(2) Supervise and support instruction, and assure that adequate and appropriate educational materials are available for the effective instruction of all students in the school.

- 6.04(3) Provide direction to teachers, with regard to the Colorado Model Content Standards.
- 6.04(4) Provide direction to teachers regarding the appropriate uses of technology in the classroom, including, but not limited to the reinforcement of instructional objectives; use as a resource for information; and in the management of student data. The principal shall:

6.04(4)(a) Communicate to staff about district technology policies, including matters of confidentiality, as related to the release and use of student records, and about appropriate student use of technology.

6.04(4)(b) Demonstrate a variety of ways to integrate technology as a tool, into data-driven, standards-based individualized instruction, in support of student achievement.

6.04(4)(c) Inform teachers about how to incorporate technology in the tracking of academic progress and in instructional record-keeping.

6.04(4)(d) Utilize technology in managing and communicating information and data to a variety of stakeholders.

6.05 Standard Five: Individualization of Instruction.

The principal is knowledgeable about instruction, especially as related to the Colorado Model Content Standards and closing the achievement gap. The principal shall be able to:

6.05(1) Exhibit vigilance with regard to the school's legal obligations and students' educational rights, including, but not limited to, those requirements which affect special needs students.

6.05(2) Demonstrate the design and delivery of instruction, as based on individual student needs, so that each student can meet or exceed the standards.

6.05(3) Present teachers with a variety of teaching strategies which can assure students the ability to think critically, analyze structure and solve problems, invent, memorize, and recall.

6.05(4) Provide teachers with a wide range of instructional methods and individual education techniques, which match the intellectual, emotional, physical, social levels and learning styles of all students in each classroom - including those with physical or medical conditions, or educational disabilities; or those whose medication may have an effect on learning and behavior; or those who are identified or recognized as gifted.

6.05(5) Inform teachers about assessments which provide proof of each student's academic progress.

6.05(6) Maintain adequate and appropriate data regarding each student's academic progress; analyze and evaluate that data; and communicate the results to instructional staff for use in planning for individualized student instruction.

6.05(7) Identify a variety of strategies and to strongly advocate that teachers consistently provide students with examples of how the concepts, skills, and abilities being learned relate to the world of work and other aspects of everyday life.

6.06 Standard Six: Management And Evaluation of Instruction.

The principal is knowledgeable about the appraisal of instructors, as related to student learning. The principal shall be able to:

6.06(1) Articulate clear performance objectives.

- 6.06(2) Observe and record the quality and effectiveness of classroom teaching and assessment and work with teachers to improve instruction.
- 6.06(3) Incorporate the requirements of Colorado law, relative to all the Colorado Model Content Standards and CSAP results, into the design of fair and consistently-applied performance evaluation requirements and procedures.
- 6.06(4) Maintain accurate records of formal evaluation observations, relevant student assessment data, and other pertinent information.
- 6.06(5) Regularly review teachers' competence, with particular focus on academic program delivery.
- 6.06(6) Provide mentoring and staff development in support of the instructional program, and the Colorado Model Content Standards, for all school staff and volunteers.
- 6.06(7) If necessary, resolve conflicts among, and refocus staff on, instructional objectives.

6.07 Standard Seven: Supervision of Personnel.

The principal is knowledgeable about national, state, and local district personnel policies. The principal shall be able to:

- 6.07(1) Display and enforce professional standards in all personnel decisions.
- 6.07(2) Establish personnel recruitment and retention strategies based on the instructional plan for the school.
- 6.07(3) Implement, inform about, and adhere to ethical and fair hiring and personnel practices,
- 6.07(4) Provide clear communication of expectations.
- 6.07(5) Provide constructive performance appraisals, linked to Student achievement.
- 6.07(6) Provide a documented justifiable basis for taking a personnel action.
- 6.07(7) Counsel out of the profession those whose continued presence in teaching does not serve in the best interests of students.
- 6.07(8) Provide encouragement to those interested in entering the field of education.

6.08 Standard Eight: Supervision of Student Conduct.

The principal is knowledgeable about the design of a positive learning environment focused on student achievement and characterized by appropriate and acceptable standards of student conduct and effective behavior management strategies. The principal shall be able to:

- 6.08(1) Establish, with appropriate stakeholder involvement, a school and classroom code of acceptable conduct indicative of the responsibilities of students and reflective of school law and district policy.
- 6.08(2) Communicate the code and disciplinary procedures to staff, students, and parents and assist teachers in fair, appropriate, and consistent implementation.
- 6.08(3) Implement legal protections for students and appropriate and allowable suspension and expulsion policies and procedures.

6.08(4) Identify and develop positive relationships with community support services which can assist students and their families when there is a concern which cannot be addressed with the resources available to the school.

6.09 Standard Nine: Resources.

A principal is knowledgeable about the principles and practices for the fiscal management of schools or school districts. A principal should be an ethical business manager, responsible for the fiscal health of the school and entrepreneurial about locating non-state revenue sources to provide enhancements to the instructional process. A principal shall be able to:

6.09(1) Manage and maintain a balanced school site budget in accordance with the principles of business management and the standards of good accounting practice.

6.09(2) Demonstrate knowledge of school district policies regarding methods of acquiring additional funding, and technical or other forms of assistance, for specific purposes, in support of student instruction and achievement.

6.09(3) Demonstrate the ability to use a variety of strategies to attract external funds and resources.

6.10 Standard Ten: School Site Safety and Maintenance.

The principal shall be knowledgeable about how to assure a safe learning environment in a secure, well-maintained facility. The principal shall be able to:

6.10(1) Acknowledge the school's legal responsibilities to students on their way to and from school and with regard to transportation.

6.10(2) Be vigilant about school security and establish measures to evaluate and assure student and staff safely and anticipate potentially dangerous situations.

6.10(3) Implement safety procedures and precautions within the school and on school property.

6.10(4) Maintain a close working relationship with local law enforcement.

6.10(5) Take a proactive approach to emergency situations and be prepared to provide stress and crisis management and conflict resolution, before, during, and after such situations, as required.

6.10(6) Understand the contribution of an attractive, inviting, and engaging school environment to an effective instructional program and implement supporting policies and actions.

6.10(7) Operate within district policies regarding general building maintenance, repairs, and improvements.

6.11 Standard Eleven: Parent and Community Involvement.

The principal shall be knowledgeable about effective communication, decision-making, and interpersonal problem-solving and conflict-resolution strategies. The principal shall be able to:

6.11(1) Speak, write, and communicate successfully in a variety of settings.

6.11(2) To communicate about school policies, data regarding student achievement expectations, and other pertinent information to parents and other interested members of the school community and general public.

6.11(3) Develop, maintain and encourage partnerships with, and involvement and volunteer opportunities for, parents and the local school community, including but not limited to:

- 6.11(3)(a) The support of student achievement.
- 6.11(3)(b) Accountability.
- 6.11(3)(c) Family literacy.
- 6.11(3)(d) School-site decision making.
- 6.11(3)(e) Contextual and Service Learning.

6.12 To be licensed as an Administrator,

an applicant shall have completed a bachelor's or higher degree or higher from a four-year accepted institution of higher education, and shall have completed an approved administrator program, and shall have demonstrated the competencies specified below:

6.12(1) In addition to knowledge of and the ability to demonstrate the requirements in sections 6.02 - 6.11 of these Rules, as appropriate and applicable.

6.12(2) The administrator shall be knowledgeable about the content of administration, in general, and, as appropriate and/or applicable to the position or program of administration, shall demonstrate the ability to provide effective:

- 6.12(2)(a) organizational management and leadership.
- 6.12(2)(b) direction to relevant personnel and others, including, but not limited to evaluation of licensed personnel, where appropriate.
- 6.12(2)(c) correlation of the administrative position, and/or program, to student academic and related progress, through the:
 - 6.12(2)(c)(i) planning, implementation, and evaluation of relevant activities.
 - 6.12(2)(c)(ii) identification of, respect for, and incorporation of, those aspects of student and school community demography, and student, family, and community culture, which can engender and sustain community support for rigorous standards for, and high expectations of, all students, as related to their learning and academic achievement.
 - 6.12(2)(c)(iii) application of pertinent research, which has resulted in proven documented evidence of successful practice(s).
- 6.12(2)(d) communication, to a variety of audiences, in a variety of settings, and on topics which may be controversial.
- 6.12(2)(e) decision-making, which involves affected stakeholders.
- 6.12(2)(f) human and community relations skills, including, but not limited to diplomacy and conflict resolution.
- 6.12(2)(g) application(s) of technology.

- 6.12(2)(h) group process.
- 6.12(2)(i) program marketing strategies.
- 6.12(2)(j) mentoring, to students, educational staff, and community members.
- 6.12(2)(k) boardsmanship.
- 6.12(2)(l) fiscal and resource management and resource-development strategies.

2260.5-R-6.13 Standards for Professional Competencies for an Initial Administrator License with a Director of Special Education Endorsement ("Standards").

The following standards shall be addressed by the Director of Special Education initial preparation program offered by institutions of higher education and as standards for the ongoing professional development of these educators. The specific performance indicators for each of these standards shall be described in "Performance Indicators for Professional Competency Standards" issued by the Colorado Department of Education.

6.13 Standard One: Foundations for Leadership

6.13(1) The Special Education Director shall have a solid foundation for leadership by: (a) demonstrating a comprehensive knowledge of special education organization, programs, laws, and best practices and (b) setting high standards and a positive direction for special education consistent with the values, mission and vision of the state and administrative unit.

6.13(2) Standard Two: Special Education and School Systems

The Special Education Director shall: (a) demonstrate knowledge of organizational culture, (b) apply a systems approach to the development of special education programs and processes, and (3) facilitate effective system change.

6.13(3) Standard Three: Law and Policy

The Special Education Director shall be knowledgeable about and able to apply relevant federal and state statutes, regulations, case law, and policies that impact all children, including those with disabilities.

6.13(4) Standard Four: Instructional Leadership

The Special Education Director shall be able to integrate general education and special education, including curriculum, instructional strategies, assessments, and individualized instruction in support of academic achievement for all children, including those with disabilities.

6.13(5) Standard Five: Program Planning and Organization

The Special Education Director shall be able to evaluate the efficacy and efficiency of special education programs, facilities, services and monitoring systems and to use the evaluation data to improve the programs and services for all children, including those with disabilities.

6.13(6) Standard Six: Human Resource Functions

The Special Education Director shall have the knowledge and ability to recruit, retain and evaluate qualified personnel in order to effectively implement programs and services for all children, including those with disabilities.

6.13(7) Standard Seven: Parent, Family and Community Engagement

The Special Education Director shall be knowledgeable about and able to facilitate partnerships and engage parents, families and communities in the implementation of special education programs and delivery of special education services.

6.13(8) Standard Eight: Budget and Resources

The Special Education Director shall be knowledgeable about and able to demonstrate school district budgeting and resource allocation, including those related to special education.

2260.5.-R-7.00 Endorsement of Licenses or Authorizations.

Licenses and Authorizations shall be endorsed to indicate the grade level(s)/developmental level(s) and specialization area(s) which are appropriate to the applicant's preparation, training, and experience.

7.01 Initial Endorsements.

Initial endorsements shall be based upon the following:

- 7.01(1) Recommendation by a Colorado accepted institution of higher education verifying the satisfactory completion of an approved program for the endorsement, or
- 7.01(2) Recommendation by an accepted out-of-state institution of higher education and compliance with section 2.03(3)(a) and 2.03(3)(c), or
- 7.01(3) Evaluation by the Department for Authorizations, Alternative Licenses, and Alternative Teacher Licenses (Vocational), and licenses issued upon foreign degree programs for comparability to Colorado's standards, and
- 7.01(4) Successful completion of the State Board adopted content area assessment in the endorsement area being sought.

7.02 Additional Endorsements.

Second or subsequent endorsements may be awarded by the Department based upon one of the following:

- 7.02(1) The completion of an approved program of preparation at an approved institution of higher education which includes completion of field experiences, student teaching or practicum or internship, unless waived by the approved institution pursuant to the following:
 - 7.02(1)(a) A waiver of field experience, student teaching, practicum, or internship may be granted upon verification of satisfactory experience in the area of endorsement being sought. Waivers of coursework or other program requirements may also be granted for work experience, including teaching or administrative experience in schools.
 - 7.02(1)(b) Institutions shall have written criteria, procedures and due process procedures for the recognition of competencies acquired through experience. Such criteria and due process procedures shall include a process for appealing the denial of a request for waiver of field experience, student teaching, practicum or internship, or other coursework or program requirements.

7.02(1)(c) Applicants who complete approved collegiate programs for additional endorsements must provide evidence of successful completion of the State Board adopted content area assessment in the endorsement area being sought.

7.02(2) Academic preparation, experience and assessment for endorsements in section 8.00 of these Rules.

7.02(2)(a) For elementary education endorsement:

7.02(2)(a)(i) passage of the Colorado State Board of Education approved elementary content test.

7.02(2)(b) For special education generalist endorsement:

7.02(2)(b)(i) Verification of 24 semester hours with a minimum GPA of 2.6 from an accepted institution of higher education or the equivalent as determined by the Department of Education through transcript or portfolio review. The portfolio may include but is not limited to verification of teaching experience in the requested endorsement area, experiences outside of schools, inservice or continuing education, standardized assessments, and recommendations from experts in the endorsement/specialty area to be taught. Such academic credit and portfolio experiences shall be consistent with the content preparation requirements in the appropriate endorsement area found in section 8.00 of these Rules; or

7.02(2)(b)(ii) Passage of the Colorado State Board of Education approved special education generalist assessment.

7.02(2)(c) For secondary and K-12 endorsements:

7.02(2)(c)(i) Verification of 24 semester hours with a minimum GPA of 2.6 from an accepted institution of higher education or the equivalent as determined by the Department of Education through transcript or portfolio review. The portfolio may include but is not limited to verification of teaching experience in the requested endorsement area, experiences outside of schools, inservice or continuing education, standardized assessments, and recommendations from experts in the endorsement/specialty area to be taught. Such academic credit and portfolio experiences shall be consistent with the content preparation requirements in the appropriate endorsement area found in section 8.00 of these Rules; or

7.02(2)(c)(ii) Passage of the Colorado State Board of Education approved assessment of content area knowledge relevant to the person's area of endorsement.

7.03 Development and Approval of New Endorsement Areas and Discontinuance of Endorsement Areas.

7.03(1) the State Board of Education may establish, by rule and regulation, appropriate endorsements and the criteria for such endorsements.

7.03(2) the Department shall utilize representatives from the appropriate content area, from among the education community and interested stakeholders, to develop recommendations for consideration by the State Board of Education with regard to the adoption of new endorsement areas or discontinuance of endorsement areas that are no longer relevant or applicable to meet student needs.

7.04 Review of License and Endorsement Standards.

7.04(1) Pursuant to 22-2-109(l)(g)(h)(i), C.R.S., the standards of qualification, preparation, and experience required for the issuance of licenses and which prescribe standards for endorsements appropriate for licenses shall be reviewed periodically for currency.

7.04(1)(a) The State Board of Education shall establish a schedule for review of licensing/endorsement standards.

7.04(1)(b) The Colorado Department of Education shall utilize representatives from all levels of education when reviewing and developing licensing endorsement standards.

2260.5-R-8.00 Teaching Endorsements.

The following shall serve as standards for endorsements on Initial and Professional Teacher Licenses.

8.01 Early Childhood Education.

To be endorsed in early childhood education, ages 0-8, an applicant shall have completed a bachelor's or higher degree from a four-year accepted institution of higher education, an approved teacher preparation program; an approved program in early childhood education; and have demonstrated the competencies specified below.

8.01(1) The early childhood educator is knowledgeable about early childhood education; its multiple historical, philosophical and social foundations; how these influence current thought and practice; and be able to demonstrate the ability to utilize such knowledge in the instruction of students. In planning for and implementing instructional delivery, the early childhood educator is able to incorporate:

8.01(1)(a) proven concepts related to typical and atypical traits of child development which can affect the acquisition of knowledge, skills, and abilities by students, including, but not limited to:

8.01(1)(a)(i) characteristics, stages, and styles of learning, as related to cognitive, physical, social, emotional, language/communicative, play, and aesthetic development.

8.01(1)(a)(ii) the effects of biological and environmental factors, culture, society, family, and family economics, on learning.

8.01(1)(a)(iii) addressing the identified learning strengths and needs of each child, including those of children with special needs.

8.01(1)(a)(iv) taking timely advantage of the prior acquisition of information, abilities, and experience of the student, as related to readiness for learning, and the development of such core skills as language, reading, writing, math, science, and the arts.

8.01(1)(b) design and implement effective strategies for curriculum development, implementation, and instructional delivery, as related, but not limited to:

8.01(1)(b)(i) literacy and language, math, science, social studies, the arts, health and safety, physical education, and technology ability.

8.01(1)(b)(ii) the expansion of thinking skills.

- 8.01(1)(b)(iii) student content standards.
- 8.01(1)(b)(iv) applicable aspects of socialization.
- 8.01(1)(b)(v) the processes of inquiry, modeling, multi-sensory instruction, adaptations, and addressing varied learning styles.

8.01(2) The early childhood educator is knowledgeable about and is able to:

- 8.01(2)(a) instruct the linguistically diverse learner.
- 8.01(2)(b) promote, develop, and maintain effective interaction among staff, and between staff and students.
- 8.01(2)(c) seek out expertise and assistance of other professionals who can serve as resources, when and if appropriate, in addressing student needs.
- 8.01(2)(d) create and maintain a classroom environment which:
 - 8.01(2)(d)(i) encourages and reinforces learning, through its physical arrangement, accessibility, allocation of space, use of outdoor and natural settings, and which provides learning-enriched materials and equipment that encourage play, active exploration, and the acquisition of knowledge, skills, and abilities.
 - 8.01(2)(d)(ii) uses individual and group guidance and problem-solving techniques to develop and promote positive, constructive, and supportive association between students; learning; responsibility; self-discipline; self-esteem; and appropriate strategies for conflict-resolution.
- 8.01(2)(e) vary instruction and instructional strategies, based on student age and individual learning needs and styles.
- 8.01(2)(f) establish and maintain positive relations with students' families and community. The early childhood educator is able to:
 - 8.01(2)(f)(i) effectively articulate the importance of education for the student, and to identify ways in which the family can support the student's education and well-being, within the home.
 - 8.01(2)(f)(ii) establish a respectful partnership between school and home, which recognizes and minimizes obstacles to student learning, by building on family strengths, as related to defined roles, rights and responsibilities.
 - 8.01(2)(f)(iii) develop collaborative relationships, between families of students and community agencies, relevant professionals, including support services, and other education personnel, and encourage the use of such resources, when necessary, to help meet the identified needs of students and/or their families, which, if not adequately and appropriately addressed, can negatively affect the learning of the student.
 - 8.01(2)(f)(iv) provide information, if necessary, about resources, systems, and programs available to families of young children encountering stress, change and/or transition, when these appear to be hindering learning.

8.01(3) The early childhood educator adheres to high standards of professionalism, by remaining current in knowledge and practice, and by seeking out professional development which supports those standards. The early childhood educator is able to:

8.01(3)(a) reflect on practice and a personal educational philosophy that provides a foundation for sound instructional decision-making, as based on, but not limited to:

8.01(3)(a)(i) continuing assessment of the impact of instructional choices on students, as a group, and as individual learners.

8.01(3)(a)(ii) ongoing awareness of current issues and trends, legal issues including procedural safeguards, legislation, and other public policies affecting children, families, programs for young students and the early childhood profession.

8.01(3)(a)(iii) incorporate into planning, proven and effective advancements in the early childhood profession.

8.01(3)(b) actively seek out opportunities for professional development, including, but not limited to content-related coursework; seeking resources; and participating in relevant in-services and other experiences which can inform and improve practice, professional activities, such as curriculum reviews, visiting related programs, reviewing current professional literature; and joining pertinent professional organizations.

8.01(3)(c) The early childhood educator is knowledgeable about, and:

8.01(3)(c)(i) commits and adheres to a professional code of ethics and conduct.

8.01(3)(c)(ii) complies with state and national early childhood program standards.

8.01(3)(c)(iii) advocates for young children and their families, to improve the quality of programs and services for young children.

8.01(4) The early childhood educator is knowledgeable about the assessment of student learning, and:

8.01(4)(a) is able to utilize multiple and varied, formal and informal means for assessment and identification of student learning needs in planning for appropriate cognitive, social, emotional, communicative, motor, adaptive, aesthetic, and other types of development. Such means may include, but not be limited to, observation, and recording:

8.01(4)(a)(i) responses and the processes students use in problem-solving, arriving at answers, and in creating products.

8.01(4)(a)(ii) students' dispositions, to include, but not limited to persistence, curiosity, risk-taking, motivation to learn, excitement about learning.

8.01(4)(b) can articulate the results of assessment, to appropriate professionals, for the purposes of program planning, student referral, and in the design and implementation of formal student plans.

8.01(4)(c) can involve families, as active participants in the assessment process, if and as necessary, for the advancement of student learning.

- 8.01(4)(d) can select, evaluate and/or administer assessments appropriate for students from diverse cultural backgrounds, and/or who present unique learning characteristics, and/or who have special needs, which require test adaptations, and/or require the assistance of relevant and appropriate support services.
- 8.01(4)(e) utilizes available developmental assessment data, in the areas of cognition, speech and language, fine and gross motor, and social skills, in:
 - 8.01(4)(e)(i) planning for individualized and group programs.
 - 8.01(4)(e)(ii) referring children, when necessary, for further screening and evaluation.
 - 8.01(4)(e)(iii) the implementation of, and in assisting with, ongoing revisions in IEPs, and in other formal plans for students with identified developmental and/or learning needs.
- 8.01(4)(f) recognizes the necessity for security and for confidentiality inherent in assessment, and in communicating about standardized and other testing results and data, as is able to:
 - 8.01(4)(f)(iii) utilize a variety of assessment strategies, including:
 - 8.01(4)(f)(iii)(a) ongoing observations, divergent questions, and listening to understand what and how children are thinking.
 - 8.01(4)(f)(iii)(b) systematic procedures, such as running records, event and time sampling, and developmental checklists.
 - 8.01(4)(f)(iii)(c) systematic sampling of children's work, performances, and dispositions, including collecting examples of conversations, writing, art works, audio tapes of oral language and/or reading, dictated stories, literature responses, social interactions, and emotional responses.
- 8.01(5) The early childhood educator has completed the field experience requirements including, at least:
 - 8.01(5)(a) early and on-going field experiences in inclusive settings, in licensed public and private early childhood centers, schools and with community agencies.
 - 8.01(5)(b) effective work experience, over time, with children of diverse ages (infants, toddlers, preschoolers, and primary age), abilities, linguistic and cultural diversity, and their families.
 - 8.01(5)(b) a variety of demonstrations of the candidate's ability to work effectively, during full-time supervised student teaching and/or a practicum, in at least two different inclusive settings, serving children of, at least, two different age groups (infant/toddler, preschool, or primary age), with students of varying abilities.

8.02 Elementary Education.

To be endorsed in elementary education, an applicant shall have completed a bachelor's or higher degree from a four-year accepted institution of higher education; an approved teacher preparation program in elementary education; and has demonstrated the competencies specified below:

- 8.02(1) The elementary educator is knowledgeable about curriculum development and instruction, and is able to:

- 8.02(1)(a) design and implement an integrated curriculum based upon adopted content standards, including, but not limited to: language arts, e.g. reading, writing, speaking, and listening; science; mathematics; social studies; the arts and humanities; health; physical education; and technology.
 - 8.02(1)(b) select and use equipment, materials and technology which support a wide variety of instructional strategies, to be implemented based on adopted content standards, and on both informal and formal assessments of student learning needs.
 - 8.02(1)(c) implement appropriate strategies and activities to increase student achievement.
- 8.02(2) The elementary educator is knowledgeable about child development, as applicable to learning, and is able to:
- 8.02(2)(a) incorporate documented and proven theories of child development and learning, as appropriate for all learners, including, but not limited to exceptional and linguistically diverse learners.
 - 8.02(2)(b) plan and implement differentiated instructional strategies that address a wide variety of learning styles; stages of individual development; personal traits and interests; language diversity; exceptionality.
 - 8.02(2)(c) recognize, and display respect for family, culture, economic, and societal influences that affect students' learning and academic progress, and draw upon their strengths and experiences, in planning for instruction.
 - 8.02(2)(d) effectively articulate the elements of and rationale for the instructional program to students, parents, and other professionals.
- 8.02(3) The elementary educator is knowledgeable about classroom environment and is able to:
- 8.02(3)(a) provide a safe and engaging learning environment, responsive to individual learner needs and student choices and interests.
 - 8.02(3)(b) effectively utilize developmentally-appropriate learner-responsive time-management techniques.
 - 8.02(3)(c) implement positive and effective classroom management strategies that encourage behaviors that will enhance learning for all students.
- 8.02(4) The elementary educator is knowledgeable about assessment, and is able to:
- 8.02(4)(a) effectively administer a wide variety of both ongoing formal and informal assessments, that are developmentally appropriate; responsive to the needs of diverse learners; and inclusive of adopted content standards.
 - 8.02(4)(b) effectively utilize assessment results and related data to plan for appropriate student instruction.
 - 8.02(4)(c) actively involve students in understanding the importance of assessment and its relationship to meeting learning objectives.
 - 8.02(4)(d) effectively communicate with students, parents, and other professionals concerning assessments and student performance.

8.02(5) The elementary educator has completed prescribed field experience and student teaching requirements.

8.02(6) The elementary educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.03 Agriculture and Renewable Natural Resources Education

To be endorsed in agriculture and renewable natural resources education, an applicant shall have completed a bachelor's or higher degree from a four-year accepted institution of higher education; an approved program in agriculture and renewable natural resources education; and have demonstrated the competencies listed below:

8.03(1) The agriculture and renewable natural resources educator shall have extensive preparation in agriculture and renewable natural resources education, and demonstrate knowledge in, but not limited to, all of the following areas: agriculture communications and policy; agriculture mechanical technology; environmental horticulture; agriculture business management and marketing; environmental and natural resources; food science; food and fiber production; agriculture science and biotechnology; and forestry.

8.03(1)(a) The agriculture and renewable natural resources educator shall be knowledgeable and able to effectively instruct students about one or more of the following content areas:

8.03(1)(a)(i) agriculture communications, policy, and policy formulation, as related, but not be limited to: federal, state, and local land use policy; agricultural journalism; public speaking; computer and other technology and relevant applications; research and development; mass communications; technical writing; agricultural economics; agricultural law, as related, but not limited to water, land, and real estate; and environmental policy.

8.03(1)(a)(ii) agricultural mechanical technology, to include, but not be limited to: research and development; electrical power transmission; irrigation systems and practices; soil and water conservation; agricultural construction; and maintenance.

8.03(1)(a)(iii) environmental horticulture, to include, but not be limited to: the following: greenhouse management; nursery management; turf management; horticulture; sales and services, landscape design and ornamental horticulture.

8.03(1)(a)(iv) agricultural business management and marketing, to include, but not be limited to: economics; accounting; banking; finance; taxation; insurance; estate planning; statistics; agriculture policy; agriculture business management; agriculture marketing; agriculture recreation; and agriculture sales and service.

8.03(1)(a)(v) environmental and natural resources, to include, but not be limited to: soil science; policy and law; fishery and wildlife biology; natural resource economics, presented in a unbiased manner; chemistry; natural resources and environmental management; and water and air quality.

8.03(1)(a)(vi) food science, to include, but not be limited to: quality control; food processing; food chemistry and analysis; and human nutrition.

- 8.03(1)(a)(vii) food and fiber production, to include, but not be limited to: crop science; animal science; soil and water science; grazing systems; agricultural production management; agriculture business management; agriculture marketing; related mechanical practices.
 - 8.03(1)(a)(viii) agriculture science and biotechnology, to include, but not be limited to: crop science; animal science; genetics; chemistry; research skills; cell biology; microbiology; molecular biology; biochemistry; hydrology; and regulatory practices.
 - 8.03(1)(a)(ix) forestry, to include, but not be limited to: statistics; silviculture; resource management; forest biology; forest hydrology; forest engineering; disease and pest control; dendrology; and soil science.
- 8.03(1)(b) The agriculture and renewable natural resources educator is knowledgeable about and able to:
- 8.03(1)(b)(i) ensure that students' work reflects industry standards and that students remain aware of current issues in the field.
 - 8.03(1)(b)(ii) maintain an active advisory committee(s) composed of local business/industry representatives to assure that implementation of the curriculum accurately reflects current industry conditions and standards, and as a resource for the placement of students.
 - 8.03(1)(b)(iii) acquire and allocate supplementary fiscal and human resources, as needed, from and within the school, community, and industry.
 - 8.03(1)(b)(iv) provide experiences in simulated or real work-place environments that can provide students with appropriate and applicable firsthand experience to enable them to make career decisions based on a knowledgeable perspective.
 - 8.03(1)(b)(v) provide students with a wide variety of opportunities to gain experience with, and be able to exercise initiative in applying the skills and abilities of organizational management and leadership; public speaking; parliamentary procedure; and to earn awards and recognition, through participation in student vocational and community service organizations.
 - 8.03(1)(b)(vi) provide students with the ability to evaluate, select, adapt, and apply technology, as needed.
 - 8.03(1)(b)(vii) incorporate and reinforce practical applications of core content knowledge, skills, and abilities in simulated or real-world situations, and by coordinating instruction with other educational staff.
 - 8.03(1)(b)(viii) present and discuss controversial issues, as related to agriculture and renewable resources, in the instructional setting, with clarity, and without bias.
 - 8.03(1)(b)(ix) maintain a safe, well-equipped, and well-maintained learning environment, and instruct students in the safe and appropriate use, care, and maintenance of tools, equipment, and applicable substances and materials.
- 8.03(2) The agriculture and renewable natural resources teacher shall complete field experience requirements, as prescribed.

8.03(3) The agriculture and renewable resources educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.04 Art.

To be endorsed in art, an applicant shall have completed a bachelor's or higher degree from a four-year accepted institution of higher education; an approved teacher preparation program; an approved program in art; and have demonstrated the competencies listed below:

8.04 The art educator is knowledgeable about the content of art and is able to:

8.04(1) instruct students in determining and interpreting:

8.04(1)(a) meaning in works of art;

8.04(1)(b) creating personal meaning in art;

8.04(1)(c) identifying the variety of viewpoints and philosophies behind works of art.

8.04(2) Effectively inform students about the terminology and facets of art, inherent in their own and other works of art, including, but not limited to:

8.04(2)(a) the vocabulary of relevant art processes;

8.04(2)(b) elements of art; and

8.04(2)(c) principles of design; and

8.04(2)(d) develop in students the ability to create multiple solutions to visual arts problems.

8.04(3) Effectively instruct students regarding:

8.04(3)(a) the preparation, research, safety, interrelationships, processes, and materials, applicable to areas of specialization in art, including, but not limited to:

8.04(3)(b) drawing; painting; sculpture; photography; printmaking; fibers; ceramics; jewelry; crafts; communication arts; and

8.04(3)(c) provide students with a wide variety of appropriate hands-on art experiences, taught in a sequential curriculum, with a focus on developing cognitive and manipulative skills.

8.04(4) Teach students about the history of art, including that in contemporary and past cultures.

8.04(4)(a) teach students the contributions of the arts to the development of civilization and culture, with an emphasis on:

8.04(4)(a)(i) the relationship of the arts to the culture/society in which they originated.

8.04(4)(a)(ii) the influence of the arts on subsequent and current culture(s)

8.04(4)(a)(iii) how the arts can be incorporated into inter-and intra-disciplinary studies.

- 8.04(4)(b) inform students about how the arts serve as applications of, but are not limited to, such academic disciplines as math, science, language arts, and the social studies.
- 8.04(5) Instruct students on the objective and subjective evaluation and critique of art, and on how to:
 - 8.04(5)(a) formulate and articulate judgments about works of art, based on objective and subjective rationale.
 - 8.04(5)(b) engage in knowledgeable discourse about aesthetics, including about the purpose and value of art to the individual and society, from a variety of philosophical stances.
- 8.04(6) The art educator shall provide students with motivation and encouragement to pursue appropriate forms of self-expression in the visual and other arts.
- 8.04(7) The art educator shall promote more advanced instruction, where appropriate.
- 8.04(8) The art educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.05 Business and Marketing Education, or Business Education, or Marketing Education, Secondary.

To be endorsed in business and marketing education, or business education, or marketing education, an applicant shall have completed a bachelor's or higher degree from a four-year accepted institution of higher education; an approved program in business/marketing education; and have demonstrated the competencies listed below:

- 8.05(1) The business/marketing education educator shall have extensive preparation in business and marketing education and/or business and/or marketing, and be knowledgeable about and able to effectively instruct students in the following content areas:
 - 8.05(1)(a) economics, labor market conditions, micro-, and macro-economic factors of a domestic and global economy.
 - 8.05(1)(b) technology, and its appropriate applications.
 - 8.05(1)(c) information management.
 - 8.05(1)(d) accounting and finance: the basic functions of auditing, banking, investments, taxation, insurance, and risk taking.
 - 8.05(1)(e) personnel policies and human resource management: hiring, staff development, compensation, and employee relations.
 - 8.05(1)(f) business communications: use of technology, written communication, and presentation skills.
 - 8.05(1)(g) business law: sales contracts; consumer law; employment, including personnel policies and practices; business organization; and related matters.
 - 8.05(1)(h) legislation, as it affects business and/or marketing fields and issues.
 - 8.05(1)(i) business and marketing ethics.

- 8.05(1)(j) new and traditional business and/or marketing options, as related to career skills and abilities, and career development.
- 8.05(1)(k) marketing principles, and practices of buyer analysis, including, but not limited to, development and distribution of products and services.

8.06 (Rule number reserved.)

8.07 Drama.

To be endorsed in drama, an applicant shall have completed a bachelor's or higher degree from a four-year accepted institution of higher education; an approved teacher preparation program; an approved program in drama; and have demonstrated the competencies specified below:

8.07(1) The drama educator is knowledgeable about drama, and is able to instruct students about:

- 8.07(1)(a) drama and theater history, including, but not limited to western and non-western theater.
- 8.07(1)(b) dramatic literature, as it relates to: development of aesthetic sensitivity; appropriate analysis and criticism; dramatic style(s); and the social implication(s) of drama, and their effect on individual cultures and societies.

8.07(2) The drama educator is knowledgeable about, able to instruct about, and to effectively demonstrate to, and provide experiences for students, in the following areas of drama, including, but not limited to:

- 8.07(2)(a) basic acting, acting styles, characterization, stage movement, and other related forms of dramatic performance.
- 8.07(2)(b) dance, choreography, and physical movement, as related to dramatic performance.

8.07(3) The drama educator is knowledgeable about, and is able to demonstrate:

- 8.07(3)(a) the technical aspects of theater, including, but not limited to: makeup and its application, lighting, stagecraft, the creation of costumes, and publicity.
- 8.07(3)(b) directing, as specifically related to basic technique(s) and style(s), for a wide variety of theater settings, including, but not limited to adult, youth, children's, and mixed-age audience theater; and related audience analysis.
- 8.07(3)(c) methods of teaching theater to students, as age-and grade-appropriate, and to other educators, as related, but not limited to: creative drama; selection of performance works and productions), in the school setting; festival participation and organization/direction; performance evaluation; simulation; and role-playing.

8.07(4) The drama educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.08 Instructional Technology Teacher, K-12.

To be endorsed as an instructional technology teacher, K-12, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved program in instructional technology; and have demonstrated technology integration competencies, including, but not limited to those specified below.

8.08(1) The instructional technology teacher is knowledgeable about technology operations and concepts, and is able to:

8.08(1)(a) demonstrate introductory knowledge, skills, and understanding of concepts related to technology, including, but not limited to:

8.08(1)(a)(i) the nature and basic operations of technology.

8.08(1)(a)(ii) proficiency in the use of technology.

8.08(1)(b) demonstrate continual growth in technology knowledge and skills, to remain up-to-date on current and emerging technologies.

8.08(2) The instructional technology teacher is knowledgeable about planning and designing learning environments and experiences, and is able to:

8.08(2)(a) identify and apply educational technology and information literacy principles, as associated with the development and implementation of long-and short-term instructional plans.

8.08(2)(b) provide developmentally-appropriate learning opportunities that incorporate technology in addressing the diverse needs of all learners.

8.08(2)(c) apply current research on teaching and learning with technology when designing effective learning environments and experiences.

8.08(2)(d) identify and locate technology resources and evaluate them for accuracy and suitability.

8.08(2)(e) plan for the management of technology resources within the context of learning activities.

8.08(2)(f) implement strategies to manage student learning in a technology-enhanced environment.

8.08(3) The instructional technology teacher is knowledgeable about teaching, learning, and the curriculum, and is able to:

8.08(3)(a) develop and facilitate technology-enhanced experiences that address content standards and student technology standards.

8.08(3)(b) design and use technology to support learner-centered strategies that address the diverse needs of students.

8.08(3)(b)(i) instructing students on how to collaborate, publish, and interact with peers, experts, and other audiences.

8.08(3)(b)(ii) instructing students on the use of a variety of media and formats to communicate information and ideas effectively, to multiple audiences.

- 8.08(3)(b)(iii) instructing students on the use of technology resources for solving problems and for making informed decisions.
 - 8.08(3)(b)(iv) designing instruction that employs technology in the development of strategies for solving real-world problems.
 - 8.08(3)(b)(v) applying technology in the development of students' higher order skills and creativity.
 - 8.08(3)(c) manage student learning activities in a technology-enhanced environment.
- 8.08(4) The instructional technology teacher is knowledgeable about assessment and evaluation, and is able to:
- 8.08(4)(a) apply technology in assessing student learning of subject matter, using a variety of assessment techniques.
 - 8.08(4)(b) use technology resources to collect/analyze data, interpret results, and articulate findings to improve instructional practice and maximize student learning.
 - 8.08(4)(c) apply multiple methods of evaluation to determine students' appropriate use of technology resources for learning, communication, and productivity.
- 8.08(5) The education technology teacher is knowledgeable about productivity and professional practice, and is able to:
- 8.08(5)(a) instruct students on how to utilize technology and technology tools to:
 - 8.08(5)(a)(i) enhance, apply, and reinforce learning, to increase productivity, and to promote creativity.
 - 8.08(5)(a)(ii) construct technology-enhanced models, prepare publications, and produce other creative works.
 - 8.08(5)(a)(iii) conduct research, including, but not limited to, the location, evaluation, and collection of information, from a wide variety of sources.
 - 8.08(5)(a)(iv) process data and report results.
 - 8.08(5)(a)(v) evaluate and select new information resources and technological innovations based on appropriateness for specific tasks.
 - 8.08(5)(b) use technology resources to engage in ongoing professional development and enhance lifelong learning.
 - 8.08(5)(c) continually evaluate and reflect on professional practice to make informed decisions regarding the use(s) of technology in support of student learning.
 - 8.08(5)(d) apply technology to increase productivity.
 - 8.08(5)(e) use technology to communicate and collaborate with peers, parents, and stakeholders, in support of student learning.
- 8.08(6) The educational technology teacher is knowledgeable about social, ethical, legal, and human issues, as related to technology, and is able to:

- 8.08(6)(a) demonstrate uses of technology systems, resources, and applications, as aligned with laws, rules, and policies, including those at the district and school level.
 - 8.08(6)(b) instruct students about legal and ethical practice(s), as related to technology use and the responsible use of technology systems, information, and software
 - 8.08(6)(c) apply technology resources to enable and encourage learners with diverse backgrounds, characteristics, and abilities, to receive an optimal education.
 - 8.08(6)(d) promote the safe and healthy use of technology resources.
 - 8.08(6)(e) facilitate equitable access to technology resources for all students.
- 8.08(7) The instructional technology teacher shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.09 English/Language Arts Education.

To be endorsed in English language arts education, an applicant shall have completed a bachelor's or higher degree from a four-year accepted institution of higher education; an approved teacher preparation program; an approved program in English language arts; and, have demonstrated the competencies specified below.

- 8.09(1) The English/language arts educator is knowledgeable about the content of the English/language arts, and is able to: develop English/language arts skills in students, based on an applicable understanding of the history and structure of the English language, including, but not limited to the impact of literary, psycholinguistic, sociolinguistic, cultural, familial, and other relevant factors, and is able to:
- 8.09(1)(a) articulate, to students, an understanding of the relationships between the English/language arts and their applications, including, but not limited to: reading, writing, speaking, listening, and viewing.
 - 8.09(1)(b) select, adapt, and create resources, instructional materials, and coursework which provide students at all academic levels with:
 - 8.09(1)(b)(i) multiple and varied ways of reinforcing and adding to English/language skills development.
 - 8.09(1)(b)(ii) opportunities to gain an understanding and appreciation of the history, structure, and evolving nature of the English language.
 - 8.09(1)(b)(iii) the ability to use appropriate variations in language depending on purpose and audience.
 - 8.09(1)(b)(iv) the ability to use standard English (e.g. usage, grammar, spelling, syntax, etc.)
 - 8.09(1)(b)(v) an understanding of both the language of culture and the culture of language, when communicating with and understanding others, in a variety of situations, from formal to informal.

- 8.09(2) The English/language arts educator is knowledgeable about literature written for adolescents and adults, and is able to continuously present an age-appropriate selection of a wide and balanced variety of literary works, authors, and genres, to students including, but not limited to:
- 8.09(2)(a) traditional and contemporary age-appropriate literature representing a range of cultures and viewpoints from the United States and other countries and cultures.
 - 8.09(2)(b) works of theory and criticism.
- 8.09(3) The English/language arts educator is knowledgeable about appropriate, varied, and high quality literature which can demonstrate to students that literature is central to the humanities and provides a shared reference point from which questions of values, attitudes, and beliefs can be explored, and is able to present opportunities for students to:
- 8.09(3)(a) learn to enjoy and appreciate literature.
 - 8.09(3)(b) gain a critical understanding of a wide variety of literary types, styles, and themes -both fiction and non-fiction.
 - 8.09(3)(c) explore, analyze, interpret, and evaluate literature.
 - 8.09(3)(d) demonstrate their comprehension of texts in a variety of forms of literature and writings.
 - 8.09(3)(e) use a range of written and oral, and formal and informal means of responding to literature
 - 8.09(3)(f) gain an appreciation of literature that reflects the breadth and diversity of the human experience.
- 8.09(4) The English/language arts educator is knowledgeable about developing students' abilities to read strategically, and is able to instruct them about skills related, but not limited to:
- 8.09(4)(a) analyzing, identifying and clarifying the meaning of texts.
 - 8.09(4)(b) comprehending, interpreting, and evaluating texts.
 - 8.09(4)(c) choosing reading materials with increasing sophistication.
 - 8.09(4)(d) understanding the synergistic relationship between reading and writing.
- 8.09(5) The English/language arts educator is knowledgeable about a wide range of readings, from fiction and non-fiction print literature to non-print texts; classical literary genres to those in popular culture; traditional to contemporary works, and is able to provide students with the skills and abilities to:
- 8.09(5)(a) make sound choices for individual reading.
 - 8.09(5)(b) read independently for pleasure, as well as for learning and research.
 - 8.09(5)(c) develop individual strategies for reading and comprehending texts.
 - 8.09(5)(d) hear expert reading and are given opportunities to become expert readers.

- 8.09(5)(e) ask strategic questions, predict, infer, paraphrase, and summarize what they have read.
- 8.09(6) The English/language arts educator is knowledgeable about written communication, and able to develop skills and abilities, including, but not limited to:
 - 8.09(6)(a) effectively composing, for different purposes and audiences, in a variety of ways, and through a variety of genres.
 - 8.09(6)(b) utilizing effective writing processes (e.g. planning, drafting, revising, proofreading, editing, publishing).
 - 8.09(6)(c) effectively employing rules of written language.
 - 8.09(6)(d) utilizing appropriate and effective thinking skills (e.g. problem solving, analysis, synthesis, evaluation, etc).
- 8.09(7) The English/language arts educator is knowledgeable about oral communication, and is able to develop appropriate student usage thereof, including, but not limited to:
 - 8.09(7)(a) employing communication strategies for different purposes and audiences in a variety of formats;
 - 8.09(7)(b) utilizing appropriate oral communication process, (e.g. research, organization, presentation, and incorporation of feedback);
 - 8.09(7)(c) applying elements of effective communication (e.g. clarity of thought and speech, appropriateness of language, effective use of voice and articulation, and listening skills);
 - 8.09(7)(d) employing listening and speaking as complementary processes.
- 8.09(8) The English/language arts educator is knowledgeable about instructional strategies and is able to instruct so that students on how to develop an appropriate vocabulary, and are able to use written and oral language for a variety of communication purposes, by providing them with opportunities to:
 - 8.09(8)(a) practice and gain proficiency in the art of written and oral communication, for a variety of purposes and audiences.
 - 8.09(8)(b) reinforce writing and speaking skills, to underscore their importance in learning and communicating.
 - 8.09(8)(c) experience thoughtful guided discourse, that allows the practice of a variety of communication strategies.
 - 8.09(8)(d) be evaluated on oral presentations and written work based upon a prearranged clearly defined set of criteria that provides fair and constructive feedback for improvement.
- 8.09(9) The English/language arts educator is knowledgeable about visual communication and information processes, and is able to instruct students about:
 - 8.09(9)(a) active and constructive viewing and the visual representation of ideas to assure clear understanding of what is intended.

- 8.09(9)(b) critically evaluating information, media, and technology.
 - 8.09(9)(c) utilizing technological resources for the access, selection, and application of relevant information.
 - 8.09(9)(d) identifying the influence of mode and style on representation of content.
 - 8.09(9)(e) identifying relevant research for various purposes and materials.
- 8.09(10) The English/language arts educator is knowledgeable about technology and media and is able to incorporate them so that students become familiar with visual communication and information processes, and are able to:
- 8.09(10)(a) acquire knowledge through the use of a variety of strategies, resources, processes, and technologies.
 - 8.09(10)(b) judge the quality, usefulness, and appropriateness of media and technology presentations.
 - 8.09(10)(c) use multi-media technology.
 - 8.09(10)(d) identify visual and electronic texts as significant components of the English language arts, and be able to select, analyze, and evaluate them, based on need or usefulness
- 8.09(11) The English/language arts educator is knowledgeable about student assessments, and is able to:
- 8.09(11)(a) develop demonstrations of proficiency, which are appropriate to the English language arts classroom.
 - 8.09(11)(b) articulate the relationship between standards, assessments, curricula, and classroom instructional strategies.
 - 8.09(11)(c) analyze and incorporate assessment data:
 - 8.09(11)(c)(i) into the planning for individual and group instruction.
 - 8.09(11)(c)(ii) into the diagnosis of individual student and group needs to increase and/or enhance achievement, including, but not limited to remediation or acceleration.
 - 8.09(11)(d) incorporate a range of clearly identified, useful, appropriate, fair, and equitable assessment methods to provide students with:
 - 8.09(11)(d)(i) feedback, guidance, and instruction, as necessary, to increase their proficiency in reading, writing, speaking, and listening.
 - 8.09(11)(d)(ii) multiple opportunities to create products which demonstrate competence in communication through a variety of means, including, but not limited to audio/visual, written, and oral presentation.
 - 8.09(11)(d)(iii) instruction based on assessments of students' needs and on approved standards for English language arts.

- 8.09(12) The English/language arts educator is knowledgeable about literacy, and is able to:
- 8.09(12)(a) provide students with extensive opportunities to acquire and use language and to evaluate literature and texts through reading, writing, speaking, listening, and viewing.
 - 8.09(12)(b) demonstrate and promote a commitment to the development of literacy and its applications.
 - 8.09(12)(c) assist students whose first language is other than English in developing fluency and competence in English language arts.
 - 8.09(12)(d) develop materials and activities that promote student understanding of the synergistic interrelationship between all of the English language arts, as defined in 8.09(1)(a).
 - 8.09(12)(e) assist students in identifying and defining questions, as related to literature and other texts.
 - 8.09(12)(f) effectively model to students, the mastery of English oral and written language.
 - 8.09(12)(g) select, adapt, and create resources based on an assessment of student academic needs, relevant to required curricula, age, and/or grade-level expectations, and levels of English-language proficiency.
 - 8.09(12)(h) refine instruction and instructional materials based on student progress.
 - 8.09(12)(i) create an inclusive, challenging, engaging classroom environment, in which individual ideas are valued.
 - 8.09(12)(j) incorporate student content standards into ongoing lesson plans.
 - 8.09(12)(k) utilize assessments results to evaluate and improve teaching effectiveness and to plan for professional growth.
- 8.09(13) The English/language arts educator is able to effectively communicate to students, parents, staff, and other interested audiences, about curriculum, assessment, class requirements, methods of instructional delivery, and high standards and expectations for all students.
- 8.09(14) The English/language arts educator has completed the field experience requirements.

8.10 Foreign Language.

To be endorsed in foreign language education, K-12, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved teacher preparation program, and an approved program for the preparation of foreign language teachers; and have demonstrated the competencies specified below.

8.10 The foreign language educator is knowledgeable about foreign language, and is able to:

- 8.10(1) listen, speak, read, and write the language(s) of specialization, at a proficient level, for the purposes of interpersonal, interpretive, and presentational communication. The languages approved for endorsement by the State of Colorado include, but may not be limited to: French, German, Italian, Japanese, Russian, and Spanish.

- 8.10(2) read and interpret written texts of classical languages; write at a proficient level; and speak at a novice level. The classical language approved for endorsement by the state of Colorado includes, but may not be limited to: Latin.
- 8.10(3) The foreign language educator shall be knowledgeable about language(s) and culture(s); can describe their inter-relationships; and is able to articulate:
- 8.10(3)(a) perspectives, to students, other educators, and interested stakeholders, related to historic and contemporary ideas, attitudes, and values of the members of a society, their history, and the language(s) they speak.
 - 8.10(3)(b) the practices, within a society, that are based on historical, geographical, and sociological influences representative of the culture(s) of the foreign language being taught.
 - 8.10(3)(c) the contributions and achievements of the culture to the fields of literature, the arts, science, mathematics, business, technology, and other related and appropriate areas.
 - 8.10(3)(d) the geographic, economic, social, and political features of traditional and contemporary cultures, as associated with the foreign language(s).
 - 8.10(3)(e) the socio-linguistic and cultural differences that exist among heritage language speakers, and
 - 8.10(3)(f) is able to create a learning environment which accepts, encourages, and promotes the culture(s) and language(s) that heritage language speakers bring into the classroom.
- 8.10(4) The foreign language educator is knowledgeable about language acquisition, at all age and grade levels, and is able to:
- 8.10(4)(a) articulate the proven theories of and relationship between first and second language acquisition.
 - 8.10(4)(b) implement effective instructional techniques and strategies, as necessary for developing literacy skills in first and second languages, and articulate to students that:
 - 8.10(4)(b)(i) the primary way language is acquired is when it is used to communicate ideas that have meaning to the speaker.
 - 8.10(4)(b)(ii) receptivity is imperative in learning a new language.
 - 8.10(4)(c) adjust instruction to meet the diverse needs of all students.
- 8.10(5) The foreign language educator is knowledgeable about student content standards for foreign language education, and is able to:
- 8.10(5)(a) align foreign language curriculum and instruction, for consistency, with adopted State content standards; state and school district priorities and objectives; and other relevant policies.
 - 8.10(5)(b) utilize a wide variety of instructional strategies that enable students to meet adopted foreign language content standards.

- 8.10(5)(c) select and use assessments that align with State standards and content objectives.
 - 8.10(5)(d) use the foreign language content standards in the planning of the effective delivery of instruction to improve student achievement.
- 8.10(6) The foreign language educator is knowledgeable about K-12 foreign language curriculum, and is able to:
- 8.10(6)(a) identify and implement proven and effective foreign language program models that are cumulative, continuous, proficiency-oriented, and part of the integrated K-12 sequence.
 - 8.10(6)(b) plan and implement a foreign language instruction program that is sequential, well-articulated, and effective.
 - 8.10(6)(c) select and utilize curriculum materials relevant to and appropriate for the age, background, and proficiency levels of students, including, but not limited to, heritage language speakers.
 - 8.10(6)(d) articulate to a wide variety of audiences, the essential role that foreign languages have, and can play, as related to the total school curriculum, and including all content areas.
- 8.10(7) The foreign language educator is knowledgeable about K-12 foreign language instruction and instructional resources, and is able to:
- 8.10(7)(a) select and implement a variety of effective teaching methods and strategies to correspond with the cognitive, social, and physical developmental levels of K-12 foreign language and heritage language-speaking students.
 - 8.10(7)(b) select and implement a variety of effective teaching methods and strategies that promote development of literacy skills in K-12 students.
 - 8.10(7)(c) design and implement effective short-and long-term standards-based instructional plans.
 - 8.10(7)(d) evaluate the effect(s) of various teaching strategies on student performance, on an ongoing basis, documented by data collected on a variety of appropriate and relevant informal and formal student assessments.
 - 8.10(7)(e) select activities and instructional materials that effectively engage students in learning and align their knowledge, skills, and abilities with adopted Colorado foreign language student content standards.
 - 8.10(7)(f) work with members of the school and community to provide students with opportunities for interaction in a wide and appropriate/relevant variety of cultural and linguistic contexts.
 - 8.10(7)(g) provide adequate information to students regarding the use of appropriate and relevant resources and technology, to maximize student performance and improve achievement.
- 8.10(8) The foreign language educator is knowledgeable about foreign language acquisition assessment, and is able to:

- 8.10(8)(a) develop and implement valid, reliable, and relevant assessment tools, including using rubrics.
 - 8.10(8)(b) develop and implement a variety of formal, standardized, and informal classroom assessments, appropriate to all developmental levels of K-12 students, as consistent with instructional strategies.
 - 8.10(8)(c) determine appropriate methods of collecting, summarizing, interpreting, reporting, and articulating assessment results to students, parents, other educators, the school district, interested stakeholders, and to other relevant entities which require data about student achievement.
 - 8.10(8)(d) use ongoing assessment, and related data, to modify and enhance instruction, improve student performance, and to measure student progress over time.
- 8.10(9) The foreign language educator is knowledgeable about the historic and contemporary perspectives and implications of and for foreign language education, and is able to:
- 8.10(9)(a) articulate historic and modern influences, and prevailing attitudes that have shaped K-12 foreign language education.
 - 8.10(9)(b) articulate and follow the national and state laws, and local school district and other policies, that influence foreign language education.
 - 8.10(9)(c) incorporate applicable goals and objectives of multi-linguistic and multicultural programs, with effective K-12 foreign language education.
 - 8.10(9)(d) incorporate documented proven and effective second-language acquisition theories and teaching practices, that can maintain and improve student achievement.
 - 8.10(9)(e) articulate and advocate for foreign language education for all students.
- 8.10(10) The foreign language educator is knowledgeable about, and engaged in, professional development which leads to improved student achievement, and:
- 8.10(10)(a) participates, regularly, in professional growth opportunities.
 - 8.10(10)(b) participates, as appropriate and relevant, in state, regional, national, local, and other relevant professional foreign language or foreign-language related organizations.
 - 8.10(10)(c) continually and reflectively evaluates the effect and impact of professional education choices on instructional practice and student achievement.
 - 8.10(10)(d) acquires access to resources that support K-12 foreign language study.
 - 8.10(10)(e) fosters positive relationships between and among school colleagues, families, and related community stakeholders, in support of foreign language instruction and student achievement.
- 8.10(11) American Sign Language. To be endorsed in American Sign Language, P-21, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved teacher preparation program, and an approved program for the preparation of American Sign Language teachers; and have demonstrated the competencies for American Sign Language.

8.11 Health.

To be endorsed in health, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved teacher preparation program; an approved program in health; and shall have demonstrated the competencies specified below:

8.11(1) The health educator is knowledgeable about the content of physical and mental health, and is able to incorporate the following, into the various aspects of health instruction and delivery, with recognition of the cultural, societal, and familial sensitivity necessary to handle often controversial subject matter with students of differing personal characteristics and circumstances, backgrounds, and developmental stages:

8.11(1)(a) information about ecology and its interaction with society, as related to, but not limited to, studies in such fields as the biological and behavioral sciences.

8.11(1)(b) bases for students to make informed and healthy life choices about current and continuing health issues of individuals in a society, including, but not limited to: physical, emotional, and social health; alcohol, tobacco, and other controlled substances; prescription medication; wellness, nutrition, and exercise; disease prevention and control; and communicable and non-communicable diseases.

8.11(1)(c) information on individual rights, options, and responsibilities, with regard to health care.

8.11(1)(d) information about physical and psychological human growth and development; the status of, and matters related to, individual, self-monitored, and family health, as relevant to, and appropriate to, a health instruction curriculum and program, and the age and/or grade level of students.

8.11(2) The health educator is knowledgeable about evaluation and identification of criteria for evaluation, and is able to articulate effectively to students regarding the use of valid and reliable health information and resources, including, but not limited to:

8.11(2)(a) consumer health; public and school healthcare programs; informed selection of health products and services; consumer protection agencies and other related resources; health fallacies and superstitions; health insurance and plans; health care systems; health care-related technology; and accurate information-technology and other informational sources.

8.11(2)(b) identification of emerging health problems and issues, in general, and as specifically related to urban, suburban, and rural areas.

8.11(3) The health educator is knowledgeable about and is able to effectively articulate to students regarding the dynamics of accidents, and how to create conditions conducive to safe living.

8.11(4) The health educator is knowledgeable about, and is able to effectively promote health and health care careers to students.

8.11(5) The health educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.12 Family and Consumer Studies Education.

To be endorsed in family & consumer studies education, secondary, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved program in family and consumer studies education; and have demonstrated the competencies listed below:

8.12(1) The family and consumer studies educator shall have extensive preparation in family and consumer studies education, and is knowledgeable about and able to effectively instruct students regarding the following content areas:

8.12(1)(a) human development and parenting, to include, but not be limited to:

8.12(1)(a)(i) theories, principles, and sequences of human development - prenatal through late adulthood; and family structures and functions as they can influence, support, and/or inhibit human development.

8.12(1)(a)(ii) the family, as the basis of a strong society, including, but not limited to, the historical and cultural elements of family structures; what is essential for a healthy marriage, i.e. commitment and determination to build a long-lasting relationship; role expectations; nuclear and extended family interaction; and universal core values, e.g. caring, responsibility, respect, trust, relationships.

8.12(1)(a)(iii) cultural and individual community differences; social issues; ethical conduct; and legal rights, obligations, and responsibilities.

8.12(1)(a)(iv) selection of a spouse and development of a parenting partnership.

8.12(1)(a)(v) developmentally-appropriate parenting skills, including, but not limited to the nurturing, intellectual and creative stimulation, health, nutrition/exercise, safety, and constructive discipline of children.

8.12(1)(a)(vi) strategies for balancing work and family life, including, but not limited to, time and financial management, and criteria for evaluating family support services, e.g. child and elder care.

8.12(1)(b) nutrition and foods, to include, but not be limited to:

8.12(1)(b)(i) food chemistry, preparation, packaging, food allergies, the global market, and biotechnology.

8.12(1)(b)(ii) dietary elements and determination of adequacy; sources and functions of nutrients; criteria for making appropriate nutritional, fitness/exercise, and wellness choices - with recognition given to cultural considerations and style of life, and health and nutrition-related issues, conditions, and diseases.

8.12(1)(b)(iii) food safety, personal hygiene, and safety practices/standards according to industry standards, including official and/or accepted industry hygiene standards.

8.12(1)(b)(iv) use of cooking tools and equipment; methods and terminology; use and conversion of recipes; incorporation of research, preparation, product, and general technology; evaluation, use, and preparation of convenience foods; and the basic skills of food preparation, balance and portion control, and presentation.

8.12(1)(c) resource management, to include, but not be limited to:

- 8.12(1)(c)(i) personal finance management principles and skills of the various life stages: budgeting; banking; saving and investment; credit - and its use and misuse; insurance; taxes; estate planning; and consideration of the effect of legislation, public policy, and economic conditions on personal financial choices.
- 8.12(1)(c)(ii) consumer market skills - rights and responsibilities; laws and public policy; comparative shopping; evaluation of advertising claims; and consumer complaints, resources, and options.
- 8.12(1)(c)(iii) consumer resource management skills: values and goals; community resources; sound criteria for decision-making; and information, technology, and human resources.
- 8.12(1)(c)(iv) the active role consumers can play in business and public decision-making and policy-formation, with regard to housing, clothing, transportation, energy conservation, environmental issues, etc.
- 8.12(1)(c)(v) principles and elements of design, as applied to clothing and the housing environment; and consideration and selection, as based on historical, psychological, physical, social, and cultural needs, and in accordance with personal preference.
- 8.12(1)(c)(vi) selection, use, care, and disposal of fibers, fabrics, and finishes, as specifically applied to clothing and to the housing environment.
- 8.12(1)(d) interpersonal relationships, to include, but not be limited to:
 - 8.12(1)(d)(i) individual self concept, wellness, and responsible decision making related to personal choices, throughout various life stages, in the areas such as substance abuse, sexuality, violence, and conflict resolution.
 - 8.12(1)(d)(ii) personal goal-setting and decision-making; work ethic; communication, leadership, teamwork, and negotiations skills; and coping strategies, i.e. to handle and manage peer pressure, change, and crisis situations.
 - 8.12(1)(d)(iii) cultural and style of life choices; social issues; legal and ethical rights and responsibilities, in a variety of life-affecting situations.
- 8.12(2) The family and consumer studies educator is able to:
 - 8.12(2)(a) use a variety of assessment strategies, applicable to family and consumer studies education, to determine the learning needs, comprehension, and levels of experience of participating students.
 - 8.12(2)(b) design programs and activities for students that incorporate core and other academic skills and abilities with career/technical content, to provide students with relevant and current information about the key issues, concepts, competencies and skills necessary, for personal application by the student, and/or for work/employment in a specific industry.
 - 8.12(2)(c) instruct students about employment basics and employability skills, family and consumer studies career pathways, and qualities necessary to function in the work place.

- 8.12(2)(d) inform students about careers in family and consumer studies professions and related fields, such as in service-oriented industries; and about the role professional organizations play, in the field.
- 8.12(2)(e) evaluate, purchase, and maintain an inventory of appropriate equipment, technology, materials, and products.
- 8.12(2)(f) demonstrate for and instruct students about necessary safety practices and procedures;
- 8.12(2)(g) demonstrate for and instruct students in the proper identification, storage, handling, use and disposal of food.
- 8.12(2)(h) articulate to students a well-founded philosophy regarding career and technical education; keep students aware of current issues in the field; and present relevant and appropriate issues, with clarity and without bias.
- 8.12(2)(i) arrange for and supervise relevant and appropriate experiences and opportunities, in simulated or "real-world" environments, which can enable students to base their decision-making on first-hand knowledge and sound criteria:
 - 8.12(2)(i)(i) provide coordination for cooperative/internship programs and off-site experiences for students, by maintaining business/industry/inter-and intra-school partnerships, and/or other community and school district contacts.
 - 8.12(2)(i)(ii) provide students with a wide variety of opportunities to gain experience with, and be able to exercise initiative in applying the skills and abilities required in family and consumer studies; and to earn awards and recognition, through participation in student vocational and/or community service organizations.
 - 8.12(2)(i)(iii) provide supervision of students during community service, travel, conferences, and related instructional family and consumer studies activities.

8.12(3) The family and consumer studies educator is able to demonstrate the value of family and consumer studies professions, by seeking professional development, and by remaining current in the field and participating in appropriate professional organizations.

8.12(4) The family and consumer studies educator is able to develop additional resources, as appropriate and necessary, from and within the community and the school itself.

8.12(5) Field experiences: the family and consumer studies educator shall complete the experience requirements, which shall include, but not be limited to: general career/technical knowledge about the world of work and the skill and processes that cut across industries, as well as industry-specific knowledge and demonstrations of proficiency in the use of a variety of technological applications, in a lab and/or natural setting.

8.13 To be endorsed in Technology Education,

early adolescence: ages 11-15 or young adult: ages 14-18+, an applicant shall have completed broad liberal arts preparation, the approved program of professional education as prescribed in section 5.00 of the State Board of Education rules, and an approved program in Technology Education designed to develop knowledge and skills in the following areas:

8.13(1) Knowledge: The beginning technology educator shall have:

- 8.13(1)(a) a basic understanding of the history of technology education and the historical development and trends of technology and technology education.
- 8.13(1)(b) an extensive preparation in technology systems and processes and demonstrate applied knowledge with respect to the following areas.
 - 8.13(1)(b)(i) communications/information - including verbal, written, graphic, and electronic components.
 - 8.13(1)(b)(ii) transportation - including power, energy, mechanical systems, and land/sea/air/space transportation of people and materials.
 - 8.13(1)(b)(iii) production - including construction, manufacturing, authoring, design, and prototyping
- 8.13(1)(c) additional preparation and demonstrate applied knowledge in the natural physical sciences, including environmental, as used in technological systems and processes.
- 8.13(1)(d) additional preparation and demonstrate applied knowledge in mathematics as used in technological systems and processes.
- 8.13(1)(e) extensive preparation in the principles of contextual learning methodology.
- 8.13(1)(f) a knowledge and understanding of workforce preparation documents and employability skills and standards.
- 8.13(1)(g) a basic understanding of the principles of high principles of high productivity organizations from business and industry.
- 8.13(1)(h) a basic understanding of the economic, political, and legal consequences inherent within the application of technological systems and processes to our society.
- 8.13(1)(i) extensive preparation in application of the various tools accessible by students to facilitate improved self-learning.
- 8.13(1)(j) a basic understanding of the methodologies of research into projected developments and applications of emerging technologies.
- 8.13(1)(k) an understanding of good questioning skills and techniques to be used with students and peers to collect, organize, and interpret information.
- 8.13(1)(l) the knowledge and understanding to organize and manage a student organization.

8.13(2) Performances: The beginning technology educator is able to:

- 8.13(2)(a) manage all student work areas in a safe and prudent manner and guide students in the safe use of tools, systems, and processes in school-based and work-based learning sites.
- 8.13(2)(b) guide students to become knowledgeable in:
 - 8.13(2)(b)(i) application of academic concepts from math, science, and communications as it applies to technological systems and processes.

- 8.13(2)(b)(ii) allocation of resources such as time, money, materials, facilities, and human resources.
- 8.13(2)(b)(iii) acquisition, evaluation, organization, interpretation, and communication of information related to technological systems and processes.
- 8.13(2)(b)(iv) selection and application of technology appropriate to tasks.
- 8.13(2)(b)(v) the maintenance of systems of information, technology, and personal records.
- 8.13(2)(b)(vi) application of relevant conflict resolution techniques as applied to the workplace.
- 8.13(2)(c) work as a team member in conjunction with academic and other occupational educators to develop systems that support learning across curricular disciplines.
- 8.13(2)(d) demonstrate competency in the management of equipment, materials, supplies, and people.
- 8.13(2)(e) demonstrate good questioning skills and techniques to be used with students and peers to collect, organize, and interpret information.
- 8.13(2)(f) employ interpersonal and organizational skills to develop an ongoing working relationship with community business and industry partners.
- 8.13(2)(g) communicate the possible career pathways for students entering an occupation in the communications, transportation, production, and environmental areas.
- 8.13(2)(h) guide students in the use of communication technologies to research occupational clusters occupational opportunities.
- 8.13(2)(i) guide students to develop problem solving techniques or adopt problem solving techniques from other sources.
- 8.13(2)(j) demonstrate the proper use of tools, systems, and processes appropriate to the course content with respect to the acceptable standards of business and industry.
- 8.13(2)(k) construct individual and cooperative learning experiences which integrate school-based and work-based learning for students utilizing student-centered approaches.
- 8.13(2)(l) reinforce the academic concepts through demonstrating their practical applications.
- 8.13(3) Field Experiences: The beginning technology educator has completed the field experience requirements as prescribed in sections 17.01 (6) and 17.01 (6) (h) of these Rules.

8.14 Mathematics Education.

To be endorsed in mathematics, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved teacher preparation program; an approved program in mathematics; and have demonstrated the competencies specified below:

8.14(1) The mathematics educator is knowledgeable about the history of mathematics, and is able to:

- 8.14(1)(a) articulate, to students, and effectively instruct about the developmental contributions of mathematical systems to and from diverse cultures and societies.
- 8.14(1)(b) effectively demonstrate, to students, number systems, number theory, and algebraic structures to include, but not be limited to:
 - 8.14(1)(b)(i) number sense, including mental mathematics, estimation, and reasonableness of results.
 - 8.14(1)(b)(ii) basic number theory, the role of algorithms, and alternative computational algorithms.
 - 8.14(1)(b)(iii) the theory and applications of abstract and linear algebra.
- 8.14(1)(c) effectively demonstrate, to students, and instruct about functions, to include, but not be limited to:
 - 8.14(1)(c)(i) precise mathematical language and symbolism.
 - 8.14(1)(c)(ii) recognition of functions as a unifying concept in mathematics.
 - 8.14(1)(c)(iii) polynomial, rational, algebraic, and transcendental functions and their applications.
 - 8.14(1)(c)(iv) a variety of representations of functions: tabular, graphical, symbolic, verbal, and how to utilize, compare, and contrast these representations.
 - 8.14(1)(c)(v) the distinction between use of continuous and discrete approaches in the solution of mathematical problems.
- 8.14(1)(d) effectively demonstrate, to students, and instruct about geometry and measurement, to include, but not be limited to:
 - 8.14(1)(d)(i) a solid foundation in the basics of Euclidean geometry in two and three dimensions.
 - 8.14(1)(d)(ii) geometric investigations through two-and three-dimensional physical models, drawings, and computer and calculator graphics.
 - 8.14(1)(d)(iii) synthetic, coordinate, transformational, and vector geometry, with an emphasis on problem-solving.
 - 8.14(1)(d)(iv) geometric reasoning, both formal and informal, using the van hiele hierarchy
 - 8.14(1)(d)(v) the role of the axiomatic method and proof.
 - 8.14(1)(d)(vi) the role of non-Euclidean geometries.
 - 8.14(1)(d)(vii) connections of geometry to other math disciplines, especially between algebra and geometry.
 - 8.14(1)(d)(viii) attributes of measurement including length, area, volume, capacity, time, temperature, angles, weight, and mass.

- 8.14(1)(d)(ix) standard and non-standard units of measurement, including both metric and U.S... customary.
- 8.14(1)(d)(x) derivations of the formulas for the perimeter, area, and volume of common figures.
- 8.14(1)(d)(xi) indirect measurement and its applications.
- 8.14(1)(d)(xii) dimensional analysis.
- 8.14(1)(e) effectively demonstrate, to students, and instruct about statistics and probability, to include, but not be limited to:
 - 8.14(1)(e)(i) descriptive and inferential statistics and probability from both experimental and theoretical viewpoints.
 - 8.14(1)(e)(ii) discrete and continuous probability distributions and use of such distributions to make inferences about probability.
 - 8.14(1)(e)(iii) collecting, organizing, analyzing, and interpreting data, and effective communication of the results.
 - 8.14(1)(e)(iv) exploratory data analysis including measures of central tendency, measures of variation, and general distributions.
 - 8.14(1)(e)(v) multiple representations of data including histograms and box plots.
 - 8.14(1)(e)(vi) confidence intervals, hypothesis testing, correlation, and regression.
 - 8.14(1)(e)(vii) simulation, as a problem-solving technique for making decisions.
 - 8.14(1)(e)(viii) empirical probability, using both hands-on and computer simulations.
 - 8.14(1)(e)(ix) geometric probability
 - 8.14(1)(e)(x) potential misuses of statistics and common misconceptions surrounding probability
- 8.14(1)(f) effectively demonstrate, to students, and instruct about mathematical models which occur in the physical or biological sciences, and in areas related to population dynamics, economics, or scheduling problems, including, but not limited to, such concerns as traffic flow.
- 8.14(1)(g) effectively instruct students regarding calculus and analysis, to include, but not be limited to: conceptual knowledge of limit, infinity, continuity, differentiation, and integration; applications of calculus in the sciences and business; modeling and solving problems involving rates of change and optimization; and sequences and series.
- 8.14(1)(h) effectively instruct students regarding discrete mathematics to include, but not be limited to: symbolic logic, induction and recursion, relations, equivalence relations and functions, introduction to graph theory and modeling applications, difference equations, linear programming, and introduction to combinatorics.
- 8.14(2) The mathematics educator is able to effectively demonstrate, to students, and instruct about:

- 8.14(2)(a) approaches to problem-solving, which utilize mathematical content, in identifying, analyzing, formulating, and solving problems that occur in mathematical processes and everyday situations.
 - 8.14(2)(b) the utilization of mathematical ideas, verbally and in writing, using both everyday language and mathematical terminology.
 - 8.14(2)(c) the utilization of verbal and written discourse, between teacher and students, and among students, to develop and extend students' mathematical understanding.
 - 8.14(2)(d) the construction and evaluation of mathematical conjectures and arguments, to validate one's own mathematical thinking.
 - 8.14(2)(e) independent study in mathematics.
 - 8.14(2)(f) the use of mathematics in studying patterns and relationships.
 - 8.14(2)(g) the interrelationships within mathematics; how to connect concrete, pictorial, and abstract representations; connections between mathematics and other disciplines, and real world situations, through the selection of appropriate applications from fields such as, but not limited to, natural sciences, social sciences, business, and engineering, and is able to:
 - 8.14(2)(h) utilize a wide variety of resource materials, including, but not limited to: manipulative materials, graphing calculators, computers, and other technologies, as tools in learning and for the application(s) of mathematics.
 - 8.14(2)(i) utilize assessment data to monitor students' acquisition of mathematical skills and abilities, and in the process of determining appropriate delivery of instruction, based on identified student need; and to select appropriate mathematical tasks to reinforce and promote students' development of mathematical concepts and skills.
 - 8.14(2)(j) create an engaging and effective environment in which all students develop mathematically, in order to participate more fully in a technologically-based society.
 - 8.14(2)(k) create an environment in which reflection, uncertainty, and inquiry are incorporated in the learning of mathematics skills, abilities, and concepts.
 - 8.14(2)(l) apply appropriate knowledge of current research in the teaching and learning of mathematics, and incorporate national, state, and local guidelines, related to mathematics instruction.
- 8.14(3) The mathematics educator shall consistently seek out professional development in the field of mathematics which can provide enhanced knowledge, skills, and abilities in the content area and participate in professional organizations, as appropriate and relevant to the field.
- 8.14(4) Field experiences: the mathematics educator has completed the field experience.

8.15 Music.

To be endorsed in music, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved teacher preparation program, an approved program in music, and shall have demonstrated the competencies specified below:

- 8.15(1) The music educator is knowledgeable about the content of music, and is able to:

- 8.15(1)(a) produce sound(s), and perform, by singing, and/or playing, on a variety of instruments, and produce other sources of sound, through a diverse repertoire of music.
 - 8.15(1)(b) organize and produce sound through the improvisation, composing, and arranging of music.
 - 8.15(1)(c) effectively instruct students with regard to listening, analyzing, evaluating, and describing music and its various elements.
 - 8.15(1)(d) provide students with an understanding of how music developed throughout history, and in multiple cultures; and its influence in and on those and other/later cultures.
 - 8.15(1)(e) develop music literacy in students, as based on notational systems and performance practices of various historical and cultural traditions
- 8.15(2) The music educator is able to effectively instruct students about the methods, materials, and literature, integral, but not limited to, one or more of the following areas of specialization:
- 8.15(2)(a) instrumental music, to include, but not be limited to:
 - 8.15(2)(a)(i) knowledge of wind, string, and percussion instruments; techniques and strategies; and sufficient instrumental skills to assure effective and accurate instruction of students.
 - 8.15(2)(a)(ii) performance, as relevant to solo and small and large instrumental ensembles.
 - 8.15(2)(a)(iii) conducting varied instrumental ensembles, in a variety of performance modes.
 - 8.15(2)(a)(iv) the incorporation of other forms of artistic expression, e.g. voice, dance, and theater, into instrumental performance(s).
 - 8.15(2)(b) vocal and choral music, including, but not limited to:
 - 8.15(2)(b)(i) knowledge of vocal and choral techniques and strategies, and sufficient vocal skills to assure effective and appropriate instruction of students.
 - 8.15(2)(b)(ii) performance, as relevant to solo and small and large vocal and choral ensembles.
 - 8.15(2)(b)(iii) the conducting of varied large and small vocal and choral ensembles, in a variety of performance modes.
 - 8.15(2)(b)(iv) the incorporation of other forms of artistic expression, e.g. instrumental music, dance, and theater, into vocal performance(s).
 - 8.15(2)(c) general music classroom instruction including, but not limited to:
 - 8.15(2)(c)(i) concepts and skill development through performing (e.g. singing, playing instruments), describing (e.g. using movement or musical notation), and creating (e.g. through improvisation, composing, arranging).

8.15(2)(c)(ii) providing students with an understanding of the commonalities music has with/within other disciplines; and about how music serves as an application of, but is not limited to, such core academic disciplines as math, science, language arts, and the social studies.

8.15(2)(c)(iii) the implementation of appropriate music classroom activities for students, through which they can experience and learn about a wide variety of musical instruments; singing; listening; and other relevant music skills.

8.15(2)(c)(iv) development of students' ability to appreciate a wide variety of music and musical experiences.

8.15(3) The music educator shall advocate for students to develop skills for lifelong learning about, and involvement with music, and the personal pursuit of further experience(s) in instrumental and vocal music, and in advanced instructional settings, as appropriate.

8.15(4) The music educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.16 Physical Education.

To be endorsed in physical education, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved teacher preparation program; an approved program in physical education; and have demonstrated the competencies specified below:

8.16(1) The physical education educator is knowledgeable about the content of physical education, and is able to:

8.16(1)(a) articulate effectively the socio-cultural, philosophical, and psychological foundations of physical education, including the historical development of play, games, dance, and sports, and the study of human growth and development, to students, other educators, and interested stakeholders.

8.16(1)(b) effectively articulate the physical and biological science foundations of physical education, including, but not limited to, such areas as: human anatomy, exercise physiology, kinesiology, and health.

8.16(1)(c) effectively instruct students about the fundamentals of physical movement, including the patterns and types of movement, gymnastics, tumbling, games, team and individual sports, physical fitness, and perceptual motor activities.

8.16(2) The physical education educator is knowledgeable about, and is able to demonstrate, and effectively instruct students, at appropriate age/grade levels, about:

8.16(2)(a) four or more individual and/or dual activities, including, but not limited to: wrestling, track and field, tennis, bowling, golf, badminton, archery, rodeo, gymnastics, aquatics, rhythm, dance, weight-training, and fitness.

8.16(2)(b) four or more team sports and/or games, including, but not limited to: baseball, softball, basketball, la crosse, field hockey, water polo, flag and contact football, soccer, volleyball, and skiing.

8.16(3) The physical education educator is knowledgeable about and able to demonstrate the organization, planning, administering, teaching, and evaluating of a program of physical education, including, but not limited to:

- 8.16(3)(a) adaptive physical education
- 8.16(3)(b) first aid
- 8.16(3)(c) prevention and care of athletic injuries
- 8.16(3)(d) rules and officiating
- 8.16(3)(e) analyses and techniques involved with competitive sports.

8.16(4) The physical education educator provides students with motivation and encouragement to establish attitudes, behaviors, and pursue activities, which will result in lifetime fitness.

8.16(5) The physical education educator self-assesses the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.17 Science Education.

To be endorsed in science education, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education, have completed an approved teacher preparation program; an approved program in science education; and have demonstrated the competencies specified below:

8.17(1) The science educator is knowledgeable about the content of the sciences, and is able to effectively instruct students regarding:

8.17(1)(a) physics, chemistry, biology, earth and space science, environmental science, and applicable mathematics, and

8.17(1)(b) shall have completed an area or areas of concentration in, demonstrate knowledge of and effectively instruct students about one or more areas selected from:

8.17(1)(b)(i) physics to include, but not be limited to: general and experimental physics, mechanics, electricity, magnetism, quantum and atomic physics, sound, and optics.

8.17(1)(b)(ii) chemistry to include, but not be limited to: general chemistry, organic chemistry, inorganic chemistry, analytical chemistry, and physical chemistry.

8.17(1)(b)(iii) biology to include, but not be limited to: general biology, environmental biology, biotechnology, genetics, evolution, human anatomy, ecology, molecular biology, and matter and energy in living systems.

8.17(1)(b)(iv) earth and space science to include, but not be limited to: historical and physical geology, astronomy, environmental science, meteorology, oceanography, geomorphology, stratigraphy, mineralogy, and earth systems.

8.17(1)(b)(v) general science to include, but not be limited to: general chemistry, physics, biology, earth and space science, environmental science, and applicable mathematics.

8.17(2) The science educator is knowledgeable about and is able to:

- 8.17(2)(a) effectively articulate to students, current issues and events affecting or affected by science; age-/grade-appropriate controversial topics, from multiple science perspectives, including historical and philosophical bases; and an analytical approach to students, with clarity and without bias.
- 8.17(2)(b) effectively demonstrate to students, and instruct them about the use of a wide variety of science tools; primary and secondary source materials; print resources; laboratory and natural settings; and technological resources.
- 8.17(2)(c) effectively instruct students about: the design of experiments; data reporting; use of appropriate and relevant technology; interpretation of results; and the steps which may be taken in the presentation of the processes involved and the results obtained.
- 8.17(2)(e) effectively integrate technology into instructional and assessment strategies, as appropriate to science education and the learner.
- 8.17(2)(f) effectively instruct students about the connections between and among the various science disciplines and within other disciplines, where relevant and appropriate.
- 8.17(2)(g) effectively demonstrate for and instruct students about, the basic elements of the nature of science, including, but not limited to: inquiry, curiosity, discovery, openness to new ideas, and skepticism.
- 8.17(2)(h) effectively communicate to students about the historical and dynamic nature of science.
- 8.17(2)(i) demonstrate, for students, the connection between an inquiry-based lesson and a larger conceptual-based module, and the linkage of both to state-approved student science content standards.
- 8.17(2)(j) effectively demonstrate, and instruct to students about, the linkage(s) between curriculum, instruction, and assessment, as related to state-approved student science content standards.
- 8.17(2)(k) effectively demonstrate, and instruct to students about, safety considerations in science instruction and in the science classroom, including, but not limited to:
 - 8.17(2)(k)(i) proper use, storage, and disposal or maintenance of biological, chemical, and scientific equipment, and specimens, and is able to:
 - 8.17(2)(k)(ii) instruct and supervise students in the proper preparation and use of laboratory equipment and materials.
 - 8.17(2)(k)(iii) evaluate laboratory settings, equipment, materials and procedures, to identify and manage the resolution of potential safety hazards.
 - 8.17(2)(k)(iv) provide solutions to equipment problems, with the ability to make minor adjustments in the operation of equipment.
- 8.17(2)(l) incorporate, into planning, information related to state and federal regulations, legal issues, and guidelines pertaining to scientific materials and specimens.

- 8.17(3) Field experiences: have completed supervised field experience in an elementary or secondary school at the appropriate grade level(s) for endorsement.
- 8.17(4) The science educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.18 Social Studies Education.

To be endorsed in social studies, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; an approved teacher preparation program; have completed an approved program in social studies; and have demonstrated the competencies specified below:

- 8.18(1) The social studies educator is knowledgeable about the social studies, including history, geography, political science, and economics, and is able to effectively instruct students about:
- 8.18(1)(a) history, including, but not limited to Colorado, United States, and world history, beyond a regional focus.
 - 8.18(1)(b) geography, including, but not limited to cultural and physical geography.
 - 8.18(1)(c) political science, including, but not limited to that of the United States, and comparative state, local, and other national governments.
 - 8.18(1)(d) economics, including, but not limited to that of comparative economic theories, applications, and institutions, past and present, and micro-, macro-and global economics.
 - 8.18(1)(e) the behavioral and social sciences, including, but not limited to psychology, sociology, anthropology, and concepts related and integral to the historical and current organization of culture and society.
- 8.18(2) The social studies educator is knowledgeable about, and is able to:
- 8.18(2)(a) effectively demonstrate to and instruct students about civil discourse in the classroom, including, but not limited to the utilization of oral and written communication and presentation.
 - 8.18(2)(b) effectively analyze social and historical events, from multiple perspectives, for students, to articulate an appropriate analytical approach, with clarity and balance, and without bias.
 - 8.18(2)(c) effectively integrate discussion of, and address with students, grade level/age-appropriate current events and issues, including, but not limited to controversial issues, with clarity and balance, and without bias.
 - 8.18(2)(d) effectively instruct students about the use of primary and secondary source documents, as acquired through appropriate use of technology, and through other relevant means, as part of informed research, and in the acquisition and enhancement of knowledge and skills.
 - 8.18(2)(e) effectively teach students the skills of data analysis and interpretation.
 - 8.18(2)(f) promote appropriate, relevant, positive and productive community service and experiences, to students.

- 8.18(2)(g) provide students with identifiable connections between the various social science disciplines and other disciplines.
 - 8.18(2)(h) implement informal and formal assessment tools, relevant and appropriate to the social studies classroom, and apply assessment data to planning for student instruction.
 - 8.18(2)(i) effectively demonstrate to and instruct students, about elements of the social studies applications, including, but not limited to: inquiry, an openness to new ideas, skepticism, analysis, problem-solving, decision-making, and active citizenship, and provide opportunities for students to utilize these skills.
- 8.18(3) Field experiences: the social studies teacher education student shall complete the field experience requirements, which may include interdisciplinary coursework.
- 8.18(4) The social studies educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.19 Speech.

To be endorsed in speech, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved teacher preparation program; an approved program in speech; and have demonstrated the competencies specified below:

- 8.19 The teacher of speech is knowledgeable about speech and communication, and is able to:
- 8.19(1) articulate and demonstrate the principles of effective communication, to a wide variety of audiences, including, but not limited to students and staff.
 - 8.19(2) effectively demonstrate and instruct students about effective inter-and intra-personal communication methods and techniques, including, but not limited to: nonverbal communication, conflict management, emphatic understanding, and responding.
 - 8.19(3) effectively demonstrate and instruct students about techniques for effective group communication, including, but not limited to: small group communication, organizational communication, group process leadership, critical listening, discussion, inquiry, problem solving, and decision making.
 - 8.19(4) effectively demonstrate and instruct students about techniques utilized in non-print media, including, but not limited to: radio and television; film-making; mass media; mass communication; and the evaluation, effect, and aesthetic dimensions of media.
 - 8.19(5) articulate and demonstrate techniques used in effective public communication, including, but not limited to those of voice and diction; public address, (including preparation, rehearsal, presentation, and feedback); oral interpretation; rhetoric; forensics; debate; and readers' theater.
 - 8.19(6) articulate and instruct students about elements of the psychology of communication, including, but not limited to effective methods of persuasion; mass communication; semantics; sociolinguistics; persuasive campaigns; social movements; textual and impact analysis (i.e. consumer affairs); argumentation; motivation; clarification; aesthetic strategies; and the adaptation of communication strategies to a wide variety of situations, settings, and audiences.
 - 8.19(7) demonstrate to students effective intercultural communication strategies, based on, but not limited to, respect for individual differences, as related to ethnic, cross-cultural, economic, gender, and other communication studies, and the elimination of stereotyping.

- 8.19(8) effectively demonstrate to students methods of teaching speech communication, including, but not limited to: language acquisition; communication in classroom environments; directing forensics and debate; teaching with group process; creative drama; approaches to listening; overcoming communication anxiety; and performance evaluation.
- 8.19(9) the speech educator shall self-assess the effectiveness of instruction, as based on the learning and achievement of students, and pursue continuous professional development: through appropriate activities, including speech-related activities involving students; coursework, as relevant; and through participation in relevant professional organizations.

8.20 (Rule number reserved.)

8.21 Trade and Industry Education.

To be endorsed in trade and industry education, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; an approved teacher preparation program; have completed an approved program in trade and industry education; and, shall have demonstrated the competencies specified below:

- 8.21(1) The trade and industry educator is knowledgeable and able to effectively instruct students about the content of trade and industry education, including, but not limited to:
- 8.21(1)(a) concepts, skills, abilities and expectations, relevant to trades and industries, in general.
 - 8.21(1)(b) the occupational (career and/or technical) content areas, which are appropriate for instruction in secondary schools.
- 8.21(2) The trade and industry educator is knowledgeable and able to effectively instruct students in one or more occupational (career and/or technical) content areas.
- 8.21(3) The trade and industry educator is able to:
- 8.21(3)(a) instruct students about the dynamic effects of trade and industry, and vocational (career and technical) education, on the history and development of society(ies).
 - 8.21(3)(b) demonstrate and effectively instruct students about the skills, abilities, and other aspects, requisite for career development and proficiency, and for further training and education, in one or more specific occupational content areas, including, but not limited to:
 - 8.21(3)(b)(i) the relationship between an occupation and its practical application(s) of, and incorporation of, academic subject matter, concepts, skills, and abilities, including but not limited to, communication, problem-solving, inquiry, and analysis, as relevant to a wide range of work settings.
 - 8.21(3)(b)(ii) the safe, efficient, and effective use of state-of-the-art and other available, still- utilized, tools, equipment, materials, and resources, as may be appropriate and relevant to the content area, and in a variety of settings and circumstances.
 - 8.21(3)(b)(iii) the appropriate integration of and applications of relevant technology, within the occupational content area.

8.21(3)(b)(iv) the relevant and current standards, practices, and policies, affecting the occupational content area, trade and industry, in general, and relevant practical applications.

8.21(3)(b)(v) business and management practices, including, but not limited to planning; organizing; managing; acquisition of equipment, machinery, tools and supplies and their maintenance and storage; record-keeping; budgeting; accounting; marketing; and practical applications, in a variety of work-place settings.

8.21(3)(b)(vi) the relationship between business and economics, and producers, consumers, communities, states, and the country.

8.21(3)(b)(vii) ethical considerations, including, but not limited to high professional standards, a strong work ethic, personal responsibility, and life-long learning.

8.21(4) The trade and industry educator shall provide students with:

8.21(4)(a) a wide variety of instructional approaches, adapted to meet the needs of a diverse student population.

8.21(4)(b) a safe and engaging instructional space, which includes the establishment and implementation of appropriate and relevant rules and practices, related to appropriate maintenance, storage, distribution, and use of equipment, machinery, tools, materials, and supplies.

8.21(4)(c) a wide variety of engaging hands-on cognitive and psychomotor experiences, relevant to the content area, including the use of related technology, to optimize learning and its practical applications.

8.21(4)(d) appropriate and state-of-the art equipment, supplies, and materials, within fiscal means.

8.21(4)(e) assessments and self-assessments that promote occupational skills' proficiency.

8.21(5) The trade and industry educator is knowledgeable about, and participates in:

8.21(5)(a) life-long learning and the continuing acquisition of current information, relative to the occupational content area, and the improvement of effective instructional delivery of that content area, to students.

8.21(5)(b) curriculum implementation across the curriculum, and articulation between secondary and post-secondary education programs, both occupational and academic.

8.21(5)(c) the advocacy for, formation and/or ongoing development of, and/or implementation of, appropriate content-related student organizations and promotion of student participation in appropriate occupational and professional organizations.

8.21(6) The trade and industry educator shall complete the field experience requirements, as prescribed.

8.21(7) The trade and industry educator shall self-assess the effectiveness of instruction, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

8.22 Culturally and Linguistically Diverse Education.

To be endorsed in culturally and linguistically diverse ("CLD") education, K-12, an applicant shall hold a bachelor's degree or higher from a four-year accepted institution of higher education; shall hold an Initial or Professional Teacher License ; and shall have demonstrated competencies specified below by completion of a Colorado approved program for the preparation of an educator of culturally and linguistically diverse student populations in accordance with 7.02 (1) or verification of 24 semester hours of coursework from an accepted institution of higher education as determined by the Department of Education through transcript review in accordance with 7.02 (2) (a).

8.22(1) The educator of CLD student populations must be knowledgeable, understand and be able to use the major theories, concepts and research related to language acquisition and language development for CLD students. In support of student learning, the candidate must demonstrate understanding and ability to implement research-based knowledge about:

8.22(1)(a) Linguistics that include orthography, phonology, morphology, vocabulary, syntax, semantics, and pragmatics applied to English language development for linguistically and culturally diverse students;

8.22(1)(b) Instructional practices that support acquisition of English language as an additional language for CLD students;

8.22(1)(c) Written and oral discourse that includes intention and functions of speech, genres, and organizational features and patterns; and,

8.22(1)(d) Sociolinguistics that include cultural references, register, varieties of dialects and accents, and nonverbal communication.

8.22(2) The educator of CLD student populations must be knowledgeable, understand, and be able to apply the major theories, concepts and research related to literacy development for CLD students. In support of student learning, the CLD educator must demonstrate understanding and ability to implement research-based knowledge about:

8.22(2)(a) Literacy instruction, including the identification and use of linguistic interdependence, to support development of the four components of language development (listening, speaking, reading, writing and critical thinking) in English for CLD students;

8.22(2)(b) The basic elements of literacy and the ability to provide effective instruction that is systematic, comprehensive and effective in support of the English language developmental needs of CLD students;

8.22(2)(c) Language and literacy development for CLD students for social and instructional purposes in the school setting, with an emphasis on communication of information, ideas, and concepts necessary for academic success, particularly in Language Arts, Mathematics, Science and Social Studies;

8.22(2)(d) The contribution of native language to acquisition of English as an additional language; and

8.22(2)(e) The distinction between language differences and learning disabilities.

- 8.22(3) The educator of CLD student populations must understand and implement strategies and select materials to aid in English language and content learning. In support of student learning, the CLD educator must demonstrate understanding and ability to implement research-based knowledge about:
- 8.22(3)(a) The functions of the English language to second language learners to support their development of both social and academic language skills;
 - 8.22(3)(b) Effective instructional techniques, methodologies, and strategies to develop English language literacy and to meet the diverse needs of second language learners, including those students with learning disorders;
 - 8.22(3)(c) Effective instruction and instructional planning that is systemic, sequential, well-articulated, and delivered in an engaging environment;
 - 8.22(3)(d) Selection and utilization of instructional materials and resources that are age, grade level, and language-proficiency appropriate, that are aligned with the curriculum, English language proficiency standards, and English language arts content standards, and that maintain and/or improve student achievement;
 - 8.22(3)(e) Maintenance and support of high academic performance standards and expectations for CLD student populations; and,
 - 8.22(3)(f) Providing content instructional strategies that integrate the development of English language literacy and content literacy to improve student access to content curricula, particularly in Language Arts, Mathematics, Science and Social Studies.
- 8.22(4) The educator of CLD student populations must be knowledgeable, understand, and be able to apply the major theories, concepts and research related to culture, diversity and equity in order to support academic access and opportunity for CLD student populations. In support of student learning, the CLD educator must be able to demonstrate knowledge and understanding of:
- 8.22(4)(a) Colorado state law and federal law, history and socio-political context related to CLD student populations, education, multicultural education, and bilingual education;
 - 8.22(4)(b) The role of culture in language development and academic success;
 - 8.22(4)(c) The relation of cultural identity and heritage language to English language learning and academic success;
 - 8.22(4)(d) The contribution of heritage language maintenance to the development of English language literacy; and
 - 8.22(4)(e) The relationship of culture to family and community involvement in schools in order to communicate, collaborate, and enhance involvement.
- 8.22(5) The educator of CLD student populations must be knowledgeable, understands, and be able to use progress monitoring in conjunction with formative and summative assessments to support student learning. In support of student learning, the candidate must demonstrate knowledge and ability to:
- 8.22(5)(a) Assist content teachers in the interpretation of summative assessments of content knowledge, including national content assessments and Colorado-approved content assessments, for the purpose of guiding instruction and learning for CLD students;

- 8.22(5)(b) Administer and interpret the results of summative assessments of English language proficiency, including national and Colorado-approved content assessments for the purpose of assessing English proficiency and guiding instruction;
- 8.22(5)(c) Develop, administer and interpret the results of formative assessments and progress monitoring of English language proficiency that are appropriate for the language proficiency level of the student for the purpose of guiding instruction; and
- 8.22(5)(d) Demonstrate knowledge and ability to communicate and collaborate with other educators, service providers, and student population family members to identify and assist in the implementation of a comprehensive instructional plan that responds to the socio- economic, academic, and linguistic needs of CLD students.

8.23 Culturally and Linguistically Diverse (CLD) Bilingual Education Specialist.

To be endorsed as a CLD Bilingual Education Specialist, k-12, an applicant shall have completed a bachelor's degree or higher, from an accepted institution of higher education, shall hold an Initial or Professional Teacher License, shall have completed an approved program for the preparation of an educator of bilingual education, and shall have demonstrated the competencies specified below.

8.23(1) The CLD Bilingual Education Specialist must be knowledgeable about and able to demonstrate:

- 8.23(1)(a) A high level of proficiency in the standards noted in 8.22 (1-5);
- 8.23(1)(b) Ability to implement research-based knowledge to effectively deliver literacy and content instruction in a heritage language of a current Colorado student population;
- 8.23(1)(c) Research-based knowledge and ability to utilize students' heritage language to help them transition skills and strategies learned in the heritage language to literacy and content areas in English;
- 8.23(1)(d) Demonstrate the research based knowledge and ability to plan and implement lessons to help students make cross-language connections;
- 8.23(1)(e) A high level of biliteracy and academic language proficiency, in English and in one other heritage language used by Colorado students, as determined by the Department (including, but not limited to reading, writing, listening, oral communication and critical thinking);
- 8.23(1)(f) Understanding and ability to implement research-based knowledge to discriminate between effective and ineffective bilingual programs in order to develop and deliver effective research-informed structures and programs that support bilingual development;
- 8.23(1)(g) Proficiency and ability to teach in a non-English language; and,
- 8.23(1)(h) Understanding of research-based knowledge of the culture and history of a heritage language community of Colorado students.

2260.5-R-9.00 Special Education Endorsements.

22-60.5-106 (2) C.R.S. requires the Department to endorse a teacher license with special education if the teacher has completed a program in special education offered by an accepted institution of higher education, which program content has been approved by the State Board of Education. The following shall serve as standards for Special Education endorsements on Initial and Professional Licenses. All endorsement standards shall be updated for appropriateness, usefulness, and benefit to Colorado students and schools.

9.00(1) Special Education Core. A Special Education Core represents those competencies expected of all special education teachers.

9.00(1)(a) Growth and Development

9.00(1)(a)(i) Knowledge of normal child growth and development in terms of physical, communicative, psychological and social/emotional functioning and their application to developmental, educational, and vocational progress.

9.00(1)(a)(ii) Knowledge of the impact of specific disabilities on growth and development, including on learning.

9.00(1)(a)(iii) Knowledge of the impact of cultural differences on child growth and development.

9.00(1)(a)(iv) Knowledge of the health and physical requirements, and for various disabilities.

9.00(1)(b) Teaching-Learning Process

9.00(1)(b)(i) Knowledge of scientifically-based learning theories and the application to students with disabilities.

9.00(1)(b)(ii) Knowledge of initial and on-going assessment strategies for students with disabilities to include observation, record review, interview, criterion and norm referenced testing. Demonstrated ability to interpret results to determine an individual's level of functioning, existence of an educational disability, characteristics of service to meet these needs, and monitoring of individual progress.

9.00(1)(b)(iii) Knowledge of the process of individualizing education to include screening and referral, multidisciplinary assessment, and individual program planning.

9.00(1)(b)(iv) Knowledge of classroom management and behavioral management techniques and differentiated instruction to facilitate individual growth of students with disabilities.

9.00(1)(b)(v) Knowledge and techniques of career education programming for students with disabilities, to include development of independent living skills.

9.00(1)(c) Communication and Human Relations.

9.00(1)(c)(i) Knowledge of skills for interacting with students, professionals, and parents in a professional manner.

- 9.00(1)(c)(ii) Knowledge of the role of parents in the educational process and strategies for parent involvement.
- 9.00(1)(c)(iii) Knowledge of resources and services for students with disabilities and how to access the various systems.
- 9.00(1)(c)(iv) Knowledge of the roles and relationships of the education team members including instructional and administrative positions.
- 9.00(1)(d) Foundations and Professionalism.
 - 9.00(1)(d)(i) Knowledge of foundations of special education, including history, philosophy, funding, and delivery systems for students with disabilities.
 - 9.00(1)(d)(ii) Knowledge of professional ethics and responsibilities.
 - 9.00(1)(d)(iii) Knowledge of current research and its interpretation and application.
 - 9.00(1)(d)(iv) Knowledge of the legal rights of students with disabilities.
 - 9.00(1)(d)(v) Knowledge of current issues and trends in the education of students with disabilities.
- 9.00(1)(e) Field Experiences. Student teaching under a college supervisor and a licensed teacher in a setting that is consistent with the preservice preparation of the student teacher.

9.01 Special Education Specialist.

To be endorsed as a special education specialist, an applicant shall hold a Colorado Initial or Professional License as a special education generalist, or demonstrate through multiple performance measures, the competencies required for a special education generalist endorsement; have earned a master's degree or higher from an accepted institution of higher education, in an approved program for the preparation of special education specialists; and have demonstrated the competencies specified below.

- 9.01(1) The special education specialist is knowledgeable about professional leadership; the critical roles and responsibilities of effective ethical leadership; best instructional practices; how to effectively address outcomes for all learners, including those with disabilities; and is able to:
 - 9.01(1)(a) use the Colorado standards to develop Individualized Educational Plans (IEPs) for students with diverse educational needs.
 - 9.01(1)(b) recognize limitations of professional expertise and collaborate, and consult with appropriate support services, to meet the needs of students and their families.
 - 9.01(1)(c) effectively coach and mentor other education professionals, to ensure that individuals with disabilities have access to, and appropriately participate in, the general education curriculum and instructional programs.
 - 9.01(1)(d) initiate effective collaborative relationships with other community agencies and programs, where appropriate, to gain access to resources and to promote improved quality of education for students with disabilities.
 - 9.01(1)(e) effectively articulate and model, to other professionals, the legal and ethical aspects of the special education profession.

- 9.01(1)(f) demonstrate effective consultation and collaboration skills with students, families, and professional colleagues in administrative, instructional, and intervention settings.
 - 9.01(1)(g) provide leadership in transitioning students, within and across systems, so that students have the skills, knowledge, and ability they need to achieve desired outcomes.
 - 9.01(1)(h) develop and effectively use accountability systems to document the academic and related success of students with disabilities, and to improve instruction and the provision of services, as appropriate.
 - 9.01(1)(i) assume proactive roles, in management, governance, and leadership, within relevant professional organizations and educational systems.
 - 9.01(1)(j) develop and implement professional development programs and constructive evaluation procedures designed to improve instructional content and practices.
 - 9.01(1)(k) mentor colleagues using a variety of adult learning methods that include, but not limited to, coaching and demonstrating effective instructional delivery.
 - 9.01(1)(l) engage in ongoing and sustained professional development.
- 9.01(2) The special education specialist is knowledgeable about the foundations of special education and the legal framework, historical precedents, curricular foundations, and cultural/socio-economic factors affecting students with disabilities, and is able to:
- 9.01(2)(a) develop, implement, and supervise individualized education planning.
 - 9.01(2)(b) consult and collaborate effectively, with educators, families, and community members to facilitate learning.
 - 9.01(2)(c) modify and create successful learning environments for all children and youth, and incorporate knowledge of effective and proven past practices, cultural influences, and socio-economic factors.
 - 9.01(2)(d) evaluate and select effective appropriate curriculum-related materials, to improve student learning.
- 9.01(3) The special education specialist is knowledgeable about learning needs and effective instructional approaches for learners with special needs, and is able to:
- 9.01(3)(a) assess the influence of economic, cultural, sociological and linguistic factors on learning, and address in planning for student learning.
 - 9.01(3)(b) use a variety of continuous monitoring strategies to measure learning, adjust instruction, and enhance student progress towards standards' acquisition, in literacy and numeracy.
 - 9.01(3)(c) effectively demonstrate, effectively implement and evaluate a wide variety of appropriate instructional strategies.
 - 9.01(3)(d) develop and effectively implement instructional programs for acquisition, maintenance, generalization, and application of knowledge and skills.
 - 9.01(3)(e) effectively teach students methods of attaining educational goals, and assist them in developing the means to act independently.

- 9.01(3)(f) design, communicate, and implement effective accommodations for use in a variety of environments.
 - 9.01(3)(g) effectively teach the assessment, use, and implementation of assistive technology to students and colleagues.
- 9.01(4) The special education specialist is knowledgeable about cognition, communication, and language; proven documented theories of cognition, communication and language development; curriculum planning; instruction; and evaluation; and is able to:
- 9.01(4)(a) assess and evaluate the communicative and cognitive skills of students with disabilities, in coordination with other related-profession specialists.
 - 9.01(4)(b) assist in the design of curriculum and instruction, as based on cognitive, communicative, and language assessment results.
 - 9.01(4)(c) incorporate principles of speech and language acquisition into the teaching of literacy skills, including the grapho-phonemic, syntactic, semantic, and pragmatic aspects of language development and communicative competence.
 - 9.01(4)(d) use assessment strategies to identify cognitive, language, and communication needs affected by cultural, language-diversity, neurological, and psycho-linguistic factors, and address in planning.
- 9.01(5) The special education specialist is knowledgeable about social/emotional needs, including the behavioral, social, and emotional needs inherent in the development of learners with disabilities, and is able to:
- 9.01(5)(a) assess the impact of psychological, sociological, cultural, and ecological factors, on the development and implementation of educational interventions, to positively affect the behavior of students with special needs.
 - 9.01(5)(b) develop, implement, and coordinate functional behavioral assessments.
 - 9.01(5)(c) choose, use, and interpret behavior and social assessment tools.
 - 9.01(5)(d) develop, implement, supervise, evaluate, and modify, where necessary, individual behavior support plans.
 - 9.01(5)(e) apply effective educational practices designed to improve the acquisition of social skills.
 - 9.01(5)(f) apply fair, consistent, and effective systemic management strategies to prevent problem behavior.
 - 9.01(5)(g) select, apply, and monitor educational interventions to safely, effectively, manage students in crisis.
 - 9.01(5)(h) assess and monitor the impact of psycho-pharmacological interventions on student learning and behavior.
 - 9.01(5)(i) apply information about mental illness to the development, evaluation, and implementation of educational interventions.

9.01(6) The special education specialist is knowledgeable about specialized educational needs, and the unique characteristics of learners with significant health, physical, sensory, and communication concerns, across learning environments, and is able to:

9.01(6)(a) assess, develop and implement appropriate and effective accommodations for learners with health, physical, and sensory needs.

9.01(6)(b) analyze, select and implement effective assistive technologies to facilitate students' learning communication.

9.01(6)(c) demonstrate and implement strategies that enhance mobility, appropriate positioning and environmental access for learners with significant physical and health needs.

9.01(6)(d) collaborate with appropriate health professionals to assist in the development and implementation of health care plans.

9.01(6)(e) analyze, select, and implement strategies that effectively support access to the general education curriculum for learners with health, physical, and sensory needs.

9.01(7) The special education specialist is knowledgeable about practice-based inquiry, are reflective practitioners, and is able to:

9.01(7)(a) engage in professional discourse about effective and proven research-based practices.

9.01(7)(b) use qualitative and quantitative forms of inquiry to collect, analyze, and synthesize data, to improve practice.

9.01(7)(c) collaborate with colleagues and parents to study, analyze, and respond to data that positively affect practices and policies for whole school improvement.

9.01(7)(d) utilize proven and effective research to guide practice and create appropriate and effective learning experiences for students.

9.01(7)(e) select and use appropriate inquiry tools.

9.01(7)(f) design and implement documented and effective research models that constructively challenge hypotheses about teaching and learning.

9.01(7)(g) disseminate documented, proven, effective practice(s).

9.01(7)(h) gain access, via technology and other means, to a range of databases to acquire relevant information and support practice.

9.01(7)(i) adhere to ethical principles for conducting research with human subjects.

9.01(7)(j) involve students, parents, and colleagues in the design, implementation, and analysis of effective classroom practice.

9.01(7)(k) evaluate the effects of choices and actions on student learning and modify learning and related plans, accordingly.

9.02 Special Education Specialist: Visually Impaired, for Ages Birth to 21.

To be endorsed as a special education specialist: visually impaired, for ages birth - 21, an applicant shall have earned a master's degree or higher or its equivalent from an accepted institution of higher education, in an approved program for the preparation of special education specialists: visually impaired; and have demonstrated the competencies specified below.

9.02(1) The special education specialist: visually impaired is knowledgeable about the foundations of special education, including, but not limited to the legal framework, historical precedents, auricular foundation, and cultural and socio-economic factors affecting students with visual impairment(s) and other disabilities, and is able to:

9.02(1)(a) articulate, to a variety of audiences, regarding the models, theories, the historical foundation, and philosophies that provide the bases for special education practice, as related to learners who are visually impaired.

9.02(1)(b) articulate, to a variety of audiences, variations in beliefs, traditions, and values, across cultures, and their effect on attitudes toward, and expectations for, students with visual impairment(s).

9.02(1)(c) identify and gain access to federal entitlements that provide specialized equipment and materials for students with visual impairment(s).

9.02(1)(d) articulate and explain current educational definitions, identification criteria, labeling issues, and incidence and prevalence figures, for students with visual impairment(s) and deaf blindness.

9.02(2) The special education specialist: visually impaired is knowledgeable about the characteristics of learners; human development; and the implications of blindness, visual impairment(s), and deaf blindness upon developmental and academic skills acquisition, and is able to articulate, and incorporate into the planning for students, relevant information about the:

9.02(2)(a) structure, function, and normal development, of the human visual system.

9.02(2)(b) basic terminology, manifestations, and educational implications, of diseases and disorders of the human visual system.

9.02(2)(c) effects of medication(s) on the function(s) of the visual system.

9.02(2)(d) development of other senses, when vision is impaired.

9.02(2)(e) the effects of visual impairment(s) on early development of motor skills, cognition, social/emotional interaction, self-help, communication, and on early literacy.

9.02(2)(f) similarities and differences between the cognitive, physical, cultural, social, emotional, sensory, and literacy needs of students, with, and without, visual impairment(s).

9.02(2)(g) differential characteristics of students with visual impairments), including levels of severity and the impact of concomitant additional disabilities.

9.02(2)(h) the effects of visual impairment(s) on the family and the reciprocal impact on the individual's self-esteem.

9.02(2)(i) psychosocial aspects of visual impairment(s).

- 9.02(2)(j) the impact of visual impairment(s) and deaf blindness on formal and incidental learning experiences.
 - 9.02(2)(k) psychosocial aspects of visual impairment(s).
- 9.02(3) The special education specialist: visually impaired is knowledgeable about visual disorders, and is able to:
- 9.02(3)(a) explain the characteristics of visual disorders, to families, and to other educational service providers.
 - 9.02(3)(b) describe the effects of visual impairment(s), with and without additional disabilities, on development, learning, and literacy.
 - 9.02(3)(c) provide information regarding the cognitive, communication, physical, medical, cultural, social, emotional, sensory, and literacy needs of students with visual impairment(s), to their families and to educational and related service providers.
 - 9.02(3)(d) recommend adaptations within instructional environments, to identify and accommodate individual sensory need(s).
- 9.02(4) The special education specialist: visually impaired is knowledgeable about assessment and evaluation, and is able to:
- 9.02(4)(a) complete accurate assessments of students' developmental and academic performance, and apply the information in planning for students, and is able to articulate to a variety of audiences regarding:
 - 9.02(4)(a)(i) specialized terminology, as used in the medical diagnoses and educational assessment(s) of students with visual impairment(s).
 - 9.02(4)(a)(ii) specific assessments that measure functional vision and learning modalities.
 - 9.02(4)(a)(iii) ethical considerations, legal provisions, regulations, and guidelines, as related to the valid and relevant assessment of students with visual impairment(s).
 - 9.02(4)(a)(iv) specialized policies and procedures for screening, pre-referral, referral, classification, and placement of students with visual impairment(s).
 - 9.02(4)(a)(v) alternative assessment tools and techniques for students with visual impairment(s), including, but not limited to, state or district-level alternate assessment practices.
 - 9.02(4)(a)(vi) appropriate interpretation and application of assessment scores for students with visual impairment(s) and deaf blindness.
 - 9.02(4)(a)(vii) the relationship(s) between assessment, individualized family service plan (IFSP) and individualized education plan (IEP) development, and placements), as each affects the educational services provided to students with visual impairment(s).
- 9.02(5) The special education specialist: visually impaired is knowledgeable about and able to evaluate the validity of individual tests, for use with students with visual impairment(s), and is able to:

- 9.02(5)(a) use disability-specific assessment instruments.
 - 9.02(5)(b) adapt and implement a variety of assessment procedures, in evaluating students with visual impairments) and deaf blindness.
 - 9.02(5)(c) interpret eye reports, and other information related to the visual impairment(s), including, but not limited to, low-vision evaluation reports, to students with visual impairment(s), their families, and to other educational and related service providers.
 - 9.02(5)(d) utilize assessment and performance data, to develop specific recommendations for modification(s) of, and accommodations for, the student's learning environment(s), and for educational materials.
 - 9.02(5)(e) conduct, interpret, and apply the results of formal and informal assessment(s) of functional vision and learning modalities.
 - 9.02(5)(f) create and maintain disability-related records for students with visual impairment(s).
 - 9.02(5)(g) gather background information and family history, relevant to the individual student's visual status and instructional needs.
 - 9.02(5)(h) incorporate assessment information into the development of IFSPs and IEPs.
 - 9.02(5)(i) utilize assessment information to develop literacy modality plans for students with visual impairment(s).
- 9.02(6) The special education specialist: visually impaired is knowledgeable about instructional content and practice, specialized instructional strategies, and appropriate accommodation(s), and is able to articulate about; apply in planning for; demonstrate; and/or teach learners with visual impairment(s):
- 9.02(6)(a) the use of the abacus, slate and stylus, Braille writer, electronic note taker(s), talking calculator, tactile graphics, computers, and other types of access and adaptive technology.
 - 9.02(6)(b) basic concepts, as related to content standards.
 - 9.02(6)(c) increasing visual access, to and within learning environments, as related to instruction, in the use of print adaptations, and optical and non-optical devices.
 - 9.02(6)(d) increasing non-visual access to learning environments.
 - 9.02(6)(e) alternative reasoning and decision-making skills.
 - 9.02(6)(f) organization and study skills.
 - 9.02(6)(g) structured pre-cane orientation and mobility assessment and instruction;
 - 9.02(6)(h) tactual perceptual skills;
 - 9.02(6)(i) health and health issues.
 - 9.02(6)(j) adapted physical and recreational skills.

- 9.02(6)(k) social and daily living skills.
 - 9.02(6)(l) developing career awareness and providing them with vocational counseling.
 - 9.02(6)(m) promoting self-advocacy.
 - 9.02(6)(n) identifying sources of, and acquiring, specialized instructional and other relevant materials.
 - 9.02(6)(o) identifying techniques for the adaptation of instructional methods and materials.
- 9.02(7) The special education specialist: visually impaired is knowledgeable about planning for the instruction of students with visual impairment(s), and is able to:
- 9.02(7)(a) develop comprehensive short- and long-range individualized learning programs for students with visual impairment(s) and deaf blindness.
 - 9.02(7)(b) prepare appropriate individual and group lesson plans.
 - 9.02(7)(c) involve the student with visual impairment(s) in setting instructional goals and charting progress.
 - 9.02(7)(d) select, adapt, and utilize instructional strategies, and materials, appropriate to the learning needs of the student with visual impairment(s).
 - 9.02(7)(e) use strategies to help students learn, maintain new skills, and be able to generalize those skills across other learning environments.
 - 9.02(7)(f) choose and implement instructional techniques that promote successful transitions for students with visual impairment(s).
 - 9.02(7)(g) evaluate and modify instruction, according to student need.
 - 9.02(7)(h) interpret and use multiple sources of assessment data in planning for the instruction of students with visual impairment(s) and deaf blindness.
 - 9.02(7)(i) choose and use appropriate forms of technology to accomplish instructional objectives for students with visual impairment(s), and integrate technology into the instructional process.
 - 9.02(7)(j) sequence, implement, and evaluate learning objectives, based on standards-based education, and the expanded core curriculum, for students with visual impairment(s).
 - 9.02(7)(k) teach students with visual impairment(s) to think, solve problems, and utilize other cognitive strategies, to meet individual learning needs.
- 9.02(8) Special education specialists: visually impaired, is knowledgeable about effective planning for, and management of, the teaching and learning environment, to provide a setting conducive to group and individualized learning, and is able to:
- 9.02(8)(a) transcribe, proofread, and interline materials, in contracted literary, nemeth, and foreign language Braille codes.

- 9.02(8)(b) utilize specialized equipment and software, such as Braille writers, slate and stylus, computerized Braille transcription, and tactile image enhancers, to prepare adapted or modified materials in Braille, accessible print, tactile, and other formats appropriate to the assessed needs of students with visual impairment(s).
 - 9.02(8)(c) obtain and organize materials intended to implement instructional objectives for students with visual impairment(s).
 - 9.02(8)(d) design multi-sensory learning environments, that engage the active participation of students with visual impairment(s), in group and individual activities.
 - 9.02(8)(e) design and implement strategies and techniques that facilitate the inclusion of students with visual impairment(s) into a wide variety of educational and community settings.
 - 9.02(8)(f) direct the activities of a classroom paraprofessional, volunteer, peer tutor, or Braille transcriber.
 - 9.02(8)(g) create learning environments that encourage self-advocacy and independence for students with visual impairment(s).
- 9.02(9) The special education specialist: visually impaired, is knowledgeable about promoting appropriate student behavior and social interaction skills, and demonstrates:
- 9.02(9)(a) effective learning environment management, which engenders positive behavior(s), between and among students, such as, but not limited to strategies that:
 - 9.02(9)(a)(i) identify ways to address attitudes and behaviors that can positively, and/or negatively, influence the deportment and achievement of students with visual impairments).
 - 9.02(9)(a)(ii) effectively instruct students, in the development of the social skills needed across educational and living environments.
 - 9.02(9)(a)(iii) identify strategies for preparing students with visual impairment(s) to live harmoniously and productively in a diverse world.
 - 9.02(9)(a)(iv) identify and address inappropriate behaviors attributable to, or caused by, visual impairment(s).
- 9.02(10) The special education specialist: visually impaired is knowledgeable about and able to manage student behavior(s) and learning through:
- 9.02(10)(a) the modification of the learning environment, including, but not limited to, schedule, physical arrangement, and/or materials.
 - 9.02(10)(b) the selection, implementation, and evaluation of appropriate and applicable classroom management strategies, for students with visual impairment(s).
 - 9.02(10)(c) the incorporation of social skills training into the curriculum.
 - 9.02(10)(d) utilization of procedures intended to increase student self-awareness, self-control, self-reliance, and self-esteem.

- 9.02(10)(e) preparing students with visual impairment(s) on how to present themselves in a socially- appropriate manner, providing information about, but not limited to, that related to grooming, dress, and interpersonal skills.
- 9.02(10)(f) preparing students to adapt to progressive eye conditions, when necessary.
- 9.02(10)(g) preparing students with visual impairment(s) on how to appropriately and effectively utilize the services of support personnel.
- 9.02(10)(h) preparing students with visual impairment(s) on how to gain access to information about, and services, provided in and for the community.
- 9.02(10)(i) preparing students with visual impairment(s) to act appropriately in social situations
- 9.02(10)(j) preparing students with visual impairment(s) to respond to societal attitudes and actions with positive behavior(s), and self-advocacy.
- 9.02(11) The special education specialist: visually impaired, is knowledgeable about communication and collaborative partnerships, and demonstrates:
 - 9.02(11)(a) effective communication, and the ability to collaborate with students, their families, and school and community personnel, in identifying and addressing the:
 - 9.02(11)(a)(i) typical and/or specific concerns of parents of students with visual impairment(s), and appropriate strategies to assist them in resolving concerns.
 - 9.02(11)(a)(ii) roles of students with visual impairment(s)s, parents, educational service providers, and community personnel, in planning individualized programs for students.
 - 9.02(11)(a)(iii) strategies for assisting families and other team members, in planning appropriate transitions for students with visual impairment(s).
 - 9.02(11)(a)(iv) unique services, networks, and organizations, which serve as resources to/for students with visual impairment(s).
 - 9.02(11)(a)(v) roles of paraprofessionals or para-educators who work directly with students with visual impairments) and deaf blindness.
 - 9.02(11)(a)(vi) the necessity for role models for students with visual impairment(s).
- 9.02(12) The special education specialist: visually unpaired is demonstrate the ability to collaborate with others, and is able to:
 - 9.02(12)(a) identify and implement strategies for working with students with disabilities, parents, and school and community personnel, in a wide variety of learning and learning-related environments.
 - 9.02(12)(b) communicate and consult with students, parents, education service providers, and community personnel.
 - 9.02(12)(c) foster respectful and beneficial relationships between and among families and professionals.

- 9.02(12)(d) encourage and assist families in becoming active participants in the education of their own children.
 - 9.02(12)(e) plan and conduct conferences with families or primary caregivers, as required and/or necessary.
 - 9.02(12)(f) collaborate with general education teachers and other school and community personnel, regarding the integration of students with disabilities into the general learning environment.
 - 9.02(12)(g) communicate with general education teachers, administrators, and other school personnel, about the characteristics and needs of students with disabilities.
 - 9.02(12)(h) assist families and other team members in understanding the impact of visual impairment(s) and deaf blindness, on learning and experience.
 - 9.02(12)(i) report results of specialized assessments to students with visual impairment(s), their families, and pertinent team members, in relevant and appropriate ways.
 - 9.02(12)(j) manage and direct the activities of para-educators, or peer tutors, who work with students with visual impairment(s).
- 9.02(13) The special education specialist: visually impaired, is knowledgeable about professionalism and ethical practices, and demonstrates:
- 9.02(13)(a) appropriate professional practice(s) in contributing to the field of education, and to the academic achievement of each individual student, including, but not limited to:
 - 9.02(13)(a)(i) decision-making, based on the ethical considerations governing the profession of special education, especially as related to the field of the education of the visually impaired learner.
 - 9.02(13)(a)(ii) recognizing cultural bias, and how it can affect teaching.
 - 9.02(13)(a)(iii) serving as a role model for students with visual impairment(s).
 - 9.02(13)(a)(iv) participation in consumer and professional organizations, and remaining up-to- date regarding publications and journals relevant to the field of visual impairment(s).
 - 9.02(13)(a)(v) the ability to research information, related to the learning needs of, and outcomes for, students with visual impairment(s).
- 9.02(14) The special education specialist: visually impaired functions in a professional manner, by demonstrating:
- 9.02(14)(a) professional ethics.
 - 9.02(14)(b) acceptance of personal characteristic(s) of students with and without visual impairment(s).
 - 9.02(14)(c) the ability to remain up-to-date on literature related to students with visual impairment(s).

- 9.02(14)(d) participating in professional organizations representing the field of visual impairment(s), as appropriate.
- 9.02(14)(e) the ability to engage in professional-growth activities which may benefit students with visual impairment(s), their families, and/or colleagues.
- 9.02(14)(f) the practice of self-assessment, as related to instruction, and to seek out professional development activities which support the advancement of personal skills and knowledge.

9.03 Special Education Specialist: Deaf/Hard of Hearing.

To be endorsed as a special education specialist: deaf/hard of hearing, for ages birth-21, an applicant shall: have earned a master's degree, or higher or its equivalent from an accepted institution of higher education, in an approved program for the preparation of special education specialists: deaf/hard of hearing; and have demonstrated the competencies specified below.

- 9.03(1) The special education specialist: deaf/hard of hearing is knowledgeable about the philosophical, historical, and legal foundations of special education and is able to articulate and incorporate into planning for students:
 - 9.03(1)(a) current definitions of students with hearing loss, including terminology, identification criteria, labeling issues, and current incidence and prevalence figures.
 - 9.03(1)(b) models, theories, and appropriate philosophies that provide the basis for educational practice relevant to students who are deaf or hard of hearing.
 - 9.03(1)(c) variations in beliefs, traditions, and values across cultures and within society, and the effect of the relationships between children who are deaf or hard of hearing, their families, schools, and communities, and can:
 - 9.03(1)(d) identify resources, model programs, organizations, agencies, research centers, and technology that can be of assistance in working with students who are deaf or hard of hearing.
 - 9.03(1)(e) apply understanding of proven theory, of philosophy, and of models of effective practice to the education of students who are deaf or hard of hearing.
 - 9.03(1)(f) articulate the pros and cons of current issues and trends in special education, and in educating students who are deaf or hard of hearing.
- 9.03(2) The special education specialist: deaf/hard of hearing is knowledgeable about factors that impact the learning of students who are deaf or hard of hearing, and is able to articulate and incorporate into planning for these students:
 - 9.03(2)(a) relevant elements of learning necessary for enhancement of cognitive, emotional, and social development.
 - 9.03(2)(b) proven and effective research on communication, socialization, and cognition.
 - 9.03(2)(c) cultural dimensions of being deaf or hard of hearing.
 - 9.03(2)(d) the specific impact of various etiologies of hearing loss on the sensory, motor, and/or learning capability.

- 9.03(2)(e) knowledge of the effect of family involvement, onset of hearing loss, age of identification, amplification, and provision of services.
 - 9.03(2)(f) knowledge of the impact of early and ongoing comprehensible communication.
 - 9.03(2)(g) the effect of sensory input, including both incidental communication and experiences, on the development of language and cognition.
- 9.03(3) The special education specialist: deaf/hard of hearing is knowledgeable about and is able to:
- 9.03(3)(a) demonstrate effective communication strategies to students who are deaf or hard of hearing.
 - 9.03(3)(b) describe how to make incidental learning opportunities accessible.
 - 9.03(3)(c) articulate the interrelationship between communication, socialization, and cognition.
- 9.03(4) The special education specialist: deaf/hard of hearing is knowledgeable about the assessment, effective teaching, service and special services provision, the evaluation of students who are deaf or hard of hearing, and is able to:
- 9.03(4)(a) implement formal and informal assessment procedures for eligibility, placement and program planning.
 - 9.03(4)(b) articulate legal provisions, regulations and guidelines regarding unbiased diagnostic assessment(s), and use of instructional assessment measures.
 - 9.03(4)(c) incorporate into planning the specifics of policies regarding referral and placement procedures.
 - 9.03(4)(d) demonstrate amplification system's parts, and articulate function, benefits, and limitations of options in group and personal amplification.
 - 9.03(4)(e) administer assessment procedures and instruments for students who are deaf or hard of hearing,
 - 9.03(4)(e)(i) and those with additional disabilities; and
 - 9.03(4)(e)(ii) utilize appropriate assessment tools, and informal assessment and evaluation procedures, utilizing natural/heritage/preferred language.
 - 9.03(4)(f) use assessment data in making informed instructional decisions, and for planning individual programs that result in appropriate service delivery, and intervention, for students who are deaf or hard of hearing.
 - 9.03(4)(g) troubleshoot amplification problems, and explain about the parts and functions of group and personal amplification.
 - 9.03(4)(h) develop and implement effective communication plans.
 - 9.03(4)(i) plan an educational program to address the needs of students who are deaf or hard of hearing, and who may have additional disabilities or conditions that impact learning.

- 9.03(5) The special education specialist: deaf/hard of hearing is knowledgeable about content standards and practice, and is able to:
- 9.03(5)(a) identify and utilize specialized instructional materials relevant to specific student need and content standards.
 - 9.03(5)(b) incorporate into planning, information related, but not limited to: the syntactic, semantic and use of American Sign Language (ASL) and English.
 - 9.03(5)(c) incorporate into planning, information related to languages, and systems used to communicate with individuals who are deaf or hard of hearing.
 - 9.03(5)(d) articulate normal speech development and characteristics of speech development for deaf or hard of hearing students.
 - 9.03(5)(e) implement assessment procedures and curricula designed for:
 - 9.03(5)(e)(i) the speech development of students who are deaf or hard of hearing and those who may have additional disabilities.
 - 9.03(5)(e)(ii) ASL and English language development.
 - 9.03(5)(e)(iii) stimulating the utilization of residual hearing.
 - 9.03(5)(e)(iv) and strategies/techniques related to, the promotion of reading development.
 - 9.03(5)(e)(v) written language development.
 - 9.03(5)(f) design and implement strategies and techniques for positively affecting the speech development of students who are deaf or hard of hearing.
 - 9.03(5)(g) design and implement strategies/techniques to effectively instruct students about normal ASL and English language development
 - 9.03(5)(h) design and implement strategies/techniques for the stimulation and utilization of residual hearing.
 - 9.03(5)(i) address, in planning, ways to facilitate cultural identity, linguistic, academic, cognitive, physical and social-emotional development.
 - 9.03(5)(j) plan effective multi-level lessons.
 - 9.03(5)(k) incorporate proven and effective research-supported instructional strategies and practices.
 - 9.03(5)(l) implement strategies and procedures that effectively facilitate the deaf or hard of hearing student's transition to new settings and to meeting life challenges.
 - 9.03(5)(m) communicate, with advanced proficiency, in relevant language(s) (English, ASL) and/or sign systems.
 - 9.03(5)(n) select, modify, design, produce, and utilize specialized and appropriate media, instructional materials, resources, and technology.

- 9.03(5)(o) infuse communication skills into academic areas.
 - 9.03(5)(p) apply appropriate and effective first and second language teaching strategies, to meet student need.
 - 9.03(5)(q) promote and encourage speech development; ASL and English language development; the utilization of residual hearing: reading development; and written language development, to students who are deaf or hard of hearing.
 - 9.03(5)(r) implement multi-level lessons for students who are deaf or hard of hearing.
 - 9.03(5)(s) develop effective transition plan for students who are deaf or hard of hearing.
- 9.03(6) The special education specialist: deaf/hard of hearing is knowledgeable about the learning environment, and is able to:
- 9.03(6)(a) demonstrate the adaptations needed, within a variety of learning environments, and within the community, for students who are deaf and hard of hearing.
 - 9.03(6)(b) manage assistive devices appropriate for students who are deaf or hard of hearing.
 - 9.03(6)(c) select, implement, and evaluate effective classroom management strategies.
 - 9.03(6)(d) adapt learning environments to effectively meet needs of students who are deaf or hard of hearing and those who may have additional disabilities or special needs.
 - 9.03(6)(e) plan and effectively implement instruction for students who are deaf or hard of hearing and those with additional disabilities or special needs.
- 9.03(7) The special education specialist: deaf/hard of hearing is knowledgeable about promoting student social interaction and independence, and is able to:
- 9.03(7)(a) demonstrate processes for establishing ongoing interactions of students who are deaf or hard of hearing with peers and role models who are deaf, hard of hearing, or hearing.
 - 9.03(7)(b) provide opportunities for interaction with communities of individuals who are deaf, hard of hearing, or hearing, on the local, state, and national levels.
 - 9.03(7)(c) provide students with a wide variety of communication strategies which allow effective interaction with people, and in places, situations, and organizations, within the community.
 - 9.03(7)(d) implement strategies for teaching appropriate social skills and behavior, in a variety of situations, to students who are deaf or hard of hearing.
 - 9.03(7)(e) provide appropriate methods of effective self-advocacy, to students who are deaf or hard of hearing.
 - 9.03(7)(f) articulate normal social/emotional/psychological developmental and social/emotional issues, as related to students who are deaf or hard of hearing.
 - 9.03(7)(g) promote independence and responsibility to students who are deaf or hard of hearing.

- 9.03(7)(h) the special education specialist: deaf/hard of hearing is able to effectively teach students who are deaf or hard of hearing:
 - 9.03(7)(h)(i) how to use support personnel and contact resources appropriately and effectively.
 - 9.03(7)(h)(ii) how to be self-advocates.
 - 9.03(7)(h)(iii) how to be independent and take responsibility for their own actions.
 - 9.03(7)(h)(iv) about legal procedures, their rights, and about how to take appropriate action.
 - 9.03(7)(h)(v) to express emotions appropriately.
 - 9.03(7)(h)(vi) how to use a wide variety of assistive devices.
- 9.03(8) The special education specialist: deaf/hard of hearing is knowledgeable about communication and collaborative partnerships, and is able to:
 - 9.03(8)(a) provide a wide variety of resources, to family members and professionals who are deaf or hard of hearing, to assist them in dealing with educational concerns and options; utilizing relevant available services; determining appropriate communication modes; and in identifying cultural and community opportunities for students who are deaf or hard of hearing.
 - 9.03(8)(b) identify and articulate appropriate roles and responsibilities of educators and support personnel, including, but not limited to interpreters, note-takers, and paraprofessionals, in the delivery of education and education-related activities and programs to students who are deaf or hard of hearing.
 - 9.03(8)(c) articulate the effects of communication on the development of family relationships and strategies, to facilitate communication in families with children who are deaf or hard of hearing.
 - 9.03(8)(d) articulate appropriate strategies to promote partnerships, and to overcome barriers between families and professionals, to effectively meet the needs of students who are deaf or hard of hearing.
 - 9.03(8)(e) articulate to families and professionals about the educational options, communication modes/philosophies, services, cultural issues, and community resources available for children who are deaf or hard of hearing.
 - 9.03(8)(f) facilitate communication between the child who is deaf and his or her family, and/or other caregivers, when, and as, appropriate.
 - 9.03(8)(g) facilitate, oversee coordination of, and supervise support personnel, including, but not limited to interpreters, note-takers, and paraprofessionals, to meet the needs of students who are deaf or hard of hearing.
 - 9.03(8)(h) use collaborative strategies and effective communication skills with individuals who are deaf or hard of hearing, parents, school and community personnel in various learning environments.

9.03(8)(i) advocate for meeting the social-emotional, educational, and communication needs of students who are deaf or hard of hearing, in a wide variety of settings.

9.03(9) The special education specialist: deaf/hard of hearing is knowledgeable about professionalism and ethical practice, and is able to:

9.03(9)(a) acquire the additional knowledge and skills necessary to effectively educate students who are deaf or hard of hearing, and to work successfully with their families, other professionals, and interested stakeholders.

9.03(9)(b) participate in relevant professional and other organizations and remain current regarding publications and journals relevant to the field of educating students who are deaf or hard of hearing.

9.03(9)(c) self-assess, design, and implement an on-going professional development plan relevant to being an effective educator of students who are deaf and hard of hearing.

9.04 Early Childhood Special Education Specialist.

To be endorsed as an early childhood special education specialist, for ages Birth - 8, an applicant shall have completed an approved undergraduate program in early childhood education, or in early childhood special education; or demonstrated competencies required for early childhood or early childhood special education; have completed an approved post-baccalaureate program for the preparation of early childhood special education specialists; and demonstrated the knowledge and skills specified below.

9.04(1) The early childhood special education specialist is knowledgeable about professional practice(s), and is able to:

9.04(1)(a) articulate the historical, philosophical, and legal bases of services for young children, both with and without special needs.

9.04(1)(b) communicate about ethical and policy issues, as related to educational, social, and medical services for young children, both with and without special needs, and their families.

9.04(1)(c) identify current trends and issues in early childhood education, early childhood special education, and special education, and incorporate such information into planning for students.

9.04(1)(d) identify, and apply to planning, legislation that affects children, families, and programs for children.

9.04(1)(e) adhere to a code of professional and ethical conduct.

9.04(1)(f) advocate, on behalf of young children and their families, for improving the quality of programs and services for young children, and for enhanced professional status and working conditions, for early childhood special educators.

9.04(1)(g) develop, implement, and evaluate a professional development plan, and reflect upon own professional practice.

9.04(1)(h) participate actively with applicable professional organizations.

9.04(1)(i) read and critically apply documented research and proven-effective practices.

- 9.04(2) The early childhood special education specialist is knowledgeable about advanced child development and learning, and is able to:
- 9.04(2)(a) incorporate a wide-variety of proven-effective child development and learning theory and practice, typical and atypical, with an emphasis on cognitive, motor, social-emotional, communication, adaptive, and aesthetic development in education, family, and community contexts.
 - 9.04(2)(b) identify pre-, peri-, and postnatal development, and factors such as biological and environmental conditions, that affect children's development and learning.
 - 9.04(2)(c) identify specific disabilities, including the etiology, characteristics, and classification of common disabilities in young children, and articulate specific implications for development and learning in the first years of life.
 - 9.04(2)(d) apply knowledge of cultural and linguistic diversity, and the significance of socio-cultural and political contexts, for development and learning, and recognize that children are best understood in the contexts of family, culture, and society.
 - 9.04(2)(e) identify and apply strategies which address conditions that affect the development and learning of children, including the effects of biological and environmental factors, family, culture, society, and economics.
 - 9.04(2)(f) apply knowledge of current research and theory related to stages of development of content areas include, but not limited to: English language arts, reading, writing, the arts, and math.
- 9.04(3) The early childhood special education specialist is knowledgeable about screening, evaluations and assessment, and is able to:
- 9.04(3)(a) assess children's cognitive, social-emotional, communication, motor, sensory, adaptive, and aesthetic development, as related to content areas.
 - 9.04(3)(b) select and administer a variety of informal and formal screening, evaluation, assessment instruments, and procedures, including, but not limited to, observational methods, to make decisions about compliance with established criteria and standards in children's learning and development.
 - 9.04(3)(c) conduct and facilitate the process of screening, evaluation and ongoing assessment, in compliance with State criteria for determining eligibility for special education.
 - 9.04(3)(d) facilitate and support active family participation in the process of screening, evaluation, and assessment.
 - 9.04(3)(e) participate and collaborate as a team member in conducting family-centered assessments.
 - 9.04(3)(f) interpret and incorporate information from the evaluation process, and facilitate the development of an IEP/IFSP.
 - 9.04(3)(g) articulate options for support and services throughout the FFSP/IEP process, and assist the family in relevant planning.

- 9.04(3)(h) monitor, summarize, and evaluate the objectives outlined on the IFSP or IEP, through an ongoing individualized process.
 - 9.04(3)(i) select and implement appropriate and unbiased screening, evaluation, and assessment instruments and procedures.
 - 9.04(3)(j) systematically utilize performance-based assessments of children, in making decisions about learning, and in support of developmental and instructional planning and teaching.
 - 9.04(3)(k) develop and utilize program evaluation to monitor the quality of the learning environment, as it affects children, their families, and the community.
- 9.04(4) The early childhood special education specialist is knowledgeable about curriculum and instructional practice, and is able to:
- 9.04(4)(a) plan and implement developmentally- and individually-appropriate curricula and instructional practices, based on knowledge of the individual strengths and needs of children, birth to age 8, the family, the community, and curriculum goals and content.
 - 9.04(4)(b) implement effective instructional practices, to develop and teach literacy and numeracy skills to students, so that they can meet Colorado Content Standards.
 - 9.04(4)(c) collaborate with other professionals to develop and provide appropriate curriculum and instruction to meet the diverse needs of children.
 - 9.04(4)(d) develop and implement the IFSP/IEP, incorporating both child and family outcomes, with family members and other professionals.
 - 9.04(4)(e) incorporate information and strategies, from multiple disciplines, in the design of intervention strategies.
 - 9.04(4)(f) develop and select learning experiences and strategies that affirm and respect family, cultural, and societal diversity, including language differences.
 - 9.04(4)(g) plan for and link current developmental and learning experiences and teaching strategies with those of the next educational setting.
 - 9.04(4)(h) select intervention curricula and methods for children with specific disabilities, including motor, sensory, health, communication, social-emotional, and cognitive disabilities.
 - 9.04(4)(i) design and implement plans that incorporate the appropriate use of technology, including adaptive and assistive technology and devices.
 - 9.04(4)(j) employ effective and proven instructional practices, in compliance with legal and ethical standards.
 - 9.04(4)(k) develop and implement nutrition and feeding strategies for children with identified needs.
 - 9.04(4)(l) use specific knowledge of young children's medical conditions and medications, and their possible effects on child development, learning, and behavior.

- 9.04(4)(m) identify, and address in planning, aspects of medical care for premature, low birth weight, and other medically-fragile babies, including methods of care for young children dependent on technology, and the impact on families.
 - 9.04(4)(n) recognize and apply strategies addressing signs of emotional distress, child abuse, and neglect in young children, and follow procedures for reporting known or suspected abuse or neglect to appropriate authorities.
 - 9.04(4)(o) establish and maintain physically-safe and psychologically-healthy learning environments
 - 9.04(4)(p) select, develop, provide, and evaluate developmentally- and functionally-appropriate materials, equipment, and environments.
 - 9.04(4)(q) increase the progress of children with special needs in multiple settings, by coordinating personnel, space, time, peers, and materials.
 - 9.04(4)(r) make specific adaptations for the special needs of children who have unique talents, learning, and developmental needs, or who have specific disabilities.
 - 9.04(4)(s) implement basic health, nutrition, and safety management practices for young children, including specific procedures regarding childhood illness and communicable diseases.
- 9.04(5) The early childhood special education specialist is knowledgeable about child behaviors and social interaction skills, and is able to:
- 9.04(5)(a) establish and implement a plan that supports staff and families in promoting positive social and emotional skills, and interaction among children, as well as utilizes positive strategies for conflict resolution, and enhancing children's self-control, self motivation, and self-awareness.
 - 9.04(5)(b) select and implement, in collaboration with staff and families, methods of behavior support, management, and instruction appropriate for young children, as based on individual needs, including utilizing a range of strategies, from less-directive, less-structured methods to more-directive more-structured methods.
 - 9.04(5)(c) create, interpret, implement, and evaluate functional behavior assessments and behavior support plans, in coordination with staff and families.
- 9.04(6) The early childhood special education specialist is knowledgeable about communication, consultation, and collaborative partnerships, and is able to:
- 9.04(6)(a) employ effective communication skills to establish and maintain positive, collaborative relationships with families.
 - 9.04(6)(b) apply, in planning, family systems theory and knowledge of the dynamics, roles, and relationships within families and communities.
 - 9.04(6)(c) demonstrate sensitivity to and respect for differences in family structures and social and cultural backgrounds.
 - 9.04(6)(d) assist families in identifying resources, priorities, and concerns, as related to their child's development.

- 9.04(6)(e) respect family choices and goals for their child, and communicate effectively with families about curriculum and their child's progress.
 - 9.04(6)(f) involve families in assessing and planning for their child's needs.
 - 9.04(6)(g) coordinate with other agencies and resources to provide and evaluate a range of family- responsive services.
 - 9.04(6)(h) implement family services consistent with family rights and due process safeguards.
 - 9.04(6)(i) collaborate and consult with other professionals, and with agencies in the broader community, to develop and access resources that support children's development, learning, and well being.
 - 9.04(6)(j) identify and apply appropriate models and functions of team process in diverse-service delivery settings.
 - 9.04(6)(k) participate as team member to identify and address the dynamics of team member roles, interaction, communication, team building, problem solving, and conflict resolution.
 - 9.04(6)(l) identify structures and develop resources supporting interagency collaboration, including interagency agreements, referrals, and consultation.
 - 9.04(6)(m) evaluate, design, and implement processes and strategies that support transitions between hospital, home, and infant/toddler, preprimary, and primary programs.
 - 9.04(6)(n) demonstrate understanding, and apply various models of consultation, in diverse settings.
- 9.04(7) The early childhood special education specialist shall be knowledgeable about professional leadership, and is able to:
- 9.04(7)(a) demonstrate leadership, administration, and management skills, and strategies, that can be applied to various early childhood settings, across various professional or service-delivery teams.
 - 9.04(7)(b) the early childhood special education specialist shall demonstrate the ability to:
 - 9.04(7)(b)(i) apply a variety of leadership skills and strategies, in a wide variety of settings.
 - 9.04(7)(b)(ii) administer programs, in a wide variety of early childhood settings.
 - 9.04(7)(b)(iii) facilitate the identification of staff development needs, and develop strategies for professional growth.
 - 9.04(7)(b)(iv) employ effective adult learning principles, in supervising, training, and mentoring other adults.
 - 9.04(7)(b)(v) coordinate, schedule, and supervise para-professionals, and collaborate with other professionals, to insure that individual education programs are implemented.

9.04(7)(b)(vi) provide effective training in content areas specific to services for children and families.

9.04(7)(b)(vii) employ effective strategies in self-evaluating; evaluating the performance of staff; providing input for continuing staff development; and for pursuing personal professional development.

9.04(7)(b)(viii) learn and implement effective supervision and mentoring skills and practices.

9.05 Gifted and Talented Specialist.

To be endorsed as an elementary, middle, secondary school, or P-12 gifted-education specialist, a candidate shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; hold an Initial or Professional Teacher License endorsed in an approved content area; have completed an approved graduate-level program for the preparation of the gifted-education specialist, and have demonstrated the competencies listed below.

9.05(1) The gifted-education specialist shall be knowledgeable about the foundations of the education of the gifted and the talented student, including, but not limited to: the history of the education of the gifted and talented; proven and documented theories of giftedness; the wide variety of curricular strategies that provide for the effective teaching of gifted and talented students; and is able to:

9.05(1)(a) articulate the history and theories of the education of the gifted and talented, and how concepts related to giftedness and talent have been and can be incorporated into teaching practice(s).

9.05(1)(b) articulate public policy, as related to the education of the gifted and talented.

9.05(1)(c) articulate the various historic characterizations of giftedness and talent, and formulate a workable definition of giftedness and talent, based on applicable theory and research.

9.05(1)(d) identify, critique, and utilize research and applicable theory, as related to gifted students' education, as a basis for decision-making and practice.

9.05(2) The gifted-education specialist shall be knowledgeable about characteristics of the gifted learner, including, but not limited to traits and needs, and is able to:

9.05(2)(a) apply knowledge of the traits and needs of gifted and talented students in support of planning for the academic achievement and learning-related affective development of gifted and talented students, including, but not limited to:

9.05(2)(a)(i) past and proven documented current theories related to intelligence;

9.05(2)(a)(ii) past and proven documented current theories related to creativity and the expression of talent;

9.05(2)(a)(iii) proven documented theories of human development, ages birth-21, as specifically related to developmentally-appropriate strategies for gifted and talented learners;

9.05(2)(a)(iv) the identified characteristics of gifted, talented, and creative students, preschool through grade 12, and their development; and

- 9.05(2)(a)(v) proven documented brain research, underlying exceptional cognition.
- 9.05(2)(b) apply knowledge of special populations of gifted and talented students in the development of appropriate program and instructional-delivery decisions, as based on the unique and varied characteristics and needs of such students, including, but not limited to, those who are:
 - 9.05(2)(b)(i) early childhood students;
 - 9.05(2)(b)(ii) twice-exceptional learners, i.e. gifted and talented students with disabilities;
 - 9.05(2)(b)(iii) highly-gifted students;
 - 9.05(2)(b)(iv) underachieving high-potential students;
 - 9.05(2)(b)(v) culturally and ethnically-diverse gifted students;
 - 9.05(2)(b)(vi) high-potential linguistically-different students;
 - 9.05(2)(b)(vii) students with unique affective needs; and
 - 9.05(2)(b)(viii) high-potential economically-disadvantaged students.
- 9.05(2)(c) evaluate the need for, and draw upon, specialized support services to assist with meeting the unique learning-related affective, social, and cognitive needs of gifted and talented students, as related, but not limited, to:
 - 9.05(2)(c)(i) various types of giftedness and talent, including creativity;
 - 9.05(2)(c)(ii) asynchronous development, i.e. the inconsistencies that may occur between a student's intellectual maturity, and his/her social, emotional, and physical development;
 - 9.05(2)(c)(iii) psychological issues;
 - 9.05(2)(c)(iv) cognitive development;
 - 9.05(2)(c)(v) social and behavioral responses; and the
 - 9.05(2)(c)(vi) educational implications of the variables of giftedness.
- 9.05(3) The gifted-education specialist is knowledgeable about the identification and assessment of student need(s); has the ability to incorporate, into planning, appropriate methods and processes for identifying gifted and talented students and their educational needs; and is able to:
 - 9.05(3)(a) select and utilize valid, reliable, effective, appropriate, and applicable instruments and methods for identifying gifted and talented students.
 - 9.05(3)(b) use relevant data to diagnose educational needs, prescribe appropriate educational strategies, and to communicate pertinent information to a variety of stakeholders.
 - 9.05(3)(c) provide information to, and support for parents, as active participants in the assessment of their children.

9.05(3)(d) evaluate the match between the identified educational needs of the student and appropriate and relevant strategies, programs, and services.

9.05(4) The gifted-education specialist is knowledgeable about program strategies and delivery of instruction and services to gifted and/or talented students; the development and implementation of programs and strategies for gifted and talented students that are consistent with adopted policies of the school district; complement district and school instructional objectives; and is able to:

9.05(4)(a) evaluate and prescribe appropriate curriculum and program options for gifted and talented students, consistent with State content standards, and with additional district and other related curricular offerings.

9.05(4)(b) work effectively in partnership with the student, parent(s)/guardian(s)/family, classroom teacher(s), other appropriate related personnel, and stakeholders, in the delivery of program(s) and service(s).

9.05(4)(c) monitor, assess, and evaluate ongoing programs; their impact on students' achievement and progress; and provide ongoing modification to a student's learning plan, as indicated.

9.05(4)(d) apply effective and appropriate systems, models, and/or administrative practices, as relevant, to gifted and talented students, in the delivery of applicable program components that address:

9.05(4)(d)(i) acceleration of instruction;

9.05(4)(d)(ii) enrichment;

9.05(4)(d)(iii) appropriate flexible grouping practices;

9.05(4)(d)(iv) differentiated instruction, and complexity and depth of content;

9.05(4)(d)(v) affective and career development;

9.05(4)(d)(vi) appropriate learning environments; and

9.05(4)(d)(vii) additional and relevant instructional and enrichment materials and resources.

9.05(4)(e) select and utilize a wide range of appropriate instructional materials, resources, and technology for gifted and talented students, including, but not limited to:

9.05(4)(e)(i) print and non-print materials;

9.05(4)(e)(ii) computer-aided enhancement of instruction;

9.05(4)(e)(iii) human and community resources; and

9.05(4)(e)(iv) environmental resources.

9.05(4)(f) plan and provide professional development activities for increasing the knowledge and skills of regular classroom teachers teaching gifted students, and for the general improvement of the education of gifted and talented students, and other students, as appropriate.

- 9.05(5) The gifted-education specialist is knowledgeable about curriculum and instructional practice; has the ability to apply proven documented best practices for teaching gifted and talented students, including those practices for the design and delivery of curriculum and the assessment of student learning; and is able to:
- 9.05(5)(a) align curriculum, instruction, and assessment to state and local content standards, for gifted and talented students.
 - 9.05(5)(b) design, modify, and differentiate approaches that address the instructional, multi-cultural, and affective needs of gifted and talented students.
 - 9.05(5)(c) apply documented proven research-based instructional practices that address:
 - 9.05(5)(c)(i) a wide variety of learning and teaching styles;
 - 9.05(5)(c)(ii) culturally-congruent teaching and learning methods and styles;
 - 9.05(5)(c)(iii) integrated learning and cross-disciplinary applications; and
 - 9.05(5)(c)(iv) cognitive, creative, and intellectual development.
 - 9.05(5)(d) select and apply, or recommend, appropriate adaptive instruction, and differentiated strategies and resources, as based on student need, and on proven documented research related to:
 - 9.05(5)(d)(i) an accelerated pace of instruction matched to the student's rate of learning;
 - 9.05(5)(d)(ii) modification of content to increase complexity and abstractness, based on individual student need;
 - 9.05(5)(d)(iii) appropriate and adequate student challenge;
 - 9.05(5)(d)(iv) developmentally-appropriate practice for gifted and talented learners;
 - 9.05(5)(d)(v) facilitation of students' independent research and investigation; and
 - 9.05(5)(d)(vi) advanced development in students' area(s) of exceptional ability.
 - 9.05(5)(e) demonstrate effective teaching of gifted and talented students.
 - 9.05(5)(f) assess the academic progress and achievement of gifted and talented students, as based on:
 - 9.05(5)(f)(i) pre-assessment strategies;
 - 9.05(5)(f)(ii) a wide variety of methods and practices designed for the ongoing assessment of student learning progress; and
 - 9.05(5)(f)(iii) ongoing evaluation of the effect of classroom program(s) and instructional strategies on the learning and achievement of gifted and talented students.
 - 9.05(5)(g) interpret student assessment results to guide effective instructional and program delivery decisions, as related to:

9.05(5)(g)(i) identification and reduction of discrepancies between actual academic achievement and exceptional ability; and

9.05(5)(g)(ii) identification and implementation of appropriate levels of instruction.

9.05(6) The gifted-education specialist is knowledgeable about communication and leadership; has effective communication, collaboration, consultation, and leadership skills; applies these skills to the effective implementation of education for gifted and talented; and is able to:

9.05(6)(a) communicate effectively with a wide variety of constituents and stakeholders, for multiple purposes, as related to the education of gifted and talented students.

9.05(6)(b) collaborate and consult with relevant building, district, and community colleagues concerning the needs of gifted and talented students and the provision of high quality education, and educationally-related, programs to them.

9.05(6)(c) collaborate and consult with parents, families, and interested stakeholders, to gain their support for providing effective programs to gifted and talented students, as related, but not limited to, issues of:

9.05(6)(c)(i) cultural and community awareness of giftedness, and the needs of gifted and talented students; guidance and counseling; and advocacy for gifted and talented students.

9.05(6)(c)(ii) identification and academic screening procedures.

9.05(6)(c)(iii) career education and goal setting.

9.05(6)(d) utilize leadership skills for designing and implementing programs for, and delivering instruction to, gifted students, including, but not limited to, the ability to effectively:

9.05(6)(d)(i) integrate gifted education into the school's and district's educational program design; delivery of instruction; other educational processes; and into the organization of the school day.

9.05(6)(d)(ii) advocate for the education of gifted and talented students, so that students are enabled to meet and/or exceed the highest possible standards; and

9.05(6)(d)(iii) communicate with policy makers and the general public about issues inherent in the education of gifted and talented students, and about how to resolve concerns appropriately, effectively, and practically.

9.05(6)(e) participate in self-evaluation, and in organizations and activities that provide professional development opportunities and information that can increase professional competence and contribute to the advancement of the education of the gifted and talented student.

9.06 Special Education Generalist.

To be licensed as a special education generalist, for ages 5-21, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved program for the preparation of special education generalists; have passed the approved elementary education content and special education assessments; and have demonstrated the competencies specified below.

- 9.06(1) The special education generalist shall be knowledgeable about student literacy, and the development of reading, writing, speaking, viewing, and listening skills, and is able to:
- 9.06(1)(a) plan and organize reading instruction, based on ongoing student assessment.
 - 9.06(1)(b) use knowledge of typical and atypical language and cognitive development, to guide the choice of instructional strategies, in meeting the learning needs of individual students.
 - 9.06(1)(c) develop in students the phonological and linguistic skills related to reading, including, but not limited to: phonemic awareness; concepts of print; systematic explicit phonics; other word identification strategies; and spelling instruction.
 - 9.06(1)(d) develop reading comprehension skills in students, including, but not limited to: comprehension strategies within a variety of genre; literary response and analysis; content area literacy; and the promotion of independent reading.
 - 9.06(1)(e) increase the oral and written English language arts skills and proficiency of students, including, but not limited to: the appropriate and correct use of vocabulary and standard English; punctuation; grammar; sentence structure; spelling; and an understanding of the relationship(s) between reading, writing, and oral language, and is further able to:
 - 9.06(1)(e)(i) design instruction, based on the unique strengths and needs of students with disabilities, to assist them in their acquisition of reading and writing skills.
 - 9.06(1)(e)(ii) apply a variety of effective research-based instructional strategies, and curricular approaches, to the teaching of reading and writing skills.
 - 9.06(1)(e)(iii) match appropriate instructional strategies to student needs, as related to the acquisition of knowledge and skills in required content areas, such as, but not limited to, reading and writing.
 - 9.06(1)(f) incorporate Colorado Model Content Standards into strategies for teaching reading and writing.
- 9.06(2) The special education generalist shall be knowledgeable about mathematics and mathematics instruction, and is able to assist content-area teachers in developing in students' knowledge and skills in the use of number systems, number sense, geometry, measurement, statistics, probability, mathematical functions, and in the use of variables.
- 9.06(3) The special education generalist shall be knowledgeable about standards and assessment, and strategies, planning practices, assessment techniques, and appropriate accommodations, to ensure student learning within a standards-based curriculum, and is able to:
- 9.06(3)(a) design short and long-range standards-based instructional plans.
 - 9.06(3)(b) develop valid and reliable assessment tools for the classroom.
 - 9.06(3)(c) develop and utilize a wide variety of informal and formal assessments, including, but not limited to rubrics, and can:
 - 9.06(3)(c)(i) develop and utilize adapted assessment of student performance.

- 9.06(3)(c)(ii) communicate about the strengths and limitations of a wide variety of formal and informal assessment instruments; select and use these tools in screening, pre-referral, referral, and in the determination of eligibility for special education; and to guide instruction.
 - 9.06(3)(d) assess, compare, and contrast the effects of a wide variety of teaching strategies on student performance, as related, but not limited to, content standards, as demonstrated by the candidate's ability to link appropriate adaptations of instructional strategies and assessments to student learner needs, based on evaluation(s) of those needs.
 - 9.06(3)(e) utilize assessment data in planning for standards-based instruction, incorporating scores, including grade score versus standard score, percentile ranks, age/grade equivalents, and stanines, and is able to interpret these to relevant stakeholders.
 - 9.06(3)(f) provide effective verbal and written feedback to students, to guide and improve their academic performance, as related to meeting content standards.
 - 9.06(3)(g) prepare students for the Colorado Student Assessment Program (CSAP), the third grade literacy assessment, and for other formal and informal assessments of academic achievement.
 - 9.06(3)(h) ensure that instruction is consistent with Colorado Model Content Standards; Colorado accreditation requirements; and school district and school priorities and objectives.
- 9.06(4) The special education generalist is knowledgeable about the general academic content of, and basic concepts related to: civics, economics, foreign language, geography, history, science, music, visual arts, and physical education, in order to assist the general classroom teacher with the accommodations necessary for students to learn in those content areas, and is able to:
- 9.06(4)(a) analyze, critically review, and incorporate effective documented research-based information into collaboration with other professionals, as related to planning for instructional delivery to students.
 - 9.06(4)(b) collaborate with other school professionals, families, and students, to assist learners in gaining access to learning accommodations which may be required for them to meet content standards.
 - 9.06(4)(c) assist in the accommodation of student content acquisition, through general knowledge of the concepts incorporated in the Colorado Model Content Standards, and can:
 - 9.06(4)(c)(i) identify the unique strengths and needs of students with disabilities, as related to acquisition of content, skills, and knowledge.
 - 9.06(4)(c)(ii) employ a wide variety of approaches, to assist in the accommodation of the teaching of content areas, to support students in meeting content standards.
 - 9.06(4)(c)(iii) assist content-area teachers in adapting and modifying curriculum and instruction to help students meet Colorado Student Content Standards.
 - 9.06(4)(c)(iv) assist in the design and implementation of instruction to meet the needs of learners from a wide variety of cultures and socio-economic backgrounds.

- 9.06(4)(d) assist other educators in the enrichment and enhancement of content knowledge, to extend student learning, by demonstrating the ability to locate, analyze, select, and apply research-based best practices which have been proven to generate effective teaching and learning.
 - 9.06(4)(e) assist the general classroom teacher with the incorporation of literacy and mathematics into content area instruction.
- 9.06(5) The special education generalist is knowledgeable about classroom and instructional management and is able to demonstrate such practices as, but not limited to: effective time management, communication, and accurate and timely record-keeping, in support of increased student learning, and is able to:
- 9.06(5)(a) create a learning environment characterized by appropriate student behavior, efficient use of time, and disciplined student acquisition of content knowledge, skills, and the application thereof, through:
 - 9.06(5)(a)(i) the provision of a safe and productive learning environment responsive to the physical, social, cognitive, academic, linguistic, cultural, and functional needs of student learners.
 - 9.06(5)(a)(ii) the provision of information to general classroom teachers about effective classroom management practices and organizational techniques that address the needs of groups of students, with varying instructional needs.
 - 9.06(5)(a)(iii) the utilization of management and organizational techniques designed for students with differing needs and levels of needs.
 - 9.06(5)(a)(iv) evaluation, to determine specific learner academic needs, and to match student strengths with appropriate curriculum and instructional delivery strategies, in an environment organized to encourage optimal learning.
 - 9.06(5)(a)(v) the design of behavior plans that incorporate research-based instructional strategies into teaching about, and the student acquisition of, problem solving, conflict resolution, and social interaction skills.
 - 9.06(5)(a)(vi) the creation of conditions, and the teaching of skills, that engage students as active participants in their own educational planning, including, but not limited to, goal setting and goal attainment.
 - 9.06(5)(b) apply consistent and fair disciplinary practices in the classroom, and demonstrate the ability to
 - 9.06(5)(b)(i) maintain adequate and appropriate data regarding student behavior, to determine whether student actions are a manifestation of a disability, and/or to address such implication(s) in the expulsion process.
 - 9.06(5)(b)(ii) match classroom management and organizational techniques to the needs of groups of students.
 - 9.06(5)(b)(iii) apply effective research-based classroom management and organizational techniques, including the implementation of behavior support systems.
 - 9.06(5)(b)(iv) conduct and interpret functional behavioral assessments.

- 9.06(5)(b)(v) develop and implement collaborative behavior support plans, in cooperation with other team members, students, and parents.
- 9.06(5)(b)(vi) interpret, design, and implement appropriate behavioral support systems, based on data drawn from functional behavioral assessments.
- 9.06(5)(c) apply appropriate intervention strategies and practices, to ensure that an effective learning environment is maintained, and is able to:
 - 9.06(5)(c)(i) provide information to general classroom teachers about how to evaluate and match specific learner needs and strengths with appropriate curriculum and instruction-strategies, to optimize student engagement and learning.
 - 9.06(5)(c)(ii) implement a wide variety of effective research-based instructional strategies, and explain the reasoning and purpose behind the implementation of specific teaching strategies.
- 9.06(5)(d) raise the academic performance level of a group of students, to a higher level, over time.
- 9.06(5)(e) incorporate, into teaching, cognitive processes associated with various kinds of learning, including, but not limited to, those related to: critical and creative thinking; problem-structuring and problem-solving; invention; memorization; and recall; and provide strategies to address to each, so that students are assisted in mastering content standards, through the educator's application of knowledge related to the cognitive, communication, physical, cultural, social, educational, self-determination, transitional, and emotional needs of all students, including those with disabilities.
- 9.06(5)(f) work in cooperation with school and community librarians, and other library media personnel and resource specialists, to instruct students on how to gain access to, retrieve, analyze, synthesize, and evaluate information, to incorporate information-gathering literacy skills into curriculum delivery, into the enhancements of standards-based learning.
- 9.06(5)(g) accurately document and report ongoing student achievement, in a timely and concise manner.
- 9.06(5)(h) communicate effectively with parents and guardians, to involve them as participants and partners in student learning, by providing them with information about resources, and by assisting and encouraging families in their efforts to support the academic progress of the learner from within the home environment, including, but not limited to, addressing cultural, socio-economic, and linguistic diversity issues, and other life-affecting conditions.
- 9.06(5)(i) communicate about a variety of assessment results, and their implications for and to students, parents, guardians, professionals, administrators, and the community.
 - 9.06(5)(i)(i) effectively interpret and communicate, orally and in writing, about student assessment results, to: a variety of stakeholders, including, but not limited to, those involved in instructional and support services planning and delivery; students, where appropriate; and their parents/guardians.
 - 9.06(5)(i)(ii) assist students in applying acquired knowledge and skills to home, community, and work-life.

- 9.06(5)(i)(iii) assist students in their transition from one setting or level to another, in collaboration with family, educators, other professionals, and relevant community representatives, as appropriate.
 - 9.06(5)(i)(iv) identify and utilize resources and strategies that promote effective partnerships between students, families, school, district and other programs, and community.
- 9.06(6) The special education generalist is knowledgeable about orientation of instruction toward meeting student need(s); responsive to the needs and experiences students bring to the classroom, including those based on culture, community, ethnicity, economics, linguistics, and innate learning abilities; learning exceptionalities and conditions that affect the rate and extent of student learning; and the adaptation of instruction for all learners; and is able to:
- 9.06(6)(a) employ a wide variety of teaching techniques, to match the intellectual, emotional, and social level of each student, and is able to select a wide variety of teaching strategies and materials to achieve different curricular purposes, and can:
 - 9.06(6)(a)(i) analyze the unique strengths and needs of students with disabilities, in relationship to the learning process and life experience, and plan instruction for appropriate student outcomes.
 - 9.06(6)(a)(ii) incorporate and utilize strategies that mitigate the influence of diversity on assessment, eligibility, programming, and placement of students with exceptional learning needs.
 - 9.06(6)(b) assist in the design and/or modification of standards-based instructional delivery, in response to identified student need, including that of exceptional learners, and English-language acquisition learners, and can effectively collaborate with other professionals to develop:
 - 9.06(6)(b)(i) and provide appropriate curriculum and instruction, that meets the unique needs of students with disabilities.
 - 9.06(6)(b)(ii) or gain access to services that meet the needs of learners and families from a variety of cultures.
 - 9.06(6)(c) incorporate knowledge about the effect of educational disabilities and giftedness on student learning, to optimize and individualize instruction; and to assist in planning for students' transition to post-school and work-life.
 - 9.06(6)(d) follow procedures specified in state, federal and local regulation and policy, and can:
 - 9.06(6)(d)(i) identify and provide pre-referral intervention(s) to determine the least restrictive learning environment for a student, whether in special or general education setting(s), as determined by the special education assessment process.
 - 9.06(6)(d)(ii) communicate to a variety of stakeholders, about the applicable history and foundations of federal, state, and local policy, and the legal requirements that provide the basis for special education and its practice(s).

- 9.06(6)(d)(iii) communicate effectively, to a variety of stakeholders, about the procedural safeguards inherent in due process rights, as related to assessment, eligibility, and placement.
- 9.06(6)(d)(iv) communicate to a variety of stakeholders about the rights and responsibilities of parents, students, especially those with disabilities, teachers, other professionals, and schools, as related to special education.
- 9.06(6)(d)(v) make ethical decisions, with regard to identification, assessment, instructional, and service delivery, for students in special education.
- 9.06(6)(d)(vi) coordinate, schedule, and supervise para-educators, to ensure that students' education programs are implemented effectively.
- 9.06(6)(e) develop and implement mandated, and other, individualized education plans related, but not limited to:
 - 9.06(6)(e)(i) student education, behavior, and transition, in collaboration with parents, students, and other education professionals.
 - 9.06(6)(e)(ii) measurable goals, objectives, and adaptations, as based on student need.
- 9.06(6)(f) collect data on student achievement, incorporated into the development of Individualized Education Plans (IEP), and;
 - 9.06(6)(f)(i) assess and report progress regarding student attainment of annual goals and objectives.
 - 9.06(6)(f)(ii) modify student plans, in a timely way, based on student data.
- 9.06(6)(g) consult with other professionals on the development of a student education plan, with regard to strategies which may be applied when a medical condition or medication must be considered, in terms of its current or potential effect on a student's learning and/or behavior.
- 9.06(7) The special education generalist is knowledgeable about, and skilled in, technology and its instructional applications; and the use(s) of technology in support of instruction delivery and the enhancement of student learning; and is able to:
 - 9.06(7)(a) provide assistance to the general classroom teacher with regard to the multiple use(s) of technology in the delivery of standards-based instruction.
 - 9.06(7)(b) incorporate technology, to increase student achievement, by utilizing:
 - 9.06(7)(b)(i) technology to support communication, in conjunction with, and utilizing the expertise of, other skilled/trained professionals.
 - 9.06(7)(b)(ii) current educational and assistive technologies, to meet the instructional needs of students with disabilities.
 - 9.06(7)(c) utilize technology to manage student education plans and to communicate relevant information to a wide variety of stakeholders.
 - 9.06(7)(d) apply technology to data-driven assessment(s) of learning.

9.06(7)(e) instruct, or ensure instruction of, and support, students with disabilities, in their acquisition of technology skills, according to need(s), level(s) of learning, and requirements for assistive technology.

9.06(8) The special education generalist is knowledgeable about the relationship of education to democracy, including, but not limited to: the school's role in teaching and perpetuating a democratic system of government; educational governance; careers in teaching; the relationship(s) between the various governmental entities which create laws, rules, regulations, and policies that determine education and special education practices; and is able to:

9.06(8)(a) model and articulate democratic ideals to students, and other stakeholders, as related, but not limited to:

9.06(8)(a)(i) teaching about productive citizenship.

9.06(8)(a)(ii) teaching and perpetuating the principles of a democratic republic.

9.06(8)(b) model for, and develop in students, positive and accepted behavior(s), to accepted standards, and respect for the rights of others, as necessary for successful personal, family, and community involvement, and well-being.

9.06(8)(c) demonstrate respect for, and effectively address in planning, influences that affect educational practice, including, but not limited to:

9.06(8)(c)(i) federal and state constitutional provisions.

9.06(8)(c)(ii) federal and state executive, legislative, and legal policies.

9.06(8)(c)(iii) the roles of elected officials in policy-making.

9.06(8)(c)(iv) local board of education, school district, and school administration policies, and those of boards of cooperative educational services.

9.06(8)(c)(v) the influence of non-traditional and non-public schools, including charter schools, private schools, and home schooling.

9.06(8)(c)(vi) public sector input from business, advocacy groups, and the public.

9.06(8)(d) promote teaching as a worthy career and describe the wide variety of career paths in education.

9.06(8)(e) self-evaluate performance and participate in professional development options and organizations that can improve that performance.

9.07 (Rule number reserved)

9.08 Early Childhood Special Education.

To be endorsed in early childhood special education, for ages birth - 8, an applicant shall hold a bachelor's or higher degree from a four-year accepted institution of higher education; have completed an approved program in early childhood or early childhood special education; and have demonstrated the competencies specified below:

9.08(1) The early childhood special education teacher is knowledgeable about child development and learning, and is able to articulate:

- 9.08(1)(a) theories of and research on typical and atypical child development, and to integrate them into cognitive, physical, social, emotional, language/communication, and aesthetic development.
 - 9.08(1)(b) the importance of recognizing, and addressing in planning, the individual strengths of all children, including those with special needs.
 - 9.08(1)(c) how all children, including those with special needs, learn, as related to the stages of cognitive, physical, social, emotional, language/communication, aesthetic development, and play; and the construction of knowledge, leading to literacy, e.g., language, reading, writing, the arts, and math.
 - 9.08(1)(d) the conditions which affect the development and learning of all, including special needs children, as related to the effects of physical, biological and environmental factors; and family, culture, society, and economics.
- 9.08(2) The early childhood special education teacher is knowledgeable about curriculum development is able to:
- 9.08(2)(a) apply knowledge of how all children, including those with special needs, develop, to provide opportunities that support cognitive, physical, social, emotional, language/communicative, aesthetic development and play of all young children, including those with special needs.
 - 9.08(2)(b) apply knowledge of how young children differ from one another in their development, and utilize a wide variety of approaches to promote student learning; to mitigate developmental delays; and to take advantage of the special abilities individual children may manifest, including those with special learning needs.
 - 9.08(2)(c) address, in planning for students, conditions that may affect the development and learning of all children from diverse populations including addressing how learning may be affected by physical, biological, environmental, familial, cultural, societal, and economic influences, to optimize child development, especially for the special needs learner.
 - 9.08(2)(d) implement an early childhood special education core curriculum that includes literacy and language, math, science, social studies, the arts, health and safety, physical education, and related uses of technology.
 - 9.08(2)(e) integrate content areas for meaningful learning, with a view toward providing opportunities for all children, including those with special needs, and not limited to developing thinking and problem-solving skills, and other applications of learning.
 - 9.08(2)(f) incorporate curriculum content, relevant to state and national student content standards.
 - 9.08(2)(g) implement positive guidance and socialization strategies that promote and support the development of individuals, including those with special needs, and their relationships within groups.
 - 9.08(2)(h) implement a wide variety of proven and effective instructional and facilitation strategies, appropriate to the learner, including the learner with special needs, which involve, but are not limited to:
 - 9.08(2)(h)(i) developmentally-appropriate practice.

- 9.08(2)(h)(ii) developmentally-appropriate play.
 - 9.08(2)(h)(iii) a multidisciplinary team approach which includes families as active participants and which guides service delivery and implementation.
 - 9.08(2)(h)(iv) inquiry, modeling, a multi-sensory orientation to instruction, modification, identification and support of learning styles, modality-based instruction and encouragement of learning for all children, including those with special needs.
 - 9.08(2)(h)(v) instruction of linguistically-diverse learners, including those with special needs.
 - 9.08(2)(h)(vi) cooperative interaction between staff and all children, including those with special needs.
 - 9.08(2)(h)(vii) addressing environmental learning factors including, but not limited to equity; safe and engaging learning spaces, with accessibility for all students, including those with special needs; and learning-enriched materials and equipment to encourage play, active exploration, and learning.
 - 9.08(2)(i) provide a variety of program models, and adapted learning environments for all children, including those with special needs, based on age and individual appropriateness.
- 9.08(3) The early childhood special education teacher is knowledgeable about family and community relationships, and is able to:
- 9.08(3)(a) communicate effectively and create partnerships with families; demonstrate respect for diversity within and among families; and build on family priorities, resources, strengths, values, and circumstances.
 - 9.08(3)(b) effectively articulate the roles, rights, and responsibilities of family members, professionals, agencies, and community resources.
 - 9.08(3)(c) incorporate proven family systems theories, including those related to supportive roles and relationships within families; structure of families; the effects of societal influences on families and on the young children within those families; and the effects of stress on families and on all children, including those with special needs.
 - 9.08(3)(d) provide information about and access to resources and programs available to the families of young children, including those with special needs, who are encountering change, and the transitions within and among various programs and systems.
 - 9.08(3)(e) establish collaborative relationships between/among educators, families, communities, agencies, and other professionals, to meet the needs of all children, including those with special needs.
- 9.08(4) The early childhood special education teacher is knowledgeable about professionalism, and is able to:
- 9.08(4)(a) self-evaluate and participate in professional development opportunities to remain current on:
 - 9.08(4)(a)(i) knowledge of the field; practice, personal philosophy; and a rationale for decision-making; and to remain involved in:

- 9.08(4)(a)(ii) continual self-assessment, reflection, and understanding of the impact of choices and actions on young children, including those with special needs, and on families, and other education and support services professionals.
 - 9.08(4)(b) articulate current issues and trends; legal issues including procedural safeguards, legislation, and other public policies affecting all children, including those with special needs; their families; programs for young children, including those with special needs; and the early childhood special education teaching profession.
 - 9.08(4)(c) articulate the early childhood/special education teaching profession, its multiple historical, philosophical and social foundations, and how these influence current thought and practice.
 - 9.08(4)(d) demonstrate an awareness of and commitment to professional ethics.
 - 9.08(4)(e) communicate the importance of working with specialists, para-professionals/para-educators, volunteers, and other adults.
 - 9.08(4)(f) incorporate state and national early childhood/special education programs standards, into student planning.
- 9.08(5) The early childhood special education teacher is knowledgeable about assessment, and is able to:
- 9.08(5)(a) utilize a wide variety of assessment strategies to identify appropriate developmental and learning strategies.
 - 9.08(5)(b) utilize on-going assessment, of all aspects of young children's development and learning, including that of children with special needs, to facilitate the participation of all young children, including those with special needs, in achievement, self-reflection, and self-assessment over time, and in a variety of settings.
 - 9.08(5)(c) involve families as active participants in their child's assessment process.
 - 9.08(5)(d) utilize appropriate assessments for specific cultural groups, diverse learners, and, especially, for students with special needs to recommend or provide access to appropriate support services.
 - 9.08(5)(e) communicate the results of assessment for the purpose(s) of:
 - 9.08(5)(e)(i) individualized and group program planning.
 - 9.08(5)(e)(ii) referral, for all children, including those with special needs, when necessary, to further screening and evaluation.
 - 9.08(5)(e)(iii) active participation in the implementation and ongoing modification of the individualized education program (iep) and individual family service plan (ifsp) for all children, especially those with special developmental and learning needs, and including the appropriate use of the results of standardized testing in planning for instruction.
- 9.08(6) The early childhood special education educator is knowledgeable about child development and learning and curriculum development and implementation, and is able to:

- 9.08(6)(a) use a multidisciplinary team approach which includes involving families as active participants and which guides service delivery and plan implementation.
- 9.08(6)(b) plan and implement meaningful, integrated and developmentally-appropriate learning experiences which reflect the core content curriculum and the processes of learning and domains of development, especially for the learner with special needs.
- 9.08(6)(c) provide learning opportunities for diverse populations by using a wide variety of instructional strategies.
- 9.08(6)(d) evaluate practice and modify interactions and/or instruction based on informal and formal assessment(s).
- 9.08(6)(e) adapt strategies to reflect a safe and engaging learning environment that meets the individual needs of all children, including those with special needs, including:
 - 9.08(6)(e)(i) integrating the curriculum with individualized educational plans (iep) or individualized family service plans (ifsp) which address the identified needs of eligible children.
 - 9.08(6)(e)(ii) organizing space and selecting and using materials to encourage active involvement, cooperation, play and learning;
 - 9.08(6)(e)(iii) using the outdoor environment and natural settings as an integral part of the child's learning.
 - 9.08(6)(e)(iv) use individual and group guidance and problem-solving techniques to develop positive and supportive relationships with and among all children, including those with special needs, and to promote all children's self-discipline, self-esteem, and conflict-resolution strategies.
- 9.08(7) The early childhood special education educator is knowledgeable about family and community relationships, and is able to:
 - 9.08(7)(a) communicate effectively and develop partnerships with families to gain support for decisions related to child development and learning.
 - 9.08(7)(b) actively collaborate with family members, other professionals, agencies and community resources to support the education, development, and well-being of all children, including those with special needs.
 - 9.08(7)(c) demonstrate respect for individual family structure(s), social and cultural backgrounds, and linguistic differences, and address in planning for children's development and learning.
 - 9.08(7)(d) provide support to families of young children, including those with special needs, as they encounter change(s) and transition(s) within and among various programs and systems.
- 9.08(8) The early childhood educator is knowledgeable about professionalism, and is able to:
 - 9.08(8)(a) actively seek out opportunities for professional development, by remaining current on appropriate professional literature and resources and/or participating in relevant content-area oriented educational and other organizations, and experiences to inform and improve practice.

- 9.08(8)(b) establish and maintain positive, collaborative relationships with families, colleagues, other professionals, and work effectively as a team member.
- 9.08(8)(c) advocate for young children and their families, and improve the quality of programs and services for all young children, including those with special needs.
- 9.08(8)(d) capitalize on and strengthen the skills and expertise of other adults, especially education and related service professionals, in the learning environment.

9.08(9) The early childhood educator is knowledgeable about assessment, and is able to:

- 9.08(9)(a) use a wide variety of informal and formal assessment(s) in planning for instruction and its delivery; and in facilitating the awareness, in all young children, including those with special needs, of their own capability to learn and their achievement, through self-reflection and self-assessment.
- 9.08(9)(b) observe, record, and assess the cognitive, social, emotional, communicative, motor, adaptive, and aesthetic development of all young children, including those with special needs, over time, and in a variety of settings through:
 - 9.08(9)(b)(i) their responses.
 - 9.08(9)(b)(ii) determining the techniques they use to solve problems, arrive at answers, and create products.
 - 9.08(9)(b)(iii) their dispositions to persistence, curiosity, risk-taking, motivation, engagement, and excitement for learning.
 - 9.08(9)(b)(iv) use a wide variety of assessment strategies, including, but not limited to:
 - 9.08(9)(b)(iv)(a) ongoing observation, divergent questioning, and listening.
 - 9.08(9)(b)(iv)(b) timely and ongoing systematic procedures, such as ongoing observation records, event and time sampling, and developmental checklists.
 - 9.08(9)(b)(iv)(c) systematic sampling of the work of all children, including that of those with special needs, as related to, but not limited to performance, disposition, conversation, writing, creativity in the arts, audio tapes of oral language and/or reading, dictated stories, responses to literature, social interaction(s), and emotional response(s).
- 9.08(9)(c) work with families to assist them in becoming active and supportive participants and guides in the assessment process, by:
 - 9.08(9)(c)(i) selecting, evaluating, and using, appropriate assessments for specific cultural groups, diverse learners, and children with special needs.
 - 9.08(9)(c)(ii) articulating the results of assessment, for the purpose of planning strategies, programs, and activities; for student referral(s); and for effective implementation of the iep and ifsp.

9.08(10) The early childhood special education teacher has completed the field experience requirements including, but not limited to:

- 9.08(10)(a) engaging in early and on-going field experiences and student teaching in public and private early childhood centers, schools and community agencies serving young children, including those with special needs, and their families.
- 9.08(10)(b) working effectively over time with a wide variety of children, including those with special needs; of diverse ages, e.g. infants, toddlers, preschoolers, and primary ages; differing abilities; from a variety of cultural and linguistic backgrounds; in a variety of inclusive settings.
- 9.08(10)(c) demonstrating the ability to work effectively during full-time supervised student teaching and/or practicum experiences in at least two different inclusive settings, serving children of two different age groups, e.g. infant/toddler, preschool, and/or primary age(s); with varying abilities, and with special needs.

2260.5-R-10.00 Endorsements.

The following shall serve as standards for graduate endorsements. All endorsement standards shall be reviewed as needed, for continuing appropriateness, applicability, and benefit to Colorado students and schools.

10.01 (Rule number reserved.)

10.02 Teacher Librarian or School Librarian

To be endorsed as Teacher Librarian or a School Librarian, the applicant shall meet the following requirements:

- 10.02(1) To be endorsed as a teacher librarian, an applicant shall hold a bachelor's degree from an accredited institution of higher education; a master's degree in library science; hold an initial or Professional Teaching License; have completed a minimum of one-year of teaching experience in the classroom; and shall have demonstrated knowledge and performance in the areas listed below.
- 10.02(2) To be endorsed as a school librarian, an applicant shall hold a bachelor's or higher degree from an accredited institution of higher education; may or may not have classroom teaching experience; and shall have demonstrated knowledge and performance in the areas listed below.
- 10.02(3) The school library educator is knowledgeable about information literacy, collaboration, instructional design, technology, and teaching, and demonstrates the ability to:
 - 10.02(3)(a) Communicate and exhibit to the students, teachers, and administrators an applicable understanding of the learning and teaching, information access and delivery, and the program administration elements of the school library program and its relationship to a school's education program.
 - 10.02(3)(b) Implement the appropriate school library program elements that include: information literacy, collaboration, instructional design, technology and teaching; children's and young adults' literature; copyright, fair use, intellectual freedom, and acceptable use policies; reference services; administration of the library program; leadership and professionalism; and selection, evaluation, and utilization of library media.
- 10.02(4) The school library educator is knowledgeable about information literacy, collaboration, instructional design, technology and teaching, and demonstrates the ability to:

- 10.02(4)(a) Ensure that information literacy and educational technology standards are integrated with classroom and library instruction.
- 10.02(4)(b) Apply the collaborative instructional process with the librarian, technology educator, and classroom teacher which includes planning, scheduling, teaching, implementing, and evaluating.
- 10.02(4)(c) Model standards-based instruction to support student learning.
- 10.02(4)(d) Ensure that standards-based lessons are taught that encompass a range of steps including goals, objectives, independent and guided practice, modeling techniques, checks for understanding, and closure.
- 10.02(4)(e) Employ a variety of summative and formative assessment and revision techniques.
- 10.02(4)(f) Work effectively with classroom teachers and technology educators to promote collaborative planning and curriculum development through the school library program.
- 10.02(4)(g) Participate with teachers on curriculum writing teams and ensure that information literacy standards are integrated with educational technology and content standards.
- 10.02(4)(h) Exhibit an understanding of networks and instructional delivery systems.
- 10.02(4)(i) Demonstrate an understanding of a fully integrated library automation system for cataloging, accessing the collection, and the circulation of materials.
- 10.02(4)(j) Exhibit an understanding of troubleshooting and problem solving by analyzing, evaluating, and determining solutions.
- 10.02(4)(k) Deliver and access instructional and/or management software and licensed services.
- 10.02(5) The school library educator is knowledgeable about children's and young adults' literature, and demonstrates the ability to:
 - 10.02(5)(a) Exhibit an understanding of the history, development, and current trends in children's and/or young adults' literature.
 - 10.02(5)(b) Illustrate instructional concepts and the collaborative process through children's and young adults' literature.
 - 10.02(5)(c) Exhibit proficiency in children's and/or young adults' literature through various methods such as book talks, dramatic readings, storytelling, and creative dramatics.
 - 10.02(5)(d) Develop reading strategies to improve students' reading based upon reading levels, developmental abilities, and interests.
 - 10.02(5)(e) Identify genres, elements of literary analysis, and criteria for literary award winners.
 - 10.02(5)(f) Identify and describe elements of discrimination in literature such as gender bias, stereotyping, and propaganda.

- 10.02(5)(g) Model and encourage the love of reading through literature appreciation and reader's advisory for students and teachers.
- 10.02(6) The school library educator is knowledgeable about copyright, fair use, intellectual freedom, and acceptable use policies, and demonstrates the ability to:
 - 10.02(6)(a) Apply copyright law.
 - 10.02(6)(b) Implement the guidelines of fair use.
 - 10.02(6)(c) Exhibit a clear understanding of privacy policy statements.
 - 10.02(6)(d) Support the principles of intellectual freedom.
 - 10.02(6)(e) Implement acceptable use policies such as: Internet safety, software licensing, privacy protection, and plagiarism.
- 10.02(7) The school library educator is knowledgeable about reference services, and demonstrates the ability to:
 - 10.02(7)(a) Ensure that the curriculum needs and recreational reading interests of all students and teachers are supported by quality reference services and reference resources.
 - 10.02(7)(b) Identify reference information and exhibit excellent communication skills when participating in the reference interview and when providing appropriate responses to reference inquiries.
 - 10.02(7)(c) Exhibit the ability to teach students and teachers how to access, evaluate, and use the Internet and online library catalogs and online databases.
 - 10.02(7)(d) Participate in interlibrary loan services to successfully acquire resources for the students and teachers to meet their educational needs.
 - 10.02(7)(e) Develop bibliographies, resource lists for instructional units, and other documents as appropriate for meeting the educational needs of the students and teachers.
- 10.02(8) The school library educator is knowledgeable about administration of the library program, and demonstrates the ability to:
 - 10.02(8)(a) Participate with teachers and administrators to develop and implement a long-range strategic library plan that aligns the school library program's mission, with the goals and objectives of the school, integrates information literacy into the curriculum, and works collaboratively to deliver services, resources, and activities to meet the needs of the students.
 - 10.02(8)(b) Develop a mission statement, goals, and objectives of the school library program that align with those of the school building and school district.
 - 10.02(8)(c) Develop policies and procedures for the school library program that align with the district policies and procedures.
 - 10.02(8)(d) Initiate communication with the school administration and staff about the school library program plan, activities, curriculum, and use of technology.

- 10.02(8)(e) Utilize standard job descriptions, evaluation practices, and hiring procedures for managing library personnel and volunteer staff.
 - 10.02(8)(f) Prepare, justify, and maintain the school library program budget to ensure funding for the continuous acquisition of standards-based curriculum materials and services.
 - 10.02(8)(g) Develop and utilize an evaluation tool that measures the effectiveness of the school library program, including student learning, teaching, and program administration.
 - 10.02(8)(h) Exhibit the skills to assess, analyze, and design a school library media facility for optimal use and functionality to support educational needs of the program.
 - 10.02(8)(i) Exhibit the use of a planning process for library development using tools such as flow charts and timelines.
- 10.02(9) The school library educator is knowledgeable about leadership and professionalism, and demonstrates the ability to:
- 10.02(9)(a) Participate as a member in school and district committees, in state, regional and national educational organizations, and in professional library associations.
 - 10.02(9)(b) Apply current trends and issues in the field of school library media and educational technology to address local needs.
 - 10.02(9)(c) Mentor students, teachers, administrators, and community members and leaders in the effective use of libraries.
 - 10.02(9)(d) Demonstrate diplomacy in organizational politics and the skills to work as part of a team.
 - 10.02(9)(e) Develop strategies for promoting school library programs and services.
 - 10.02(9)(f) Model the principles of ethical behavior to ensure professional integrity.
- 10.02(10) The school library educator is knowledgeable about selection, evaluation and utilization of library media, and demonstrates the ability to:
- 10.02(10)(a) Exhibit the skills to use traditional, up-to-date, and electronic selection and collection development tools to ensure the school library media collection supports the standards-based curriculum at all grade levels, in a variety of formats, and for diverse learning styles.
 - 10.02(10)(b) Develop and implement a procedure for student and teacher input for collection development.
 - 10.02(10)(c) Develop and implement a policy, in collaboration with district and appropriate school personnel, for collection development/selection, weeding criteria, and reconsideration of challenged resources with procedures used to defend the challenged material that is consistent with the mission, goals, and objectives of the school building and school district.
- 10.02(11) The school library educator is knowledgeable about research and evaluation, and demonstrates the ability to:

- 10.02(11)(a) Exhibit the skills to conduct traditional and action research.
 - 10.02(11)(b) Collect, interpret, apply, and evaluate research data and results.
 - 10.02(11)(c) Apply summative and formative assessments.
 - 10.02(11)(d) Apply data driven evidence.
- 10.02(12) The school library educator is knowledgeable about cataloging and classification, and demonstrates the ability to:
- 10.02(12)(a) Exhibit and manage an organized school library collection, based on the discipline of cataloging and classification.
 - 10.02(12)(b) Exhibit an understanding in using standard tools such as: the Dewey Decimal Classification System, AACR2, MARC, Library of Congress, Sears Subject Headings, and other resources as appropriate for the cataloging and classification of materials.
 - 10.02(12)(c) Exhibit the skills used in the maintenance of bibliographic records.
- 10.02(13) Field experiences: The school library media education student shall:
- 10.02(13)(a) Have completed field work in diverse K-12 settings and grade levels and a supervised practicum or internship which includes both elementary and secondary school library experience.
 - 10.02(13)(b) The practicum or internship may be waived by the accepted institution upon comparable media experience.
- 10.02(14) The school library educator shall self-assess effectiveness, as based on student achievement, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

10.03 Reading Teacher.

To be endorsed as a reading teacher, elementary, secondary, or K-12, an applicant shall hold or be eligible for an Initial or Professional Teacher License; and shall have completed: two or more years of teaching experience in an elementary or secondary school, as appropriate to the endorsement being sought, while holding an Initial or Professional Teacher License, and an approved graduate program in reading, from an accepted institution of higher education.

- 10.03(1) The reading teacher is knowledgeable about reading and reading instruction, and is able to:
- 10.03(1)(a) effectively diagnose, prescribe, and evaluate teaching techniques appropriate to the age and grade level(s) of the student.
 - 10.03(1)(b) instruct students about the basics of reading, including applying effective methodology, techniques, and materials appropriate to age, assessed reading level, and learning issues of students.
 - 10.03(1)(c) incorporate psychological and cognitive processes, as specifically related to the effective teaching of reading.

- 10.03(1)(d) provide diagnostic and remedial teaching of reading, including, but not limited to applying appropriate and effective methods and techniques for instructional delivery, and the utilizing appropriate and relevant instructional materials.
 - 10.03(1)(e) identify and acquire appropriate and relevant resources, to improve student achievement.
 - 10.03(1)(f) organize and manage of reading instruction, and communicate and work effectively with other instructional staff, to meet the academic needs of students.
 - 10.03(1)(g) incorporate into planning, federal and state policies related to literacy, including, but not limited to, those related to formal assessments.
 - 10.03(1)(h) effectively evaluate and implement reading programs based on the needs of the students and scientifically-based applicable, proven, and appropriate reading research.
- 10.03(2) The reading teacher is knowledgeable in a minimum of three of the following supporting areas: testing and measurement; exceptional children; child and adolescent development; speech and hearing; guidance and counseling; child and adolescent literature; language development; curriculum; developmental and advanced reading skills; and reading difficulties, among students with diverse learning characteristics and backgrounds.
- 10.03(3) The reading teacher has completed a supervised practicum(s) or internship(s), as a reading teacher at the appropriate grade level(s) for endorsement (elementary, secondary, or K-12).
- 10.03(4) The reading teacher shall self-assess the effectiveness of instruction and assistance to staff and students, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

10.04 Reading Specialist.

To be endorsed as a reading specialist, K-12, an applicant shall hold a Colorado Initial or Professional Teacher License, with an endorsement in an approved content area; have completed an approved graduate program for the preparation of reading specialists; and shall have three or more years of demonstrated and effective classroom teaching experience.

- 10.04(1) The reading specialist is knowledgeable about, and is able to:
- 10.04(1)(a) provide effective basic and advanced reading instruction methodology, techniques, and instructional materials, for a wide variety of learners.
 - 10.04(1)(b) apply diagnostic, prescriptive, and evaluative techniques, appropriate to:
 - 10.04(1)(b)(i) students' ages;
 - 10.04(1)(b)(ii) grade levels; and
 - 10.04(1)(b)(iii) reading and learning disorders or disabilities.
 - 10.04(1)(c) the effective application of specific, relevant, and appropriate psychological processes, related to assisting students in overcoming barriers to learning to read.
 - 10.04(1)(d) effectively organize and manage reading instruction.

- 10.04(2) The reading specialist shall have successfully completed graduate-level studies in a minimum of three of the following relevant supporting areas:
- 10.04(2)(a) testing and measurement;
 - 10.04(2)(b) the teaching of exceptional students, including, but not limited to those who have been identified as gifted;
 - 10.04(2)(c) child and adolescent development;
 - 10.04(2)(d) speech and hearing;
 - 10.04(2)(e) guidance and counseling;
 - 10.04(2)(f) child and adolescent literature;
 - 10.04(2)(g) language development;
 - 10.04(2)(h) curriculum;
 - 10.04(2)(i) initial and advanced reading skills development;
 - 10.04(2)(j) the identification of, planning for, and instructional delivery of the curriculum to students with reading problems;
 - 10.04(2)(k) the identification of, planning for, and instructional delivery of the curriculum to those students for whom English is not their native language.
- 10.04(3) The reading specialist is knowledgeable about and able to effectively articulate the methods, issues, and resources involved in support of student instruction, to a wide variety of audiences, including, but not limited to, staff, parents, and students.
- 10.04(4) The reading specialist applicant shall have completed a supervised practicum or internship as a reading specialist.
- 10.04(5) The reading specialist shall self-assess the effectiveness of instruction, direction, and/or supervision, as based on the achievement of students, and pursue continuous professional development, through appropriate activities and coursework, and through participation in relevant professional organizations.

10.05 Director of Special Education.

The Director of Special Education shall:

- 10.05(1) hold a master's or higher degree in special education, or in a related field of special services, from an accepted institution of higher education;
- 10.05(2) have a minimum of two years of experience working with students with disabilities;
- 10.05(3) have completed an approved program for the preparation of special education directors, including a supervised field-based experience;
- 10.05(4) meet the standards for professional competency outlined in 6.13.

10.06 Instructional Technology Specialist, K-12.

To be endorsed as an instructional technology specialist, grades K-12, an applicant shall hold a Colorado Initial or Professional Teacher License, endorsed in an approved endorsement area; have completed an approved course of study for the preparation of instructional technology specialists; and shall have three or more years of teaching experience.

10.06(1) The instructional technology specialist is knowledgeable about technology operations and concepts, and is able to assist teachers in:

10.06(1)(a) effectively teaching students about technology concepts and skills, at all developmental levels.

10.06(1)(b) utilizing technology and information literacy resources, and strategies in teaching students in all content areas.

10.06(2) The instructional technology specialist is able to plan design, organize, and implement learning environments and experiences, and assist teachers in:

10.06(2)(a) identifying and applying instructional technology and information literacy principles associated with the development and implementation of long and short-term instructional plans.

10.06(2)(b) developing and maintaining engaging learning environments which include hands-on technology experiences for students, in individual, small group, classroom, and lab settings.

10.06(2)(c) providing guidance, as requested, regarding the purchasing of school and district-based technology tools.

10.06(2)(d) identifying, recommending, and assisting in the procurement and implementation of appropriate adaptive/assistive hardware and software for learners with special needs.

10.06(2)(e) applying current research with regard to facilities-and technology-planning issues

10.06(3) The instructional technology specialist is knowledgeable about teaching, learning, and the curriculum, and is able to assist teachers in:

10.06(3)(a) designing and delivering a standards-based curriculum, enhanced by teacher and student use of technology.

10.06(3)(b) incorporating technology and information literacy resources that enhance higher order thinking skills, and creativity, in students.

10.06(3)(c) designing instructional technology methods, techniques, and instructional materials, for learners with diverse backgrounds, characteristics, and abilities.

10.06(3)(d) evaluating student progress, as related to instructional technology, and as appropriate to students' ages and grade levels, content, language, and other developmental challenges.

10.06(3)(e) assisting students in overcoming barriers to using technology for learning.

10.06(3)(f) organizing and managing instructional technology.

10.06(4) The instructional technology specialist is knowledgeable about assessment and evaluation, and is able to assist educators in:

- 10.06(4)(a) selecting and applying data-collection tools to determine the effectiveness of instructional strategies.
 - 10.06(4)(b) using technology resources to collect and analyze data, interpret results, and communicate findings to improve instructional practice and maximize student learning.
 - 10.06(4)(c) using technology appropriately and effectively to improve learning, based upon evaluation and assessment data.
 - 10.06(4)(d) applying multiple methods of evaluation to improve and increase student use of technology resources, for learning, communication, and productivity.
- 10.06(5) The instructional technology specialist is knowledgeable about productivity and professional practice, as related to technology, and is able to assist educators in:
- 10.06(5)(a) integrating technology-based tools, into practice, as related to, but not limited to productivity, delivery of instruction, information research, school management, and evaluation of computer-based instructional tools into instructional and administrative settings.
 - 10.06(5)(b) applying technology to enhance and improve productivity and professional practice.
 - 10.06(5)(c) using technology resources for ongoing professional development.
 - 10.06(5)(d) reviewing professional practice on an ongoing basis, to insure informed decision-making with regard to the use(s) of technology in support of student learning.
 - 10.06(5)(e) professional development, utilizing proven, effective, and documented adult learning theory.
- 10.06(6) The instructional technology specialist is knowledgeable about, and able to inform teachers about, social, ethical, legal, and human issues, as related to technology, and is able to:
- 10.06(6)(a) apply technology resources to enable learners with diverse backgrounds, characteristics, and abilities, to receive an optimal education.
 - 10.06(6)(b) be an active advocate for providing equitable access to technology resources for all students
 - 10.06(6)(c) develop and implement strategies to inform school and other relevant personnel about social, ethical, and legal issues, as related to technology, and provide support to educators and administrators, with regard to the responsible use(s) of technology.
 - 10.06(6)(d) be knowledgeable about current copyright laws, and able to assist others in adhering to those laws, in the delivery of instruction and in related planning processes.
 - 10.06(6)(e) model and teach legal, ethical, and safe practices, as related to technology use.
- 10.06(7) The instructional technology specialist is knowledgeable about communication, and is able to:
- 10.06(7)(a) assist teachers in effectively communicating and collaborating with peers, parents, and interested others, in developing school-community support for technology, and its multiple uses in education settings.

- 10.06(7)(b) assist teachers in the effective use of telecommunication and media tools and resources, for information sharing, remote information access, publishing, and related activities.
- 10.06(7)(c) effectively present information about technology and its issues, to a variety of stakeholders, including, but not limited to staff, parents, and students, and includes effective strategies for increasing the use of technology resources in support of student instruction.
- 10.06(7)(d) demonstrate strategies to educators about how to incorporate effective research findings in the instructional delivery of required content, and in support of technology and information-literacy standards.

10.06(8) The instructional technology specialist applicant shall have completed a supervised practicum or internship as an instructional technology specialist.

2260.5-R-11.00 Special services endorsements.

The following shall serve as standards for special service endorsements on an Initial or Professional Special Services Licenses.

11.01 SCHOOL AUDIOLOGIST. FOR AGES BIRTH – 21

To be endorsed as a school audiologist, for ages birth to 21, an applicant shall hold a master's, or higher degree from an accepted institution of higher education; a clinical doctorate, for candidates who graduate after 2007; have successfully completed an approved program in school audiology; have successfully completed a practicum or internship in a school setting, equivalent to a minimum of 8-weeks, full-time, under the supervision of a professionally-licensed or masters'-level licensed audiologist; and have passed a national audiology exam. The School Audiologist is knowledgeable about and able to demonstrate the competencies specified below.

- 11.01(1) The school audiologist is knowledgeable about the procedures necessary to identify hearing loss in children/students, including, but not limited to the following, and is able to:
 - 11.01(1)(a) perform identification audiometric procedures, including pure tone audiometric screening, immittance measurements, otoacoustic emissions, and other electrophysiological measurements.
 - 11.01(1)(b) establish, administer, and coordinate hearing and/or auditory processing disorders (APD) identification programs.
 - 11.01(1)(c) train and supervise audiology support, or other personnel, as appropriate to screening for hearing loss and/or APD.
 - 11.01(1)(d) maintain accurate and accountable records for referral and follow-up of hearing screenings.
- 11.01(2) The school audiologist is knowledgeable about and is able to effectively implement the procedures necessary to assess hearing loss in children/students, including, but not limited to:

- 11.01(2)(a) performing comprehensive audiologic evaluations, including pure tone air and bone conduction measures; speech reception and word recognition measures, such as, situational functional hearing measures; immittance measures; otoscopy and other tests, including interpretation of electrophysiological measures; and differential determination of auditory disorders, and/or APD, to determine the range, nature, and degree of hearing loss and communication function.
- 11.01(2)(b) performing comprehensive educationally and developmentally relevant audiologic assessments of children/students, ages birth to 21, using bias-free procedures, and appropriate to receptive and expressive ability, and behavioral functioning.
- 11.01(2)(c) providing recommendations for appropriate medical, educational, and community referrals for other services, as necessary, for the identification and management of children/students with hearing loss and/or apd, and their families/guardians.
- 11.01(2)(d) interpreting, in writing and verbally, audiologic assessment results, functional implications, and management recommendations, to educational personnel, parents/guardians, and other appropriate individuals, including physicians and professionals, as part of a multidisciplinary process.
- 11.01(2)(e) selecting, maintaining, and calibrating audiologic equipment.
- 11.01(2)(f) providing access to assessment information, through interpreters/translators.
- 11.01(3) The school audiologist is knowledgeable about procedures of evaluation and provision of amplification instrumentation to children/students in school, and is able to:
 - 11.01(3)(a) determine children's/students' needs for, and the appropriateness of, hearing aids, cochlear implants, and other hearing-assistance technology.
 - 11.01(3)(b) perform the appropriate selection, verification, and maintenance of hearing-assistance technology, including ear mold impressions and modifications.
 - 11.01(3)(c) evaluate situational functional communication performance, to validate amplified or electrically-stimulated hearing ability.
 - 11.01(3)(d) plan and implement orientation and education programs, to assure realistic expectations, and to improve acceptance of, adjustment to, and benefit from hearing aids, cochlear implants, and hearing-assistance technology.
 - 11.01(3)(e) assess whether hearing aids, cochlear implants, and other hearing-assistance technology, as used in school, are functioning properly.
 - 11.01(3)(f) notify parents/guardian when a repair, and/or maintenance, of personal hearing-assistance devices is required.
- 11.01(4) The school audiologist shall be knowledgeable about, and is able to:
 - 11.01(4)(a) identify appropriate intervention methods, necessary levels of service, and vocational and work-study programming, as part of a multidisciplinary team process, integrating:
 - 11.01(4)(a)(i) auditory skill development, aural rehabilitation, and listening-device orientation and training;

- 11.01(4)(a)(ii) speech skill development, including phonology, voice, and rhythm;
 - 11.01(4)(a)(iii) visual communication systems and strategies, including speech-reading, manual communication, and cued speech;
 - 11.01(4)(a)(iv) language development, i.e. expressive and receptive oral, signed, cued and/or written language, including pragmatics;
 - 11.01(4)(a)(v) the selection and use of appropriate instructional materials and media;
 - 11.01(4)(a)(vi) the structuring of learning environments, including acoustic modifications;
 - 11.01(4)(a)(vii) case management and care coordination with family/parent/guardian, school, and medical and community services;
 - 11.01(4)(a)(viii) habilitative and compensatory skill training, to reduce academic deficits, as related to, but not limited to, reading and writing;
 - 11.01(4)(a)(ix) social skills, self-esteem, and self-advocacy support and training;
 - 11.01(4)(a)(x) the transition between, but not limited to levels, schools, programs, and agencies;
 - 11.01(4)(a)(xi) support for a variety of education options, for children/students with hearing loss and/or apd.
- 11.01(4)(b) develop and implement treatment plans that facilitate communication competence, which may include, but not be limited to, speech-reading; auditory/aural development; communication strategies; and visual-communication systems and strategies.
- 11.01(4)(c) provide and/or make recommendations with regard to assistive technology, such as, but not limited to hearing aids and hearing-assistance technology, to include radio/television, telephone, pager, and alerting convenience.
- 11.01(4)(d) provide developmentally-appropriate aural (rehabilitation services, including, but not limited to programming in the child's natural environment, if appropriate, in the areas of speech-reading, listening, communication strategies, use and care of hearing aids, cochlear implants, hearing-assistance technology, and self-management of hearing needs.
- 11.01(4)(e) provide information and training to teachers, administrators, children/students, parents/guardians, and other appropriate professionals and individuals, regarding hearing and auditory development; hearing loss and/or apd, and implications for communication, learning, psychosocial development, and the setting and meeting of vocational goals; hearing aids, cochlear implants, and hearing assistance devices; effective communication strategies; effects of poor classroom acoustics and other environmental barriers to learning; and ehdi (early hearing loss detection and intervention) programs and resources.
- 11.01(4)(f) apply appropriate instructional modifications and classroom accommodations to curricula delivery and academic methodology, materials, and facilities.

- 11.01(4)(g) conduct analyses of classroom acoustics, and make recommendations for improvement of the listening environment, utilizing principles of classroom acoustics, acoustical measurement, and acoustical modifications.
- 11.01(5) The school audiologist is knowledgeable about the parameters of information counseling and advocacy, and is able to:
 - 11.01(5)(a) counsel families/guardians, and children/students with hearing loss and/or apd, to provide emotional support; information about hearing loss and the implications thereof; and strategies to maximize communication, academic success, and psycho-social development.
 - 11.01(5)(b) assure that parents/guardians receive comprehensive, unbiased information regarding hearing loss; communication options; educational programming; and amplification options, including cochlear implants, in cases of severe to profound hearing loss.
 - 11.01(5)(c) demonstrate sensitivity to cultural diversity and other differences in characteristics, including those found among individuals, and within family/guardian systems, and including deaf culture.
 - 11.01(5)(d) demonstrate effective interpersonal communication skills, in a variety of settings, for a variety of circumstances.
- 11.01(6) The school audiologist is knowledgeable about the parameters associated with hearing conservation, and is able to:
 - 11.01(6)(a) develop, implement, and/or manage programs for the prevention of hearing loss.
 - 11.01(6)(b) provide education, when appropriate, as related to, and regarding access to, hearing protection devices.
- 11.01(7) The school audiologist is knowledgeable about ethical conduct, and is able to:
 - 11.01(7)(a) comply with federal and state laws, regulations, and policies, including local district and school policies, and relevant case law, regarding referral, assessment, placement, related processes, and the delivery of service(s).
 - 11.01(7)(b) effectively articulate the role of the school audiologist, as part of the special education team, within the learning community.
 - 11.01(7)(c) incorporate knowledge of school systems, multidisciplinary teams, and community, national, and professional resources, into planning.
 - 11.01(7)(d) effectively collaborate with teachers, parents and related personnel, in case management, with flexibility, and in a professional manner.
 - 11.01(7)(e) utilize a range of interpersonal communication skills, such as, but not limited to consultation, collaboration, counseling, listening, interviewing, and teaming, as appropriate, in the identification of, prevention of harm to, assessment of, and/or intervention with children/students suspected of, or identified as, having auditory disabilities.
 - 11.01(7)(f) mentor and supervise audiology support personnel, so that the auditory needs of children/students are effectively addressed.

- 11.01(7)(g) maintain accurate records and data, as relevant to the planning, management, and evaluation of programs.
- 11.01(7)(h) educate other professionals and the community about implications of hearing loss.
- 11.01(7)(i) initiate requests, or network, to acquire support when needed.

11.02 SCHOOL OCCUPATIONAL THERAPIST, FOR AGES BIRTH-21

To be endorsed as a school occupational therapist, for ages birth to 21, an applicant shall hold a bachelor's or higher degree from an accredited institution of higher education; have successfully completed an American Occupational Therapy Association-accredited college or university program, in occupational therapy; have successfully completed a practicum or internship, as required by the school of occupational therapy attended, which may be held in a variety of settings, but which must include a school setting, or a setting with school-age children; and have passed the occupational therapy national registration examination, administered by the national board for certification in occupational therapy. If the candidate's practicum did not occur during the school occupational therapist's university training program, a minimum of 40-hours of direct field experience, working in a public education setting, under the supervision of an experienced occupational therapist, and with children or students between the ages of birth - 21, must have been completed. The school occupational therapist is knowledgeable about and is able to demonstrate the competencies specified below.

- 11.02(1) The school occupational therapist is knowledgeable about the legal framework of occupational therapy within the public school system, and is able to:
 - 11.02(1)(a) articulate the letter and intent of federal, special education, state laws, and policies, as related to school-based occupational therapy, including issues related to potential safety and liability.
 - 11.02(1)(b) articulate, to a variety of audiences, the role of school-based occupational therapy, for ages birth - 21, including, but not limited to, the school occupational therapist's contribution to:
 - 11.02(1)(b)(i) students' individualized education plans and programs (IEP) and individualized family service plan (IFSP);
 - 11.02(1)(b)(ii) students' participation within the general education curriculum, including, but not limited to, academic, non-academic, and extracurricular activities, and in the community, including, but not limited to vocational and independent living training.
 - 11.02(1)(b)(iii) early intervention for children, ages 0-2, and preschool, ages 3-5, including working with families and caregivers, and with consideration for natural environments.
- 11.02(2) The school occupational therapist is knowledgeable about processes for determining eligibility for special education services; the need for related services; and the design and implementation of IEPs. The school occupational therapist, working with other educational professionals and interdisciplinary team members, is able to:
 - 11.02(2)(a) implement pre-referral interventions, in support of a student's participation and performance within the educational context.

- 11.02(2)(b) evaluate student eligibility for early intervention or special education services, and to make referrals, when pre-referral interventions prove ineffective or inadequate.
 - 11.02(2)(c) adhere to all established confidentiality and due process policies and procedures.
 - 11.02(2)(d) advocate for student access to and participation in the general curriculum, and in the least restrictive environment.
- 11.02(3) The school occupational therapist is knowledgeable about appropriate and accurate assessment of a student's occupational and physical abilities and how to determine the need for adaptive equipment, and is able to:
- 11.02(3)(a) complete and evaluate observations and/or screenings of a student's strengths, problems, and potential issues, within the educational setting.
 - 11.02(3)(b) coordinate data-gathering, from record reviews, interviews, checklists, specific observations, and/or collaboration or consultation, to avoid duplication of service(s), and/or assessment(s), including interpretation of medical records and prescriptions, as applied to the educational environment.
 - 11.02(3)(c) identify and select appropriate, valid, and reliable assessments to measure contextual factors, activity demands, and student factors, as related to academic achievement.
 - 11.02(3)(d) assess a student's occupational performance, during activities of daily living, including, but not limited to hygiene, functional mobility, eating, dressing, toileting, communication, and meal preparation.
 - 11.02(3)(e) assess a student's performance skills; motor skills, including, but not limited to posture, mobility, coordination, strength and effort, and energy; process skills, including, but not limited to energy, knowledge, temporal organization, organizing space and objects, adaptation; and communication/interaction skills, including, but not limited to body language, information exchange, and relations with others.
 - 11.02(3)(f) assess the student's performance context, as related to cultural, physical, social, personal, temporal, and virtual aspects.
 - 11.02(3)(g) assess factors internal to the student, including, but not limited to those physical, cognitive, and psycho-social factors that influence development and performance, and those which interact with illness, disease, and disability.
 - 11.02(3)(h) identify environmental factors that can either support or hinder a student's academic performance.
 - 11.02(3)(i) interpret assessment data to develop and refine hypotheses about the student's academic performance, and effectively communicate, both verbally and in writing, about assessment results, to a variety of audiences, including, but not limited to educators paraprofessionals, parents, and students, as appropriate.
 - 11.02(3)(j) use clinical experience, clinical observation, and professional judgment, as well as, assessment data to, within the context of an iep or individual family service plan (IFSP) team, plan and develop appropriate and targeted student objectives, to be measured regularly, for systematic comparisons of current and past student performance.

- 11.02(3)(k) report regular progress in attainment of the student's goals and objectives, and make appropriate modifications, as needed, to the student's IEP or IFSP.
- 11.02(4) The school occupational therapist is knowledgeable about how to promote student engagement in everyday educational occupations and activities, and how to support student participation in education and community contexts, and is able to:
- 11.02(4)(a) provide appropriate classroom and environmental modifications and accommodations.
 - 11.02(4)(b) adapt curriculum, curriculum materials, and presentation style, to the unique fine, visual, sensory, and gross motor needs of each student.
 - 11.02(4)(c) integrate appropriate equipment, and/or devices, including low and high technology, to facilitate functional and independent skills, and minimize deficiencies and increased deformity.
 - 11.02(4)(d) participate in program or curriculum development, representing the needs of diverse learners, to provide building level interventions, as needed, and as appropriate.
 - 11.02(4)(e) identify and utilize intervention approaches, based on documented evidence of research-based best practices.
 - 11.02(4)(f) provide school occupational therapy reports to students and families, on a regular basis, coinciding with the school district's progress reporting schedule and format
- 11.02(5) The school occupational therapist is knowledgeable about how to create, communicate, and sustain effective collaborative relationships, with relevant individuals, families, schools, and communities, and is able to:
- 11.02(5)(a) communicate effectively with students, families, teachers, and other professionals, including, but not limited, to those in the private sector, to appropriately plan for meeting a student's needs and to avoid duplication of service(s).
 - 11.02(5)(b) communicate respectfully and sensitively to students and adults.
 - 11.02(5)(c) teach, facilitate, coordinate, schedule, and supervise paraprofessionals, other staff members, and family members/guardians, to ensure that IEPs are effectively implemented.
 - 11.02(5)(d) facilitate and/or assist in transition of students from one setting to another, in collaboration with students, their families, other educational staff, support-related professionals, and/or community organization representatives, as appropriate.
 - 11.02(5)(e) identify and utilize resources and strategies that promote effective partnerships with individuals, families, school personnel, and appropriate community entities.
 - 11.02(5)(f) demonstrate the skills needed for the design and application of therapeutic strategies, as based on the defined needs, motivational levels, interests, preferences, and individual backgrounds and characteristics of students.
- 11.02(6) The school occupational therapist is knowledgeable about ethical and legal standards of the practice of occupational therapy in the State of Colorado, and is able to:
- 11.02(6)(a) address ethical considerations in all student and occupation-related practices.

- 11.02(6)(b) recognize cultural and other biases, and modify IEPs and IFSPs, accordingly.
- 11.02(6)(c) interpret literature and apply documented successful evidence-based research and practice, as related to school occupational therapy.
- 11.02(6)(d) deliver occupational therapy services in accordance with the American Occupational Therapy Association's standards and policies, and those of the State of Colorado.
- 11.02(10)(e) demonstrate compliance with the most current occupational therapy Code of Ethics for the American Occupational Therapy Association.

11.03 SCHOOL ORIENTATION AND MOBILITY SPECIALIST, FOR AGES BIRTH – 21

To be endorsed as a school orientation and mobility specialist, for ages birth to 21, an applicant shall hold a bachelor's or higher degree, from an accepted institution of higher education; have successfully completed an approved preparation program for school orientation and mobility specialists; have successfully completed a practicum or internship, in a school setting, equivalent to a minimum of 320-hours, full-time, under the supervision of an Academy of Certification of Vision Rehabilitation and Education Professionals (ACVREP)-licensed orientation and mobility specialist; have passed the ACVREP examination; and hold a current and valid ACVREP orientation and mobility certificate. The orientation and mobility specialist is knowledgeable about and able to demonstrate the competencies specified below.

- 11.03(1) The school orientation and mobility specialist is knowledgeable about the legal framework, historical and auricular foundations, and cultural social-economic factors affecting students with visual impairments and other concomitant disabilities, and about systems of orientation and mobility, and is able to:
 - 11.03(1)(a) articulate the history and philosophy of instructional practices as related to orientation and mobility instruction for children and youth with visual impairments.
 - 11.03(1)(b) incorporate, and address in planning, variations in beliefs, traditions, and values across cultures, and their potential effect on attitudes toward, and expectations for, individuals with visual impairments.
 - 11.03(1)(c) research, identify, and apply for appropriate and relevant federal entitlements that provide specialized equipment and materials for individuals with visual impairments.
 - 11.03(1)(d) communicate effectively, with regard to current educational definitions, identification criteria, labeling issues, and incidence and prevalence figures, for individuals with visual impairments, to a variety of audiences, as needed and appropriate.
 - 11.03(1)(e) describe the use of the long cane, as a mobility system; the different types of long canes, adapted canes, and adaptive mobility devices, and their strengths and limitations as travel tools, in consideration of individual travel needs and travel environments; and articulate and utilize prescription techniques for canes, adapted canes, and adaptive mobility devices.
 - 11.03(1)(f) describe the dog guide as a mobility system; the methods and strategies for providing orientation assistance to a dog guide user; and the process for making referrals to dog guide-training centers.

- 11.03(1)(g) describe the use and application of electronic travel aids (ETAs), as a supplementary mobility system; how ETAs are classified; and the basic principles of operating commercially-available ETAs.
 - 11.03(1)(h) explain the uses and applications of optical and non-optical devices, as a supplementary mobility system; and the classification and basic principles of operation of optical and non-optical devices; and the various ways in which persons with visual impairments may use these devices in travel environments.
 - 11.03(1)(i) describe the use of ambulatory aids, such as, but not limited to, support canes, walkers, crutches, and wheelchairs, and the manner in which these devices may be used by individuals who are blind or visually impaired.
 - 11.03(1)(j) articulate the correlation between, and the advantages and disadvantages of mobility systems, for persons with a range of visual impairment, including those with concomitant disabilities, and communicate this information effectively to students and their families.
- 11.03(2) The school orientation and mobility specialist is knowledgeable about human development, and the implications of blindness/visual impairment and deaf-blindness, upon development, and orientation and mobility skill acquisition. The school orientation and mobility specialist is able to:
- 11.03(2)(a) explain the structure, function, and normal development of the human visual system, and the impact on development of other sensory systems, when vision is or becomes impaired.
 - 11.03(2)(b) describe and interpret basic terminology, manifestations, movement, and travel implications of diseases and disorders of the human visual system.
 - 11.03(2)(c) explain about the classification and quantification of hearing loss; the special auditory needs of persons with visual impairments; the use of hearing aids by persons with visual impairments and the uses of audiometric data for traffic interpretation.
 - 11.03(2)(d) describe the role of perception, as it pertains to cognition, sensation, attention, memory, cognitive mapping, orientation, and the utilization of information, has conveyed through sensory means.
 - 11.03(2)(e) articulate the effects of medications) on the functioning of the sensory systems, and on general mobility.
 - 11.03(2)(f) describe the impact of, and needs generated by, hearing loss, on an individual's modes of communication, movement, and travel.
 - 11.03(2)(g) explain the effects of visual impairment, with and without additional disabilities, on early development of motor and cognition abilities, self esteem, social/emotional interaction, self-help, communication, travel safety, and orientation and mobility skill(s) acquisition.
 - 11.03(2)(h) describe the impact of vision loss on the family, and strategies available to family members, caregivers, and support systems, in encouraging and supporting independence,

- 11.03(2)(i) describe the similarities and differences between the sensory, cognitive, physical, cultural, social, emotional, and travel needs of students, with and without visual impairments.
 - 11.03(2)(j) discuss the role and function of incidental learning, when vision is impaired, as related to concept development and travel skills.
 - 11.03(2)(k) recommend adaptations, across student travel environments, that can address and accommodate individual sensory and physical needs.
- 11.03(3) The school orientation and mobility specialist is knowledgeable about the accurate assessment of students' sensory, developmental, and orientation and mobility performance, and is able to:
- 11.03(3)(a) interpret and apply specialized terminology, as used in the medical diagnoses of eye reports, low vision evaluation reports, orientation, and mobility assessment(s) of individuals with visual impairments, and those with concomitant disabilities.
 - 11.03(3)(b) articulate the rudimentary practices used for screening hearing function(s), and ensure that hearing is screened prior to assessment of orientation and mobility knowledge and skills.
 - 11.03(3)(c) gather background information and family history, as relevant to the individual student's visual status, and orientation and mobility needs.
 - 11.03(3)(d) utilize, in planning, data from specific and appropriate orientation and mobility assessments, to measure functional vision, and orientation and mobility knowledge and skills, including, but not limited to concept development, sensory-motor function, and informal and formal mobility techniques.
 - 11.03(3)(e) address, in planning, ethical considerations, legal provisions, regulations, policies, and guidelines for the valid orientation and mobility assessment of individuals with visual impairments, including those with concomitant disabilities.
 - 11.03(3)(f) adapt and implement a variety of orientation and mobility assessment procedures, when evaluating individuals with visual impairments, including those with concomitant disabilities.
 - 11.03(3)(g) incorporate into planning, the interpretation and application of assessment results, from related professional fields, in conjunction with orientation and mobility assessments of individuals with visual impairments, including, but not limited to, those with concomitant disabilities.
 - 11.03(3)(h) implement appropriate strategies to assess environments for accessibility and safety.
 - 11.03(3)(i) analyze and utilize assessment information in the development of the individualized family service plans (IFSP) and individualized education programs (IEP) for individuals with visual impairment, including those with concomitant disabilities.
 - 11.03(3)(j) write behaviorally-stated goals and objectives that are realistic, measurable, appropriately-sequenced, and based on assessment findings.

- 11.03(3)(k) apply strategies and methods for using assessment information to the ongoing evaluation of student progress, and implement appropriate program adaptations and remediation strategies, accordingly.
- 11.03(3)(l) create and accurately maintain required school records with regard to orientation and mobility assessments, for individuals with visual impairments, including those with concomitant disabilities.
- 11.03(4) The school orientation and mobility specialist is knowledgeable about specialized instruction, and appropriate modifications and accommodations, for learners with visual impairment, and is able to:
 - 11.03(4)(a) establish appropriate and effective communication, interaction, and rapport with children/students of all ages, and their families, or others who may be accountable.
 - 11.03(4)(b) counsel students regarding the setting of high, but achievable mobility goals; choosing a mobility system; related matters, involving the use of mobility skills in daily living; and recognize, and incorporate into planning, students' evolving attitudes toward orientation and mobility instruction.
 - 11.03(4)(c) identify resources for, and/or acquire and utilize, and/or design and produce, appropriate media and materials that support orientation and mobility instruction, including, but not limited to, visual, tactile, and auditory maps, and models, graphic aids, and recorded information.
 - 11.03(4)(d) apply observational techniques appropriate to orientation and mobility instruction.
 - 11.03(4)(e) implement instructional strategies that can enable person(s) with visual impairments to use sensory information in travel environments.
 - 11.03(4)(f) design and implement instructional programs using the optical and non-optical devices recommended by eye care professionals, for use in travel environments.
 - 11.03(4)(g) evaluate and select environments for the introduction, development, and reinforcement of orientation and mobility knowledge and skills.
 - 11.03(4)(h) demonstrate the construction, assembly, and maintenance of the long cane and other adaptive mobility devices; articulate the nomenclature related to the cane and its parts; use appropriate resources for procuring long canes and other devices; and demonstrate proficiency in maintaining and repairing canes and other adaptive mobility devices.
 - 11.03(4)(i) provide student instruction and support to address sensory skills, body image concept development, directionality, environmental concepts, address systems, interpretation of traffic patterns, and related orientation and mobility concepts.
 - 11.03(4)(j) modify and provide instruction, as related to, techniques of trailing, upper and lower body protection, squaring off, search, room familiarization, use of landmarks and cues, solicitation of assistance, and human guides.
 - 11.03(4)(k) modify and provide instruction, as related to, appropriate cane techniques, and their applications in indoor and outdoor environments, including, but not limited to: diagonal cane and touch technique; touch technique modifications, including three-point touch, touch and slide, touch and drag; constant contact technique; and the use of the cane for shore-lining.

- 11.03(4)(l) provide instruction on techniques for using adaptive mobility devices in indoor and outdoor environments.
 - 11.03(4)(m) provide instruction, with regard to orientation and travel skills, including, but not limited to that of route planning; direction taking; distance measurement and estimation; utilization of compass directions; recovery techniques; analysis and identification of intersections and traffic patterns; use of traffic control devices; negotiation of public conveyance systems, such as, but not limited to elevators and escalators; techniques for crossing streets; and techniques for travel in indoor, outdoor, residential, small business, business district, malls, and rural area environments.
 - 11.03(4)(n) select appropriate distances and positioning, relative to the student, for safe and effective instruction, as the student advances through the orientation and mobility program, which may best facilitate progress, as skills, relevant to a wide variety and complexity of environments, are introduced.
 - 11.03(4)(o) select, design, implement, and utilize "drop-off" lessons for the assessment of orientation and mobility skills.
 - 11.03(4)(p) instruct students on how to address travel needs, when the distance between the instructor and the student is remote, and develop and facilitate "solo" lessons and independent travel experiences.
 - 11.03(4)(q) articulate the role of regular and special education personnel and related service professionals, who may be involved in interdisciplinary, multidisciplinary, or trans-disciplinary instruction of the child/student.
 - 11.03(4)(r) develop appropriate lesson plans and record pertinent anecdotal lesson notes concisely.
- 11.03(5) The school orientation and mobility specialist is knowledgeable about effective communication and successful collaboration with students, their families, and relevant education and community personnel, and is able to:
- 11.03(5)(a) describe and respond to movement and travel-related concerns of parents of individuals with visual impairments, with varied and appropriate strategies to assist them in addressing such concerns.
 - 11.03(5)(b) articulate the roles of individuals with visual impairments to parents and other family members, educational service providers, and relevant community personnel, in planning for students' individualized orientation and mobility programs.
 - 11.03(5)(c) describe the roles of, and be able to provide direction for, para-professionals or para-educators, who assist with the orientation and mobility instruction of students with visual impairments.
 - 11.03(5)(d) utilize appropriate strategies for assisting families and other team members in planning for level-transitioning of students with visual impairments.
 - 11.03(5)(e) provide resources for service, networking, and organization, specifically oriented to students with visual impairments and deaf-blindness, to families, related professionals, and other support personnel.
 - 11.03(5)(f) advocate for the necessity of role models for students with visual impairments and deaf-blindness.

- 11.03(5)(g) utilize appropriate and effective communication, consultation, and collaboration skills and strategies in working with students with visual impairment, parents, regular and special education staff, and community personnel, regarding students' orientation and mobility needs and program(s).
 - 11.03(5)(h) initiate and coordinate respectful and beneficial relationships between and among families, and relevant professionals, where appropriate, to encourage and assist families in becoming informed and active participants in students' orientation and mobility programs.
 - 11.03(5)(i) plan and conduct conferences with families or primary caregivers, as required and/or necessary.
 - 11.03(5)(j) manage and direct the activities of para-educators, or peer tutors, who work with individuals with visual impairments.
- 11.03(6) The school orientation and mobility specialist is knowledgeable about adhering to ethical and appropriate professional practices, in contributing to the orientation and mobility skill development of children/students, and is able to:
- 11.03(6)(a) apply the ethical considerations governing the profession of orientation and mobility to the education of the learner who is visually impaired, recognizing the importance of the orientation and mobility specialist as a role model for students with visual impairment(s).
 - 11.03(6)(b) recognize cultural and other biases, to assure that instruction of students is discrimination-free.
 - 11.03(6)(c) articulate, and address in planning, concerns related to student safety and potential liability, and keep current on national and local environmental accessibility standards.
 - 11.03(6)(d) engage in the activities of professional organizations which represent and advocate for the field of visual impairment, whenever relevant.
 - 11.03(6)(e) keep current on literature and documented effective research, as applicable to individuals with visual impairments and orientation and mobility needs, and apply relevant information to planning and objectives' setting for students.
 - 11.03(6)(f) practice professional self-assessment, and seek out professional development activities that support the advancement of personal skills and knowledge, and which can benefit students with visual impairments, their families, and/or colleagues, and to maintain ACVREP certification.

11.04 SCHOOL PHYSICAL THERAPIST, BIRTH – 21

To be endorsed as a school physical therapist, for ages birth - 21, an applicant shall hold a bachelor's or higher degree; have completed a physical therapy program accredited by the American Physical Therapy Association's (APTA) Commission on the Accreditation of Physical Therapy Education (CAPTE); have successfully completed an appropriate practicum or internship, as required by the Page 175 physical therapy program attended; have successfully completed academic preparation for managing children in the school setting; hold a current physical therapy license, issued by the Colorado Department of Regulatory Agencies; and have demonstrated the competencies specified below.

- 11.04(1) The school physical therapist is knowledgeable about the legal framework of physical therapy within the public school system, and is able to:
- 11.04(1)(a) articulate the letter and intent of state and federal special education law, rule, and policy, including local education agency policy, as related to school-based physical therapy, and including, but not limited to, issues related to safety and liability.
 - 11.04(1)(b) describe the etiology of various physical and medical conditions that impact the functional ability of the student within the school, home, and community environments.
 - 11.04(1)(c) articulate the difference between medically-based physical therapy management and general physical therapy management, as a related service under IDEA; and adapt physical therapy management strategies from the medical model to the educational model.
 - 11.04(1)(d) utilize strategies that consider the influence of diversity on assessment, eligibility determination, intervention planning, and on placement of individuals with exceptional learning needs.
- 11.04(2) The school physical therapist is knowledgeable about the process of determining eligibility for special education services, related services, and designing and implementing Individualized Educational Programs (IEPs) and/or Individualized Family Service Plans (IFSPS), and is able to:
- 11.04(2)(a) implement pre-referral interventions, as part of a special education team that supports the student's participation and performance, within the educational context.
 - 11.04(2)(b) refer students for special education, when the education team determines that pre-referral interventions have been ineffective or inadequate.
 - 11.04(2)(c) participate, as needed, on an interdisciplinary team, to evaluate student eligibility for early intervention or special education services.
 - 11.04(2)(d) adhere to all established confidentiality and due process guidelines and procedures.
 - 11.04(2)(e) advocate for student access to, and participation in, the general curriculum, and the least restrictive environment.
- 11.04(3) The school physical therapist is knowledgeable about completing accurate assessments of a student's physical abilities and needs for adaptive equipment, and is able to:
- 11.04(3)(a) complete and evaluate observations, and/or screenings, to assess a student's strengths and challenges, within the educational setting.
 - 11.04(3)(b) provide gross motor and fine motor screenings, to determine if a child is in need of a complete evaluation.
 - 11.04(3)(c) coordinate data-gathering from, record reviews, interviews, checklists, specific observations, interpretation of medical records, and identification of prescriptions and medications taken, as each applies to the educational environment, and to collaborate or consult with others, when indicated, in order to avoid duplication of services, and/or assessment.

- 11.04(3)(d) identify and select valid and reliable assessment methods, to measure contextual factors, activity demands, and student factors, that may be affecting school performance.
- 11.04(3)(e) where appropriate, conduct tests and measures of the following areas, and evaluate for performance within the educational setting: muscle strength, force, endurance, and tone; reflexes and automatic reactions, movement skill and accuracy; joint motion, mobility, and stability; sensation and perception; peripheral nerve integrity; locomotor skill, stability, and endurance; activities of daily living; cardiac, pulmonary, and vascular functions; fit, function, and comfort of seating and positioning equipment, prosthetic, orthotic, and other assistive devices; posture and body mechanics; limb length, circumference, and volume; thoracic excursion and breathing patterns; vital signs; and physical home and school environments.
- 11.04(3)(f) incorporate strategies that consider the influence of diversity on assessment, eligibility, programming, and placement of individuals with exceptional learning needs.
- 11.04(3)(g) identify, and address in planning, environmental factors that may support or hinder a student's performance.
- 11.04(3)(h) interpret assessment data to develop and refine hypotheses about the student's performance.
- 11.04(3)(i) interpret and communicate, verbally and in writing, the results of the assessment process, for a variety of audiences, including, but not limited to, teachers, paraprofessionals, related service professionals, students, and parents/guardians, as appropriate.
- 11.04(3)(j) use proven documented evidence of clinical experience, clinical observation, professional judgment, test results, and evidence in relevant literature, within the context of an IEPs or IFSPs, to plan and develop appropriate and measurable student-targeted outcomes.
- 11.04(3)(k) report progress in the attainment of annual goals and objectives, and make appropriate modifications, as needed, to the student's iep or ifsp.
- 11.04(4) The school physical therapist is knowledgeable about how to develop and provide related-service support to special education communities, for students with disabilities, and is able to:
 - 11.04(4)(a) apply current proven effective practice, appearing in the literature, as related to the practice of physical therapy in the school environment, to the development of strategies that can gain maximum access for, and participation in a free and appropriate public education by all students.
 - 11.04(4)(b) provide appropriate classroom and environmental modifications and accommodations, to facilitate students' ability to receive and participate in an appropriate public education.
 - 11.04(4)(c) reinforce functional behavior(s), as related to the cognitive, communicative, social/emotional and physical needs of students.
 - 11.04(4)(d) integrate appropriate equipment, and/or devices, including low and high technology, to facilitate more functional and independent skills, within the educational environment.

- 11.04(4)(e) identify safety concerns and appropriate interventions, for both the student and the "provider," in the case of providing physical assistance to the student, to prevent injury.
 - 11.04(4)(f) identify appropriate strategies and interventions to assist the student in obtaining improved functional academic performance, through consultation, and direct and/or indirect, intervention(s).
 - 11.04(4)(g) identify and utilize intervention approaches based on established best practices and documented research-based evidence, including remediation, and/or appropriate adaptations for positioning needs, adaptive/assistive equipment needs, and/or the need for physical or manual assistance to perform functional life skills, within the educational environment, home or community.
 - 11.04(4)(h) provide school physical therapy reports, to students and families, on a regular basis, that coincide with the school district's progress reporting schedule and format.
 - 11.04(4)(i) directly supervise unlicensed persons at school locations, in accordance with Colorado's Physical Therapy Practice Act, to facilitate a student's ability to participate in the educational process.
- 11.04(5) The school physical therapist is knowledgeable about how to create, communicate in, and sustain effective collaborative relationships, with relevant individuals, families, schools, and communities, and is able to:
- 11.04(5)(a) communicate respectfully and sensitively to students and adults.
 - 11.04(5)(b) communicate effectively with students, families, teachers, and other professionals, including those from the private sector, to appropriately plan for a student's services, and to avoid duplication of service(s).
 - 11.04(5)(c) communicate with relevant providers and educators, about the functional impact of students' disabilities on the ability to perform within the school environment.
 - 11.04(5)(d) identify resources and strategies that promote effective partnerships with individuals, families, school personnel, and community representatives.
 - 11.04(5)(e) teach, facilitate, coordinate, schedule, and provide supervision to paraprofessionals, other staff members, and family members/guardians, as appropriate, to ensure that the IEP and/or IFSP is effectively implemented.
 - 11.04(5)(f) serve as an advocate for student's right to the least restrictive environment, in an appropriate public education.
 - 11.04(5)(g) collaborate with colleagues and the school team, to establish, write, and measure appropriate and relevant student outcomes, that are consistent with the functional skills that must be acquired by students', so that they become as independent as possible, within the educational environment, at home, and/or in the community.
 - 11.04(5)(h) facilitate and/or assist in the development of the effective transition of students from one setting to another, in collaboration with the students, their families/guardians, or other professionals, including community representatives, to promote a continued level of functional performance at the new setting.

- 11.04(6) The school physical therapist is knowledgeable about the ethical and legal standards of physical therapy practice in the State of Colorado, and is able to:
- 11.04(6)(a) recognize and address, in planning, the effect of cultural bias on practice.
 - 11.04(6)(b) evaluate and apply current effective evidence-based practice, as related to school physical therapy.
 - 11.04(6)(c) practice within the ethical and legal standards of the practice of physical therapy, according to Colorado's Physical Therapy Practice Act and the American Physical Therapy Association's standards and policies, and demonstrate compliance with the most current physical therapy code of ethics, of the American Physical Therapy Association.
 - 11.04(6)(d) routinely evaluate and measure personal performance, as a physical therapist, to ensure therapeutic efficacy and achievement of appropriate outcomes; and participate in professional development and professional organizations, which lead to increased knowledge, and growth in skills and abilities.

11.05 School Nurse, Birth – 21.

To be endorsed as a school nurse, for ages birth to 21, an applicant shall hold a bachelor's or higher degree, in nursing, from an accepted institution of higher education or a bachelor's degree in another area; and current national certification in, and three years of experience in, school nursing; have successfully completed the requirements for, and is holding, a valid Colorado Registered Nurse License; have successfully completed field experiences and a supervised practicum, as prescribed by the preparing institution, including experiences with school-age children, in a community health/public health or school setting. The initially licensed school nurse shall participate in an approved induction program that will enable the nurse to be knowledgeable about and able to demonstrate the competencies specified below, which have been endorsed by the American Nurses' Association and the National Association of School Nurses, as standards of care and the standards of professional performance for school nurses.

- 11.05(1) The school nurse is knowledgeable about the standards of care of school nursing practice, and is able to:
- 11.05(1)(a) assess student health status using data collected from the student, parent, school staff, and other relevant health care providers.
 - 11.05(1)(b) conduct basic screening programs, to identify potential health issues that may affect a child's ability to learn.
 - 11.05(1)(c) conduct physical assessments and specific screening tests, counseling, and conferencing, to determine the physical, social, and mental status of the student.
 - 11.05(1)(d) assess the school: environment and program(s), to determine modifications that are necessary to address student health and safety needs.
- 11.05(2) The school nurse has the knowledge to make nursing diagnoses, and is able to:
- 11.05(2)(a) validate student, family, and group assessment data.
 - 11.05(2)(b) interpret health history information, medical reports, nursing observations, and test results, using educational terminology.
 - 11.05(2)(c) establish student and school health care priorities.

- 11.05(3) The school nurse has the knowledge of how to set health priorities in the school setting, and is able to:
- 11.05(3)(a) evaluate health outcomes of school environment and program changes, and create situation-specific methods of results-measurement.
 - 11.05(3)(b) assess the cultural health beliefs of students, to determine the impact on health care delivery, health care compliance, and on education in the classroom.
 - 11.05(3)(c) identify resources needed to achieve objectives, and establish time frames and criteria to measure results.
- 11.05(4) The school nurse is knowledgeable about planning, and is able to:
- 11.05(4)(a) review assessment information, and relate findings to functioning levels, and needs of students, within the school setting.
 - 11.05(4)(b) develop a school health care plan to meet students' individual health needs, within the school setting.
 - 11.05(4)(c) develop a plan to promote health and wellness, and reduce risk factors, within the school setting.
 - 11.05(4)(d) collaborate with school personnel and community professionals and other resources to plan health-related and informational activities for students, educational staff, and relevant others.
- 11.05(5) The school nurse is knowledgeable about plan implementation, and is able to:
- 11.05(5)(a) manage health care plans, for students with identified special health needs, within the school setting.
 - 11.05(5)(b) provide direct delivery of health services, for students, when and if appropriate.
 - 11.05(5)(c) delegate to, train, and supervise appropriate school personnel, to implement specific health care procedures.
 - 11.05(5)(d) help clients to obtain resources and services.
 - 11.05(5)(e) adhere to professional standards and state regulations.
 - 11.05(5)(f) coordinate care, to meet the health needs of students, their families, and related vulnerable populations.
- 11.05(6) The school nurse is knowledgeable about evaluation, for purposes of plan updating, and is able to:
- 11.05(6)(a) monitor progress toward meeting student health care plan outcomes, and revise plans, as needed, to meet identified ongoing or emerging needs of the student.
 - 11.05(6)(b) evaluate school or district health care policies and procedures, counseling, and classroom teaching outcomes.
 - 11.05(6)(c) evaluate health care delivery models.

- 11.05(6)(d) monitor health outcomes of school environment and program changes.
- 11.05(7) The school nurse is knowledgeable about what constitutes quality of care, and is able to:
 - 11.05(7)(a) develop recommendations to enhance the school environment, and/or to modify a school program, to meet student health and safety needs.
 - 11.05(7)(b) evaluate school staff, trained to carry out designated health care procedures.
 - 11.05(7)(c) participate in quality assurance activities, such as development of relevant policies and procedures.
- 11.05(8) The school nurse is knowledgeable about performance appraisal, and is able to:
 - 11.05(8)(a) effectively appraise performance, through constructive comments from peers and supervisors, self-assessment, and adherence to relevant regulations.
 - 11.05(8)(b) develop personal goals for professional development.
- 11.05(9) The school nurse is knowledgeable about professional development, and participates in relevant continuing education programs.
- 11.05(10) The school nurse is knowledgeable about the necessity for collegiality in the school, setting, to meet the health needs of students, and relevant needs of their families, as related to student achievement, and is able to:
 - 11.05(10)(a) is able to collaborate with school personnel, students, parents, and primary health care providers, and relevant others, to establish an effective reciprocal referral system.
 - 11.05(10)(b) is able to participate, as a member of an interdisciplinary school health, and/or relevant education team, to positively affect student well-being.
 - 11.05(10)(c) participate in appropriate and relevant professional and community organizations.
- 11.05(11) The school nurse is knowledgeable about the ethics of the profession, and is able to:
 - 11.05(11)(a) demonstrate, through application, an understanding of, and incorporation of, professional standards and state regulations, in an education and/or healthcare setting.
 - 11.05(11)(b) recognize the need for, and to maintain confidentiality.
 - 11.05(11)(c) recognize and demonstrate respect for students' and families' cultural health care beliefs and student and family autonomy and rights.
- 11.05(12) The school nurse is knowledgeable about the positive aspects of collaboration, and is able to:
 - 11.05(12)(a) articulate, clearly, the value and role of the nurse in the school setting.
 - 11.05(12)(b) work within the organizational structures that influence the delivery of school health services, and to be an advocate for the health and well-being of students within the school setting.

- 11.05(12)(c) act as liaison between school, community health agencies, care providers, parents, and students, to meet the objectives of student health care plans.
- 11.05(13) The school nurse is knowledgeable about applicable research, and is able to:
 - 11.05(13)(a) base practice on current knowledge, theory, and research, on which there is documented evidence of effectiveness.
 - 11.05(13)(b) participate in ongoing relevant research activities.
- 11.05(14) The school nurse is knowledgeable about resource utilization, and is able to:
 - 11.05(14)(a) assess the economic, legal, and political factors that influence health care delivery in schools and communities, and constructively address applicable factors, within the school setting.
 - 11.05(14)(b) collaborate with community agencies, to reduce duplication and expand resources.
- 11.05(15) The school nurse is knowledgeable about communication, including non-verbal communication, and its effect, and is able to:
 - 11.05(15)(a) articulate issues clearly, to a wide variety of audiences, in a wide variety of situations and settings.
 - 11.05(15)(b) interpret health history information, medical reports, nursing observations, and test results, and communicate, clearly, to appropriate staff, and/or students, and/or their families.
 - 11.05(15)(c) document interventions accurately, in a timely way, and in a retrievable and understandable format.
 - 11.05(15)(d) effectively use technology to acquire up-to-date information, and to expand skills and resources.
- 11.05(16) The school nurse is knowledgeable about program management, and is able to:
 - 11.05(16)(a) develop effective community partnerships, and a wide range of accessible resources.
 - 11.05(16)(b) design disease prevention and health promotion strategies and programs, for students, their families, when appropriate, and other relevant staff.
 - 11.05(16)(c) implement and oversee recommended modifications of the school environment and programs, to meet identified student health and safety needs, and to reduce injuries.
 - 11.05(16)(d) provide health consultation, health education, and health promotion, for students, families, where appropriate, and staff, to improve school attendance.
 - 11.05(16)(e) advise and consult with other relevant health care providers, as appropriate, to address the needs of students within the school setting.
 - 11.05(16)(f) evaluate health care delivery models, and apply relevant elements, within the school setting.

- 11.05(17) The school nurse is knowledgeable about of health education, and is able to:
- 11.05(17)(a) develop, and effectively implement, lesson plans, pertinent to identified health education needs.
 - 11.05(17)(b) assess student and staff education needs for relevant health information, and provide staff with health education programs, information, resources, and materials, developmentally-appropriate for the student population being served, to promote health/wellness, and to prevent illness and injury.
 - 11.05(17)(c) inform students and parents of patient rights.

11.06 SCHOOL PSYCHOLOGIST, BIRTH – 21

To be endorsed as a school psychologist, for ages birth to 21, an applicant shall have completed the competencies specified below,

- 11.06(1) and including:
- 11.06(1)(a) completion of an approved sixth-year specialist program, with a minimum of 60-graduate semester hours, or a doctoral program for the preparation of school psychologists, serving children/students, birth -21.
 - 11.06(1)(b) passing the national school psychology examination;
 - 11.06(1)(c) and have successfully completed:
 - 11.06(1)(c)(i) practica consisting of a sequence of closely supervised on-campus or field-based activities, designed to develop and evaluate a candidate's mastery of distinct professional skills, consistent with program and/or course goals; and
 - 11.06(1)(c)(ii) an internship consisting of a full-time experience of over one year, or half-time, over two consecutive years, with a minimum of 1200-clock hours, of which at least 600-hours must be in a school setting which requires a candidate to demonstrate, under supervision, the ability to integrate knowledge and skills in all the professional practice standards, and to provide a wide range of outcome-based school psychological services; and
 - 11.06(1)(c)(iii) which may include, beyond the 600-hours in the school setting, other acceptable internship experiences, including in private, state-approved educational programs, or in other appropriate mental health or education-related programs.
 - 11.06(1)(d) an applicant may also hold a valid National Certified School Psychologist (NCSP) credential, issued by the national school psychology certification board; or,
 - 11.06(1)(e) if an applicant holds a valid license, issued by the Colorado State Board of Psychologist Examiners, per department of regulatory agency rules, or is eligible to sit for licensure examinations, that applicant shall provide an institutional recommendation from the professional education unit of an accepted Colorado institution of higher education with an approved school psychology program, verifying that the applicant has acquired the specified competencies listed in these rules, including completion of an appropriate internship, and has achieved a passing score on the national school psychology examination.

- 11.06(2) The school psychologist is knowledgeable about human learning processes, from infancy to young adulthood, techniques to assess these processes; direct and indirect services applicable to the development of cognitive and academic skills; and is able to:
- 11.06(2)(a) apply learning, motivation, and developmental theories, to improve learning and achievement for all children/students.
 - 11.06(2)(b) utilize developmentally-appropriate practices that support the education of children/students, ages birth -21, with disabilities or delays in development.
 - 11.06(2)(c) use results from ongoing assessment(s) in the development of appropriate cognitive and academic goals for children/students with differing abilities, disabilities, strengths, and needs.
 - 11.06(2)(d) implement interventions, such as consultation, behavioral assessment/intervention, and counseling, to achieve student goals.
 - 11.06(2)(e) evaluate the effectiveness of interventions, and modify, as necessary and appropriate.
- 11.06(3) The school psychologist is knowledgeable about a wide variety of models and methods of informal and formal assessment, across ages birth - 21, that can identify strengths and needs, and measure progress and functioning, in school, home, and community environments, and is able to:
- 11.06(3)(a) select evaluation methods and instruments that are most appropriate, based upon effective up-to-date measurement theory and research.
 - 11.06(3)(b) implement a systematic process to collect data, including, but not limited to, test administration; interviews and observations; behavioral, curriculum-based, and play-based assessments; and ecological or environmental evaluations.
 - 11.06(3)(c) translate assessment results into empirically-based decisions about service delivery, to promote child/student achievement.
 - 11.06(3)(d) evaluate the outcomes of programs and services incorporating appropriate and relevant research design, statistics, and methodology.
- 11.06(4) The school psychologist is knowledgeable about typical and atypical human developmental processes, from birth to adulthood; the techniques to assess these processes; and the application of direct and indirect services for individuals, groups, and families, and, in collaboration with others, is able to:
- 11.06(4)(a) develop appropriate behavioral, affective, adaptive, social, and transition goals for students of varying abilities, disabilities, strengths and needs.
 - 11.06(4)(b) implement interventions and services, including but not limited to, consultation, behavioral assessment and intervention, counseling, and interagency collaboration, based on identified goals.
 - 11.06(4)(c) evaluate the intervention(s) and modify, as needed and appropriate, to increase and assure effectiveness.

- 11.06(5) The school psychologist is knowledgeable about individual diversity, abilities, and disabilities, including the influence of social, cultural, ethnic, socio-economic, gender-related, and linguistic factors, on development, learning, and behavior, and is able to:
- 11.06(5)(a) identify biological, cognitive, affective, developmental, social, and cultural bases, that contribute to individual differences.
 - 11.06(5)(b) identify risk and resiliency factors.
 - 11.06(5)(c) recognize psychopathology and articulate its potential influence on school functioning.
 - 11.06(5)(d) demonstrate the sensitivity, skills, and respect necessary to work with diverse types of individuals and families.
 - 11.06(5)(e) display respect for diversity in social and cultural backgrounds and linguistic differences, when working with families, school personnel and community agencies.
 - 11.06(5)(f) select and/or adapt prevention and intervention strategies, based on individual characteristics, strengths, and needs, to improve learning, achievement, and adaptive functioning for all children/students.
- 11.06(6) The school psychologist is knowledgeable about general education, special education, other educational and related services, the importance of multiple systems and their interactions, and organizational practices that maximize learning, and is able to:
- 11.06(6)(a) develop and implement policies and practices that create and maintain safe, supportive, and effective learning environments.
 - 11.06(6)(b) participate in and facilitate school reform efforts.
 - 11.06(6)(c) translate federal and state law, state rules and regulations, and local policy, into building and district-level practice.
- 11.06(7) The school psychologist is knowledgeable about models of effective evidence-based programs, as related to health promotion; school safety; and primary, secondary, and tertiary intervention, and is able to:
- 11.06(7)(a) implement school-wide prevention and intervention programs, which may include, but are not limited to individual and group counseling, affective education, and positive behavior interventions and supports, to promote the mental health, physical well-being, and the achievement of children/students of all ages.
 - 11.06(7)(b) participate in risk assessments and crisis response planning, to promote and maintain school safety.
 - 11.06(7)(c) respond, effectively, to crisis situations.
- 11.06(8) The school psychologist is knowledgeable about collaboration and consultation models and methods, and their applications in school, family, and community systems, and is able to:
- 11.06(8)(a) consult and collaborate, effectively, with children/students, school personnel, families, and community professionals, to promote and provide comprehensive services to children and families, and to advance student achievement.

- 11.06(8)(b) communicate information that is readily understandable, to students, families, educators, and community members, during meetings, in-services, and consultations.
 - 11.06(8)(c) promote family involvement in education and service delivery.
 - 11.06(8)(d) collaborate with families, and other service providers, to meet the needs of infants, toddlers, and preschoolers, in home and community settings.
 - 11.06(8)(e) link community resources that serve infants, toddlers, children, adolescents, young adults, and their families, and facilitate children's/students' transitions across various service delivery systems.
- 11.06(9) The school psychologist is knowledgeable about the history and foundations of school psychology, standards for legal and ethical practice, evidence-based service models and methods, and public policy, and is able to:
- 11.06(9)(a) demonstrate professional leadership that exemplifies a personal and professional commitment to ethical, professional, and legal standards.
 - 11.06(9)(b) practice in accordance with all applicable federal and state statutes, rules and regulations, and local policies, especially those concerning due process, informed consent, privacy rights, and confidentiality.
 - 11.06(9)(c) integrate information sources and current technology, to enhance quality of service.
 - 11.06(8)(d) utilize data-based decision-making, in all aspects of professional practice.
 - 11.06(9)(d) maintain professional preparation, development, and supervision, as related to the population served.
 - 11.06(9)(e) contribute professionally to the advancement of school psychology.

11.07 SCHOOL SOCIAL WORKER, FOR AGES BIRTH – 21

To be endorsed as a school social worker, for ages birth -21,

- 11.07(1) The candidate shall:
- 11.07(1)(a) hold a master's degree or higher, in social work, from an accepted institution of higher education;
 - 11.07(1)(b) have documented evidence of completion of coursework, in the areas of school and special education law;
 - 11.07(1)(c) have successfully completed one of the following:
 - 11.07(1)(c)(i) the National School Social Worker examination;
 - 11.07(1)(c)(ii) the Colorado Assessment for Licensed Clinical Social Workers; or
 - 11.07(1)(c)(iii) the Colorado State Board of Education-adopted assessment for school social workers;

11.07(1)(c)(iv) have successfully completed a supervised practicum of 900-clock hours, in the field of social work, which shall have been completed in a school, social service agency, mental health clinic or facility, and/or hospital setting, with

11.07(1)(c)(v) at least one field experience of which shall have been completed with school age children/students, and which should enable the social worker to synthesize and apply a broad range of relevant knowledge and skills, and include opportunities to analyze, intervene, and evaluate, in ways that are highly differentiated, discriminating, and self-critical, and to refine his/her communication skills differentially, with a variety of client populations, colleagues, and members of the community.

11.07(2) The school social worker is knowledgeable about the history and foundations of school social work; standards for legal and ethical practice; proven-effective evidenced-based models and methods; and public policy, and is able to:

11.07(2)(a) demonstrate professional leadership and ethical practice, in accordance with federal, state, and local legislation, regulations, and policies.

11.07(2)(b) demonstrate personal and professional commitment to the values and ethics of the social work profession, through application of the national association of social workers professional standards and code of ethics, in ethical decision-making.

11.07(2)(c) remain current regarding effective evidence-based practice.

11.07(2)(d) apply federal, state, and local legislation, regulations, and policies, to ethical and legal interventions.

11.07(2)(e) establish priorities and models for the delivery of school social work services that include individual and group counseling; advocacy, case management; consultation; and crisis intervention; to meet the needs of all learners.

11.07(2)(f) conduct in-services, for faculty and staff, on child protection and school attendance issues, and develop other training and educational programs, in collaboration with local community agencies, and other pertinent entities, in support of (he goals and mission of the educational institution.

11.07(2)(g) counsel parents and students about due process rights, as mandated by special education legislation; and school personnel, so that they are knowledgeable about, and able to meet their legal responsibilities, to all students.

11.07(2)(h) comply with the legal mandates of confidentiality and maintain adequate safeguards to protect the privacy and confidentiality of student and family information.

11.07(3) The school social worker is knowledgeable about systems change, and is able to:

11.07(3)(a) acquire or gain access to resources which can eliminate service deficiencies in the local education agency, or in the community, which negatively affect the ability of children/students to benefit from the educational system.

11.07(3)(b) identify, and collaborate, with individuals who function as formal or informal leaders in their communities, to develop and enhance networks, that can complement the services of the local education and community agencies.

- 11.07(3)(c) identify areas of need not being addressed by the local education agency and community, and work to initiate those services.
- 11.07(3)(d) document problems, and recommend solutions to appropriate decision-makers, in the local education agency or community.
- 11.07(3)(e) advocate for appropriate change among educators, other professionals, and citizens, and provide leadership on committees and advisory boards at local, state, regional, and national level, to assure that the needs of all learners are met.
- 11.07(3)(f) use mediation and conflict-resolution strategies to resolve children's/students' educational and parental concerns.
- 11.07(3)(g) document the need, and advocate, for policy change at the local, state, regional, : and national level, that can empower children/students and their families to gain access to, and effectively use formal and informal community resources.
- 11.07(4) The school social worker is knowledgeable about communication, consultation, and collaboration, and is able to
 - 11.07(4)(a) act as a consultant, to personnel, and others in the local education agency, including members of school boards, and representatives of the community, to promote understanding, and effective utilization of, school social work services.
 - 11.07(4)(b) act as a consultant to teachers, parents, and others, in facilitating understanding of how factors in the home, local education agency, and community affect children's/students' educational experience(s).
 - 11.07(4)(c) act as a consultant on policy matters, including, but not limited to, such issues as, discipline, suspension, expulsion, attendance, confidentiality, multicultural factors, and child abuse and neglect.
 - 11.07(4)(d) work collaboratively to develop cooperative service arrangements, and to mobilize the resources of local education agencies and the community, to meet the needs of children/students and families, and to serve as liaison between parents, community, and school(s).
 - 11.07(4)(e) as an effective member of an interdisciplinary team, bring unique skills, abilities, and a systems' perspective, to the assessment and diagnosis of children's/students' needs.
 - 11.07(4)(f) initiate and support activities that can assist in overcoming institutional barriers and gaps in service.
 - 11.07(4)(g) demonstrate the professional skills, values, and abilities necessary to facilitate the meeting of the objectives set by the interdisciplinary team, to ensure student success.
 - 11.07(4)(h) provide appropriate case planning and management services, and coordinate service planning, with school and/or district and community personnel.
 - 11.07(4)(i) through modeling and coaching, teach individuals to be effective group members, in therapeutic groups, or in task-oriented work groups.

- 11.07(4)(j) effectively advocate for children/students, and their families, in a variety of circumstances, which may have a negative affect on learning, including, but not limited to, those related to suspension and expulsion; discrimination; immigration; homelessness; chronic, acute, and communicative diseases, and other health issues; substance abuse, and other at-risk conditions.
- 11.07(5) The school social worker is knowledgeable about educational planning, and is able to:
 - 11.07(5)(a) ensure that children's/students' educational plans are based on assessments relevant to the concerns raised in the referral; and include goals, objectives, and interventions to achieve desired outcomes, methods of evaluation, and outcome criteria.
 - 11.07(5)(b) ensure that plans are designed to enhance children's/students' positive educational experiences, and involve the family, other team members, and school and community resources, as appropriate.
 - 11.07(5)(c) provide services to children/students, that build on individual strengths, and maximize opportunities to participate in the planning process and in directing the learning experience.
 - 11.07(5)(d) develop and implement an intervention plan, or, when the most suitable types of intervention are not available, design an alternative plan, intended to enhance children's/students' ability to benefit from their educational experience.
 - 11.07(5)(e) conduct culturally-sensitive assessments, and participate in iep planning for, and service delivery to, all learners.
 - 11.07(5)(f) incorporate, into the educational planning process, appropriate curricula, and approaches to teaching and learning, acceptable in the context of the local education agency.
- 11.07(6) The school social worker is knowledgeable about prevention and intervention, and is able to:
 - 11.07(6)(a) use basic helping skills, including, but not limited to, interviewing, questioning, and counseling, to assist children/students, and/or families, in addressing problems they are experiencing with social functioning, and the effects of such actions on student achievement, by working with them to develop alternative strategies, based on clearly-defined evidence-based treatment modes or models.
 - 11.07(6)(b) counsel students and parents about actions which interfere with effective education and student achievement.
 - 11.07(6)(c) conduct small group activities which can serve as environments for teaching children/students effective daily living skills, and as conduits for communicating information intended to enhance social functioning, or the facilitation of problem resolution.
 - 11.07(6)(d) conduct classroom programs, when indicated, which can provide students with affective knowledge and skills.
 - 11.07(6)(e) conduct parent groups, as appropriate and indicated, relevant to their support of student achievement.

- 11.07(6)(f) implement appropriate school intervention and prevention programs, in response to demonstrated need, to ensure a safe and civil learning environment for all students, which may include, but not be limited to crisis intervention, conflict resolution, and substance abuse prevention.
 - 11.07(6)(g) complete in-depth psychosocial assessments of children/students, and of family functioning, as related to planning for the improvement of student achievement.
 - 11.07(6)(h) develop measurable and appropriate behavioral, affective, adaptive, social, and academic objectives for students with varying abilities, disabilities, strengths, and needs.
 - 11.07(6)(i) treat those in need or in crisis situations with respect, empathy, dignity, and a consistently positive approach to problem resolution.
 - 11.07(6)(j) utilize family strengths and structure(s), to enable families to function as advocates for themselves and for their children's education and well-being.
- 11.07(7) The school social worker is knowledgeable about social and cultural foundations, and is able to:
- 11.07(7)(a) apply proven theories of human growth and development, as related to students, ages birth - 21, including, but not limited to learning, systems, communications, social learning, and behavioral theory, in working with children/students.
 - 11.07(7)(b) incorporate diversity factors and the special educational needs of culturally-and linguistically-different populations into the planning process for students.
 - 11.07(7)(c) ensure that children and their families are provided services within the context of multicultural understanding, and with consideration given to addressing the sensitivities that enhance families' support of children's learning experiences.
 - 11.07(7)(d) conduct culturally-sensitive assessments of problem learning areas and recommend interventions to meet needs and to promote student achievement.
 - 11.07(7)(e) demonstrate the ability to select and/or adapt strategies based on the needs of at-risk children/students and those with identified disabilities.
 - 11.07(7)(f) address, in planning, biological and environmental factors which affect children's/students' ability to function effectively and to achieve in school.
 - 11.07(7)(g) identify racial and ethnic barriers within the local education agency and develop strategies to lessen and overcome the negative effects of such barriers on children/students, and on the learning climate of the local education agency.
 - 11.07(7)(h) create opportunities for students and staff to recognize diversity in positive ways and to facilitate the understanding and acceptance of cultural and other influencing differences.
- 11.07(8) The school social worker is knowledgeable about assessment, and is able to:
- 11.07(8)(a) assist local education agencies in the identification of students needing specialized and or support services.
 - 11.07(8)(b) perform needs-assessments, as the foundation of effective program planning for children/students and families, that include, but are not limited to:

- 11.07(8)(b)(i) a study of bio-psychosocial factors that may interfere with the children's/students' adjustment to and performance in school, and which may involve assessment(s) of the student's physical, cognitive, and emotional development, and adaptive behavior, as manifested in the family's related history;
- 11.07(8)(b)(ii) assessment of the student's behavior and attitudes in a variety of settings;
- 11.07(8)(b)(iii) assessment of the patterns of the child's/student's interpersonal relationships, as observed in the family, local education agency, and in community settings;
- 11.07(8)(b)(iv) assessment of the aspects of the biological, medical, psychological, cultural, sociological, emotional, legal, and environmental factors that affect reports on the student's behavior, by teachers and other personnel, in their roles with/within the local education agency;
- 11.07(8)(b)(v) identification of formal and informal policies of the local education agency, and other institutional factors, that may affect the student's behavior;
- 11.07(8)(b)(vi) assessment of patterns of achievement and adjustment, at critical points in the child's/student's growth and development; and
- 11.07(8)(b)(vii) assessment of the existence of, accessibility to, and utilization of community resources, for children/students and families.
- 11.07(8)(c) incorporate students' needs-assessment information into, and write a comprehensive, timely, and appropriate social-developmental history.
- 11.07(8)(d) utilize appropriately-administered formal and informal objective measures, including, but not limited to, measures of adaptive and functional behavior, self-esteem, social skills, attitudes, emotional health, and interests.
- 11.07(8)(e) consider placement and service options for students, in a variety of contexts.
- 11.07(9) The school social worker is knowledgeable about current effective research and program evaluation, and is able to:
 - 11.07(9)(a) maintain accurate data and records relevant to the planning, management, and evaluation of the school social work program.
 - 11.07(9)(b) maintain ongoing assessments of evidenced-based educationally-related social programs implemented in the local education agency, related community, and in the region, which address such issues as, but are not limited to, students dropping out of school, or having poor attendance; advocate for program changes to address such issues; and participate in program development and implementation processes, as appropriate.
 - 11.07(9)(c) engage in critical self-evaluation to assess efficacy, and to improve skills and service delivery.

- 11.07(9)(d) collect, analyze, and publish data, and present technical information, to a variety of audiences, in a variety of contexts, including the general public; public officials, elected and appointed, and/or other decision makers and policymakers responsible for programs and for program changes that can effect public education and related child welfare matters.
- 11.07(9)(e) assume responsibility for continuing to develop a knowledge base and the skills necessary to remain current in the field, and to develop and gain access to support systems that enhance personal growth and professional identity.
- 11.07(9)(f) participate in professional and community organizations, as relevant and appropriate.

11.08 SCHOOL SPEECH/LANGUAGE PATHOLOGIST, FOR AGES BIRTH – 21

To be endorsed as a school speech/language pathologist, for ages birth - 21, an applicant shall hold a master's degree, or higher, in communication disorders or speech-language pathology from an accredited institution of higher education; have completed a school speech-language pathology program from an institution whose program was accredited by the Council on Academic Accreditation (CAA) in audiology and speech-language pathology of the American Speech-Language-Hearing Association (ASHA); have successfully passed a national state-approved speech-language pathologist specialty-area test; have successfully completed a practicum or internship, with children/students, ages birth - 21, in a school setting, equivalent to a minimum of 8-weeks full-time, under the supervision of a professionally licensed school speech-language pathologist. The speech/language pathologist, birth - 21, shall demonstrate the competencies specified below.

- 11.08(1) The school speech-language pathologist is knowledgeable about basic human communication, including swallowing processes, and biological, neurological, acoustic, psychological, developmental, linguistic, and cultural bases and shall incorporate into planning for students:
 - 11.08(1)(a) the analysis, synthesis, and evaluation of information related to basic human communication and its processes.
 - 11.08(1)(b) utilization of knowledge about normal development, in the identification of delayed/disordered speech and language skills.
 - 11.08(1)(c) information about the interrelated and interdependent components of communication, as related to their impact on the learner across environments.
- 11.08(2) The school speech-language pathologist is knowledgeable about the principles and methods of prevention of communication and swallowing disorders for children/students (birth-21), including consideration of anatomical/physiological, psychological, developmental, and linguistic and cultural correlates of the disorders, and is able to:

- 11.08(2)(a) analyze, synthesize and evaluate the nature of speech, language, hearing, and communication disorders, including swallowing disorders, and other differences, including, but not limited to, the etiologies, characteristics, anatomical/physiological, acoustic, psychological, developmental and linguistic and cultural correlates, in each of the following: articulation; fluency; voice and resonance, including respiration and phonation; receptive and expressive language including, but not limited to phonology, morphology, syntax, semantics, and pragmatics, in speaking, listening, reading, writing, and manual modalities; hearing, including its impact on speech and language; swallowing, including oral, pharyngeal, esophageal, and related functions, and the oral function of feeding; cognitive aspects of communication, such as, attention, memory, sequencing, problem-solving, and executive functioning; the social aspects of communication, such as challenging behavior, ineffective social skills, and lack of communication opportunities; communication modalities, such as oral, written, manual, augmentative, and alternative communication techniques and assistive technologies.
- 11.08(2)(b) articulate the role of oral language, as a precursor to literacy development, including information, as related to reciprocal spoken-written language relationships, and reading and writing as acts of communication and as tools of learning, to a variety of stakeholders.
- 11.08(2)(c) differentiate between classroom oral language content, form and use, and conversational language.
- 11.08(2)(d) identify traits of normal reading and writing development, in the context of the general education curriculum.
- 11.08(2)(e) act as a resource to schools, parents, and the community, regarding all aspects of communication.
- 11.08(2)(f) model and articulate the overall importance of communication and its relationship to academic achievement.
- 11.08(2)(g) collaborate with other professionals to identify risk factors related to communication development among children/students, birth - 21.
- 11.08(2)(h) conduct screening, prevention, and intervention procedures.
- 11.08(2)(i) identify and monitor added literacy risks for children/students being treated for spoken language difficulties.
- 11.08(2)(j) monitor classroom progress, and other factors, that justify formal referral for assessment.
- 11.08(3) The school speech-language pathologist is knowledgeable about principles and methods of evaluation of communication, and communication disorders, for ages birth - 21, and is able to:
 - 11.08(3)(a) participate, effectively, on child study teams, as an active member of the decision-making process for special education referrals.
 - 11.08(3)(b) collaborate with assessment teams, in the utilization of a broad repertoire of formal and informal assessment strategies, to help identify children/students' strengths and challenges with the various aspects of communication.
 - 11.08(3)(c) evaluate the psychometric characteristics of formal and informal assessment instruments.

- 11.08(3)(d) select developmentally, culturally, and linguistically-appropriate, formal and informal assessment tools and procedures, to identify needs of children/students suspected of having difficulties in communication.
 - 11.08(3)(e) analyze assessment data to determine children's/students' specific communication needs, eligibility for services,) and for incorporation into individual educational plans (IEB).
 - 11.08(3)(f) interpret data clearly, in verbal and written form, for a wide range of audiences, including educators, students, where appropriate, families, and related professionals.
 - 11.08(3)(g) integrate assessment information from other professionals in the eligibility decision-making process.
 - 11.08(3)(h) consult with government agencies, teachers, school administrators, and other health professionals on indications, timing, need, and use of diagnostic assessments.
 - 11.08(3)(i) collaborate with assessment teams regarding evaluation strategies, to identify whether a language difference or disorder might be at the root of concerns related to difficulty in a student's acquisition of literacy, and/or any of its essential skills.
- 11.08(4) The school speech-language pathologist is knowledgeable about state-of-the-art techniques, procedures, and tools for intervention and remediation of communication disorders, including augmentative/alternative/assistive technology, and is able to:
- 11.08(4)(a) plan and implement an appropriate service-delivery model, for each identified student, based on assessment results.
 - 11.08(4)(b) comply with federal, state, and local laws, rules, policies, guidelines, and/or procedures, and relevant case law.
 - 11.08(4)(c) model and demonstrate the use of augmentative/alternative/assistive technology.
 - 11.08(4)(d) be accountable, through the collection of timely and appropriate data, and the maintaining of accurate and timely records.
 - 11.08(4)(e) identify and gain access to sources of, and synthesize and translate common principles of, research and documented evidence-based and proven best practices, as related to the planning for, and the implementation of, intervention plans and strategies.
 - 11.08(4)(f) implement current state-of-the-art technology, to maximize students' communication skills.
 - 11.08(4)(g) adapt general and special education curriculum to meet the requirements of individual students, with regard to Colorado content standards and access skills.
 - 11.08(4)(h) work collaboratively with students, general education teachers, school personnel, community, and families, to provide integrated communication services,
 - 11.08(4)(i) provide culturally- and developmentally-appropriate curriculum-relevant intervention, based on identified needs, and proven effective research and practice.
 - 11.08(4)(j) develop setting-appropriate intervention plans, with measurable and achievable goals, to meet identified children's/students' need(s).

11.08(4)(k) maintain a safe and effective learning environment, conducive to student achievement.

11.08(5) The school speech-language pathologist is knowledgeable about ethical conduct and professional development, and is able to:

11.08(5)(a) articulate the role of the speech-language pathologist, as an integral part of the special education services team and the learning community.

11.08(5)(b) collaborate with teachers, parents and related personnel, in case management, in a flexible and professional manner.

11.08(5)(c) communicate effectively with families, to maintain their involvement with the child's/student's assessment and intervention team.

11.08(5)(d) utilize a range of interpersonal communication skills, including, but not limited to, consultation, collaboration, counseling, listening, interviewing, and teaming, as appropriate to identification, prevention, assessment, and/or intervention with, children/students with suspected or identified communication disabilities.

11.08(5)(e) mentor and supervise speech-language pathology assistants, graduate student interns, and other support personnel, so that the communication needs of children/students are addressed effectively and confidentially.

11.08(5)(f) participate in professional development opportunities, which can improve skills, and educate other professionals regarding risk factors to children/students, involving all means of communication.

11.08(5)(g) conduct research, initiate requests, or network with related professionals, to acquire support, as needed.

11.08(5)(h) routinely evaluate and measure personal performance as a speech/language pathologist to ensure professional efficacy and achievement of appropriate outcomes, and participate in professional development and professional organizations, which lead to increased knowledge and growth in skills and abilities.

11.09 SCHOOL COUNSELOR, BIRTH 0-21

To be endorsed as a school counselor, for ages birth - 21, an applicant shall hold a master's or higher degree, in school counseling from an accredited institution of higher education; have successfully completed an approved program in school counseling; have passed a state-approved assessment in school counseling; have completed a minimum of 100-clock hours of a practicum, scheduled throughout the program, and a 600-clock hour internship, supervised by a licensed school counselor, in a school setting, and at the appropriate grade level(s) for the endorsement being sought. Applicants for a pre-kindergarten - 12th grade counselor endorsement shall complete their 600-clock hour internship, with multiple grade levels of students. The internship shall provide opportunities for the candidate, under the supervision of a licensed school counselor, to engage in a variety of activities that a regularly employed school counselor would be expected to perform, including, but not limited to, individual and group counseling, classroom guidance, career and educational planning, assessment or professional development. The school counselor applicant shall demonstrate knowledge of the specified competencies listed below.

11.09(1) The school counselor is knowledgeable about and able to communicate, consult, and collaborate with a wide variety of audiences, through utilization of a variety of communication skills, to develop effective interpersonal, professional relationships, and is able to:

- 11.09(1)(a) maintain legitimacy and confidentiality.
 - 11.09(1)(b) mediate and provide conflict management, where appropriate; facilitate resolution of disagreements/conflicts; and/or move groups toward consensus.
 - 11.09(1)(c) effectively communicate and collaborate with students, parents, colleagues, other educators, including post-secondary educators, administrators, related professionals, and appropriate members of the business and general community, to maintain an informed and supportive environment, within which the educational needs of students can be met, leading to improved student achievement, career decision-making, and emotional well-being.
- 11.09(2) The school counselor is knowledgeable about proven and effective counseling theory and practice, appropriate to the various developmental stages of children and adolescents, and is able to:
- 11.09(2)(a) effectively counsel individuals and groups.
 - 11.09(2)(b) maintain confidentiality of information received in the counseling relationship, as specified in federal and state law, and as applicable to professional ethical standards.
 - 11.09(2)(c) assist students and relevant others in effectively addressing issues affecting academic progress, as related, but not limited to, change, loss, separation, stress, and trauma.
- 11.09(3) The school counselor is knowledgeable about identification of issues affecting student progress, effective means of addressing such issues, and appropriate referral resources and procedures, and is able to:
- 11.09(3)(a) utilize effective individual and group counseling techniques, appropriate for the variety of developmental stages of children and adolescents.
 - 11.09(3)(b) identify and address in planning, students 'personal, social, or emotional obstacles, that may impede educational progress.
 - 11.09(3)(c) identify and implement effective problem-solving strategies to assist students in successfully resolving personal, social or emotional concerns and problems.
- 11.09(4) The school counselor is knowledgeable about prevention and intervention, and is able to:
- 11.09(4)(a) identify factors which place children and adolescents at-risk of not being able to achieve to their full academic potential.
 - 11.09(4)(b) identify and implement effective prevention and intervention strategies and programs which can meet the needs of all students.
 - 11.09(4)(c) appropriately implement identification and referral processes and procedures.
 - 11.09(4)(d) apply effective intervention techniques, with students, and their families, where appropriate, to ensure the academic success of all students.
- 11.09(5) The school counselor is knowledgeable about implementation of classroom guidance units, or school-wide programs, for the prevention of at-risk behaviors, and is able to:

- 11.09(5)(a) effectively collaborate with teachers, administrators, and other educational and related professionals regarding the initiation and implementation of student assistance teams.
- 11.09(5)(b) identify resources and implement referrals, as appropriate, for students with significant learning and/or emotional/behavioral problems.
- 11.09(6) The school counselor is knowledgeable about addressing social and cultural factors in planning for student academic progress, and is able to:
 - 11.09(6)(a) identify particular implications of social, cultural, sexual, racial and economic diversity on school counseling, and the effect on the academic progress of students, and address the implications, in planning for individual students.
 - 11.09(6)(b) exhibit sensitivity to, incorporate into planning, and respond to factors that include, but are not limited to: unique social, cultural, economic circumstances, individual differences, and personal characteristics that must be addressed to affect positive change in student achievement.
 - 11.09(6)(c) identify counseling and academic planning processes, techniques, and resources applicable to students of diverse backgrounds and characteristics, including learning style.
 - 11.09(6)(d) promote equity, and access to a rigorous and quality curriculum, for all students.
- 11.09(7) The school counselor demonstrates knowledge of educational planning and career development, including, but not limited to, information about models of curriculum design, implementation, and evaluation; learning theory and practice and individual learning differences; career development theories and decision-making models; current career, education and labor market information and resources; current admission requirements, admissions options and application procedures employed by post-secondary educational institutions; current processes and procedures used by financial aid and scholarship programs, and, utilizing the above, is able to:
 - 11.09(7)(a) effectively advise students about setting personal, educational and occupational goals.
 - 11.09(7)(b) identify students' abilities, interests, skills and achievements, and relate these to students' educational and career decision-making.
 - 11.09(7)(c) assist students in an effective transition from school to work; school to higher education; or school to career and technical training.
 - 11.09(7)(d) regularly monitor student progress, to determine advancement toward achieving educational and occupational goals, and address in planning.
 - 11.09(7)(e) analyze and evaluate existing curriculum and programs, to assure that academic needs of students are being met and that success for all students remains possible.

- 11.09(8) The school counselor is knowledgeable about assessment, including its theoretical and historical bases; concepts of psychometric statistics, such as validity, reliability, standard error of measurement; indices of variability and correlation; appraisal methods, including, but not limited to environmental, performance, computer-assisted and behavioral assessment; individual, and group test and inventory methods; ethnicity, gender, language, disability, and cultural factors, as related to the assessment and evaluation of individuals and groups; assessments used by higher education in selection and placement of students; and legal and ethical issues related to assessment, and is able to:
- 11.09(8)(a) select appropriate administration methods, analyses, interpretations, and uses of standardized tests.
 - 11.09(8)(b) provide informed and accurate explanations of the nature, purposes and results of assessment measures, to students, parents and other educational and other related-service professionals.
 - 11.09(8)(c) assist students and their parents in developing immediate and long-range academic goals, based on assessment results.
 - 11.09(8)(d) maintain confidentiality regarding assessment data, as specified by federal and state law, and as applicable to professional ethical standards.
- 11.09(9) The school counselor is knowledgeable about research and program evaluation, including research methods; basic parametric and nonparametric statistics; uses of computerized data-management and analysis programs; and the principles, practices, and applications of needs assessments and program evaluation, and is able to utilize:
- 11.09(9)(a) data to make decisions regarding design, implementation and evaluation of curriculum to meet the needs of all students.
 - 11.09(9)(b) data to advocate for and recommend systemic change(s) in policy and procedure(s) that limit or inhibit academic achievement of and by all students.
 - 11.09(9)(c) assessment results to design and implement guidance program priorities and objectives.
 - 11.09(9)(d) assessment results and related data to design, recommend, where appropriate, and implement guidance program revisions.
- 11.09(10) The school counselor is knowledgeable about professional leadership and legal and ethical practice; current trends and practices in the profession of school counseling; the legal and ethical standards and guidelines of the profession of school counseling; the role and function of the school counselor in conjunction with the role of other educational and support professionals in the school; and the role of local, state and national school counselor organizations to the professional development and improvement of school counseling, and is able to
- 11.09(10)(a) participate in professional development activities and professional organizations which can improve skills and abilities, and maintain up-to-date knowledge of the field.
 - 11.09(10)(b) advocate for the profession of school counseling and the students served by school counseling.
 - 11.09(10)(c) utilize the services of other educational and support professionals, when appropriate, to effectively meet the needs of all students.

11.09(10)(d) apply knowledge of legal and ethical standards to the practice of school counseling.

2260.5-R-12.00 Renewal of Colorado Licenses.

The following shall serve as standards for the renewal of an Initial and Professional Licenses, Master Certificates, and endorsements thereon.

12.01 Initial Licenses.

An Initial License may be renewed once for a period of three years for applicants who have not completed the requirements for a Professional License as specified in sections 3.05, 3.06, or 3.07 of these Rules, as appropriate. The State Board of Education may renew the licensee's Initial License for one or more additional three-year periods if an initial licensee is unable to complete an induction program for reasons other than incompetence. A renewal request shall include an application for renewal, payment of the required fee, and a statement concerning the circumstances related to the applicant's inability to complete an induction program.

12.02 Professional Licenses:

A Professional Teacher, Special Services, Principal or Administrator License and endorsements may be renewed for a period of five years upon submission of an application for renewal, the fees and completion of professional development activities that will aid the licensee in meeting the standards for professional educators as prescribed in section 12.02 (2) of these Rules. To be eligible to renew a professional license, the holder shall complete such on-going professional development activities within the period of time for which the professional license is valid. Applicants for renewal shall meet the following requirements:

12.02(1) Professional Development Activities: An educator involved in license renewal shall complete professional development activities totaling six semester hours or ninety clock hours and shall be completed within the five-year period preceding the date of expiration of the license to be renewed. Such activities must be related to increasing the license holder's competence in his or her existing or potential endorsement area, or to increasing the licensee's skills and competence in delivery of instruction in his or her existing or potential endorsement area, or in the teaching of literacy, and may be selected from one or more of the following:

12.02(1)(a) Inservice Education: A Colorado school district, non-public schools accredited by an agency recognized by the State Board of Education, or BOCES sponsored inservice education program. One semester hour of credit may be accepted for each 15 clock hours of participation. Inservice certificates issued by the sponsoring school district or BOCES shall be submitted as evidence of completion of inservice education.

12.02(1)(b) College or University credit: Credits earned from four-year or graduate accepted institutions of higher education, or an accepted community, technical or junior college. Courses must be directly related to the standards for professional development as provided in section 12.02 of these Rules. Official transcripts must be submitted as evidence of completion of college credit.

- 12.02(1)(c) Educational Travel: To be accepted as a professional development activity, educational travel shall be directly applicable to the endorsement area of the licensee, as documented by the licensee, and accompanied by supervisor verification. One semester hour of credit may be accepted for each 15 clock hours of involvement. Travel time to and from the intended destination shall not be included in the clock hours accumulated.
- 12.02(1)(d) Involvement in School Reform: One semester hour of credit may be accepted for each 15 clock hours of participation. Verified by the licensee's supervisor, activities may include, but are not limited to:
- 12.02(1)(d)(i) Membership on school site or district accountability or improvement committee(s);
 - 12.02(1)(d)(ii) Curriculum, standards or assessment development or implementation, in the licensee's endorsement content area;
 - 12.02(1)(d)(iii) Implementation of standards;
 - 12.02(1)(d)(iv) Development or implementation of a literacy or numeracy improvement program(s).
- 12.02(1)(e) Internships: advanced field experiences offered as part of graduate study or other professional training designed to acquire knowledge or enhance the skills of the educator. The internship must be directly related to the standards for professional development as provided in section 12.02 of these Rules. One semester hour of credit may be accepted for each 15 clock hours of participation. Official transcripts or supervisor verification must be submitted as evidence of completion.
- 12.02(1)(f) Ongoing Professional Development and Training Experiences must occur within the license holder's present or future endorsement content area(s) or in the areas of literacy or numeracy, and may include, but are not limited to: attendance or presentation at professional conferences; service on state-wide or national educational task forces or boards; professional research and publication; supervision of student teachers, or interns; mentorships; and pursuit of national educator certification.
- 12.02(2) Activities completed for license renewal shall be directly related to one or more of the following standards:
- 12.02(2)(a) knowledge of subject matter content and learning, including knowledge and application of Colorado standards-based education.
 - 12.02(2)(b) effective use of assessments in planning for instructional delivery and in individualizing student instruction;
 - 12.02(2)(c) effective teaching of the democratic ideal;
 - 12.02(2)(d) recognition, appreciation, and support for ethnic, cultural, gender, economic, and human diversity, including disabilities, to provide fair and equitable treatment and consideration for all;
 - 12.02(2)(e) effective communication with students, colleagues, parents, and the community;
 - 12.02(2)(f) effective modeling of appropriate behaviors to ensure quality learning experiences for students and for colleagues;

- 12.02(2)(g) effective leadership to ensure a school community that is committed to and focused on learning;
 - 12.02(2)(h) consistently ethical behavior and creation of an environment that encourages and develops responsibility, ethics, and citizenship in self and others;
 - 12.02(2)(i) achievement as a continuous learner who encourages and supports personal and professional development of self and others;
 - 12.02(2)(j) effective organization and management of human and financial resources to create a safe and effective working and learning environment;
 - 12.02(2)(k) awareness of warning signs of dangerous behavior in youth and situations that present a threat to the health and safety of students and knowledge of the community resources available to enhance the health and safety of students and the school community.
- 12.02(3) Professional development activities completed by an applicant for license renewal shall apply equally to renewal of any professional educator license or endorsement held by the applicant.
- 12.02(4) Upon completion of the professional development activities and within the six months prior to the expiration of the license(s) to be renewed, the applicant shall submit:
- 12.02(4)(a) an application for license renewal and sign and submit with the renewal application an affidavit in which the licensee affirms under oath that he or she satisfactorily completed the ongoing professional development activities specified in the affidavit; that the activities were completed within the term of the professional license and that to the best of the licensee's knowledge, the activities comply with the requirements of Rule 12.02 and section 22-60.5-110, C.R.S. 12.02(4)(b) a statement of how the activities selected aided the educator in meeting the standards for professional educators.
 - 12.02(4)(c) the required evaluation fee.
 - 12.02(4)(d) the oath form required in section 2.04 (5) of these Rules.
 - 12.02(4)(e) a complete set of fingerprints of such applicant taken by a qualified law enforcement agency, unless the applicant previously submitted a complete set of his or her fingerprints to the Colorado Department of Education.
 - 12.02(4)(f) the required fingerprint fee.
- 12.02(5) The Department of Education will evaluate the application and supporting evidence and renew the license, request additional information or explanation, or deny the license renewal if the requirements of section 12.02 (4) of these Rules are not met.
- 12.02(6) Master Certificates. Educators who hold Master Certificates in conjunction with Professional Licenses may renew the Master Certification by providing evidence that the ongoing professional development, leadership, and demonstration of advanced competencies and expertise have continued during the validity period of the Master Certificate. Master Certificates and the accompanying Professional Licenses may be renewed for a period of seven years.

12.02(6)(a) Professional development activities for the renewal of Master Certificates may include but need not be limited to: involvement in school reform efforts; service on state-wide boards or commissions; supervision of advanced-level practicum or internship students; advanced study appropriate to standards 5.00 or 6.00 of these Rules; original research and/or publication.

12.02(6)(b) Master Certificate holders are highly encouraged to serve as mentors, as members of state-wide boards or commissions, as preparers of educators and as advanced practicum supervisors since such service encourages in-depth knowledge and abilities in the standards prescribed in sections 5.00 and 6.00 of these Rules.

12.03 Appeals Process:

An applicant whose application for renewal of any license has been denied by the Department of Education may appeal to the State Board of Education. If the State Board of Education finds that the applicant has met the criteria for license renewal, the renewal of the license shall be approved by the State Board of Education.

12.04 Reinstatement of Expired Licenses or Certificates:

An applicant whose professional license or certificate is not renewed may reinstate his or her professional license or certificate by meeting the following requirements.

12.04(1) Complete and submit an application for reinstatement.

12.04(2) Submit to the Department of Education such information or other evidence to satisfy the deficiencies that resulted in nonrenewal of the professional license or certificate. Such information or evidence includes but is not limited to evidence of completion of professional development requirements for the license or certificate to be reinstated as provided in sections 12.02 - 12.02 (4) And 21.03 of these Rules, as appropriate.

12.04(3) Pay the reinstatement fee set by the State Board of Education.

2260.5-R-13.00 Approved Induction Programs.

Teachers, special service providers, and holders of authorizations. Initial Licenses are valid only in school districts which provide approved induction programs unless the district or other educational entity has been granted a waiver of an induction program as provided in section 23.00 of these Rules. Colorado school districts, consortia of districts or accredited non-public schools or other educational entities which employ licensed educators, may develop induction programs for initial teachers, special service providers, and holders of authorizations. Such programs shall meet the criteria of these Rules and be approved by the State Board of Education. Initial and continuing approval of such programs may be granted by the State Board of Education.

13.01 Criteria for Approval and Review of Induction Programs.

The following shall serve as standards and criteria for the approval of induction programs for initial teacher and special service licensees. These standards have been developed in consideration of 22-60.5-204 and 213, C.R.S. The Department shall provide technical assistance to school districts in the development of induction programs and shall disseminate information concerning successful programs.

13.01(1) Effective induction programs shall include district plans, policies, and opportunities for V teachers which:

- 13.01(1)(a) Enhance performance of educators according to the Standards prescribed in section 5.00 of these Rules by providing, through mentors and other professionals: demonstrations of improved instructional practices; improvement of educational experiences for all students; and adapting curriculum and instruction to accommodate populations of diverse students.
- 13.01(1)(b) Encourage professionalism and educator development according to performance standards by: building a foundation for the continued study of teaching; encouraging collaborative relationships among administrators and teachers and partnerships between districts and universities; providing an orientation for new teachers to the culture of the school system, the district, the community, and the teaching profession; providing opportunities for professional growth and ongoing professional development and training, including ethics, for both new teachers and mentors.
- 13.01(1)(c) District policies will; formalize the profiles of a successful educator at various career stages; provide training of site administrators in the educator induction process; establish standards for the selection, training, and release of mentors who work with new teachers and special service providers; establish an assessment model to review, evaluate and guide the induction program; establish a process for the selection and training of mentors and for the matching of mentors with inductees; establish the primary role of the mentor as teacher, coach, advocate, support, guide and nurturer of new teachers; state whether mentors will be included in the evaluation of inductees. If mentors are to be involved in the performance evaluations of inductees, such policies shall state the specific roles and responsibilities of the mentor in evaluations.
- 13.01(1)(d) Professional support for inductees will include: information related to school and district policies and procedures; local district goals and local content standards; educator roles and responsibilities; information about the school community; substantive feedback to the inductee about performance; provisions for the extension of the induction program if deemed necessary by the district.
- 13.01(2) Effective induction programs should consider the following recommendations for implementation:
- 13.01(2)(a) District plans and policies which may: encourage collaborative efforts between higher education institutions and school districts in induction programs; provide release time for both mentors and inductees; provide some form of compensation for mentors.
- 13.01(2)(b) Districts may make commitments to: placing new educators in settings where they are likely to succeed; providing inductees with supervisors and mentors skilled in helping new employees; providing sufficient planning time for inductees; clarifying expectations for inductees and mentors; guiding the inductee in the development of an induction portfolio. The purpose of such portfolio is to encourage self-reflection and self-evaluation of educational practice by the inductee, and to document improved performance related to the standards for professional educators as specified in sections 5.00 or 6.00 of these Rules, as appropriate.
- 13.01(2)(c) District guidelines for selecting mentors may include: the mentor agrees to serve as a mentor; the mentor is an experienced professional who models the standards as reflected in section 5.00 of these Rules with demonstrated excellence in practice; the mentor works well with adults, is sensitive to the viewpoints of others; the mentor is an active and open learner; the mentor is competent in interpersonal and public relations skills.

13.01(2)(d) District guidelines for the assignment of mentors may include: the mentor should be closely matched to the inductee in terms of assignment; the mentor should be located, when possible, in close proximity to the inductee; the mentor and the inductee should have styles that are not in conflict.

13.01(2)(e) Effective induction programs may be based upon the following principles: induction programs should promote purposeful learning by inductees rather than learning through trial and error; induction programs should encourage the retaining of capable, talented professionals; induction programs should enhance the working conditions and job satisfaction of professionals; mentoring should be an opportunity for modeling professionalism; induction programs should provide a safe, risk-taking environment and a collegial atmosphere for teaching and learning; induction programs should promote systemic change and school renewal.

13.02 Program Evaluation.

Each induction program shall conduct a self-evaluation every five years. The Department may conduct visits to induction sites and survey participants regarding the effectiveness of the program. The evaluation information shall be submitted to the Department of Education for use in recommending renewal of the induction program.

2260.5-R-14.00 Induction Programs

Principals and Administrators: Initial Licenses are valid only in school districts which provide approved induction programs, unless the school district has applied for and obtained a waiver of the induction program requirement.

14.00(1) Purposes: Induction programs for principals and/or administrators shall be designed to meet four purposes: Orientation; Socialization and Transition; Technical Skill Development; and Continuous Formative Assessment.

14.00(2) Mentors: Induction programs shall provide for the assignment of mentors to all Initial licensees. Mentors may be selected from a variety of sources including school district personnel or personnel from other districts.

14.00(2)(a) Selection: Mentors must have experience as a school principal or district administrator, as appropriate, and should be regarded as effective by their peers. Mentors should be selected to match the experience of the inductee. Mentors shall have demonstrated: commitment to the Standards for Principals or Administrators, as appropriate; well-developed interpersonal skills including the ability to listen and question effectively, explore multiple solutions to problems, and the ability to empathize with others; effective oral and written communication skills; and an awareness of the political, social and practical realities of the context of the inductee.

14.00(2)(b) Training: Induction programs must include a staff development program for mentors which includes but is not limited to: orientation to mentoring; development of the knowledge and skills contained in the Standards for Principals or Administrators, as appropriate; cognitive coaching; and writing professional growth and improvement plans.

- 14.00(2)(c) Professional Development Plans: At the inception of the induction period, the mentor and inductee shall jointly develop a professional growth plan in consultation with the inductee's supervisor. The plan is to be based on the inductee's preservice portfolio, the assessments required for the Initial License, the Standards for Principals or Administrators, and other applicable data. Each inductee must maintain a portfolio of induction activities. The professional development plan may be modified and adjusted based on ongoing feedback from the mentor and supervisor and the inductee's personal analysis and reflection.
- 14.00(2)(d) Professional Evaluation: Induction programs shall include summative performance evaluations of inductees. The induction program shall specify the role of the mentor in evaluation: conduct of the evaluation, providing input to the evaluation, or no involvement. The evaluations shall be designed to document growth and performance in relation to the inductee's assignment.
- 14.00(2)(e) Length of Induction Programs: The induction program shall define a process for determining when an inductee has successfully completed the program. In no case shall an induction program exceed three years.
- 14.00(2)(f) Recommendation: The district or districts delivering the induction program shall recommend an inductee for a Professional License based on performance evaluations and ongoing evaluation of the candidate's capability for meeting the Standards for Principals or Administrators at the Professional Level. Criteria for recommendation shall include, but are not limited to: mentor and supervisor recommendation; summative evaluations, and growth documented by formative evaluations,
- 14.00(2)(g) Program Evaluation: Each induction program shall conduct a self-evaluation every five years which shall include data regarding the success of inductees on the state assessment for the Professional License. The Department may conduct visits to induction sites and survey participants regarding the effectiveness of the program. The evaluation information shall be submitted to the Principal and Administrator Professional Standards Board for its use in considering renewal of the induction program.

2260.5-R-15.00 Denial, Suspension, Revocation, or Annulment of Licenses and School District Reporting Requirements

- 15.00(1) The purpose of this section is to establish a procedure for processing complaints and charges for the denial, suspension, revocation or annulment of licenses, including lifetime certificates, endorsements, and authorizations, and to establish and define standards against which said complaints and charges may be judged. These Rules also provide due process protections for license holders and applicants against whom complaints and charges have been lodged, and specify requirements for school district reports concerning employee misconduct to the Department. For the purpose of this section, license shall mean any license, certificate, authorization or endorsement issued by the Department on or after July 1, 1994, pursuant to Section 22-60.5-101, C.R.S., and any certificate, letter of authorization, or endorsement issued by the Department on or before June 30, 1994, pursuant to Section 22-60-101, C.R.S.
- 15.00(2) A license may be denied, annulled, suspended or revoked by the State Board of Education in accordance with the State Administrative Procedures Act, Sections 24-4-101 through 107, C.R.S., in the following circumstances:
- 15.00(2)(a) a license may be denied if the applicant attempts to obtain the license through misrepresentation or fraud or through misleading information or an untruthful statement submitted or offered with the intent to misrepresent or mislead or to conceal the truth;

- 15.00(2)(b) a license may be annulled if the holder obtained the license through misrepresentation or fraud or through misleading information or an untruthful statement submitted or offered with the intent to misrepresent or mislead or to conceal the truth. A license may be annulled or modified if the Department mistakenly issued the license and it is subsequently determined that the holder is not entitled to the license due to a failure to meet educational or non-educational requirements in effect when the license was issued;
- 15.00(2)(c) a license may be denied, suspended or revoked when the applicant or holder is or has ever been determined to be mentally incompetent by a court of competent jurisdiction and a court has entered, pursuant to Part 3 or Part 4 of Article 14 of Title 15 or Section 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding that the mental incompetency is of such a degree that the applicant or holder is incapable of continuing to perform his or her job; except that the license of a person who has been determined to be mentally incompetent and for whom such an order has been entered shall be denied, revoked or suspended by operation of law without a hearing, notwithstanding the provisions of Section 22-60.5-108, C.R.S.;
- 15.00(2)(d) a license may be denied, suspended or revoked when the applicant or holder is or has ever been convicted of, pleads or has ever pled nolo contendere to or receives or has ever received a deferred sentence for a violation of any law of this state involving contributing to the delinquency of a minor, as described in section 18-6-701, C.R.S.; a misdemeanor, the underlying factual basis of which has been found by the court on the record to involve domestic violence, as defined in Section 18-6-800.3 (1) C.R.S., and the conviction is a second or subsequent conviction for the same offense; misdemeanor sexual assault, as described in Section 18-3-402 C.R.S.; misdemeanor unlawful sexual conduct as described in Section 18-3-404, C.R.S.; misdemeanor sexual assault on a client by a psychotherapist, as described in Section 18-3-405.5 C.R.S.; misdemeanor child abuse, as described in Section 18-6-401, C.R.S.; or a crime under the laws of the United States, another state, a municipality of this state or another state, or any territory subject to the jurisdiction of the United States, the elements of which are substantially similar to one of the offenses described in this paragraph (d).
- 15.00(2)(e) a license may be denied, suspended or revoked when the applicant or holder is or has ever been found guilty of or pleads or has ever pled guilty or nolo contendere to a misdemeanor violation of any law of this state or another state, any municipality of this state or another state, or the United States or any territory subject to the jurisdiction of the United States involving the illegal sale of controlled substances, as defined in Section 12-22-303 (7), C.R.S.;
- 15.00(2)(f) a license may be denied, suspended or revoked when the applicant or holder is or has ever been found guilty of a felony, other than a felony described in Section 15.00 (3) of these Rules, or upon the court's acceptance of a guilty plea or a plea of nolo contendere to a felony, other than a felony described in Section 15.00 (3) of these Rules, in this state or under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States, of a crime which, if committed within this state, would be a felony, other than a felony described in Section 15.00 (3) of these Rules, when the commission of said felony, in the judgment of the State Board of Education, renders the applicant or holder unfit to perform the services authorized by his or her license;
- 15.00(2)(g) a license may be denied, suspended or revoked when the applicant or holder has ever received a disposition or an adjudication for an offense involving what would constitute a physical assault, a battery, or a drug-related offense if committed by an adult and the offense was committed within the ten years preceding the date of the applicant or holder's application for a license;

- 15.00(2)(h) a license may be denied, suspended or revoked when the applicant or holder forfeits or has ever forfeited any bail, bond or other security deposited to secure the appearance by the applicant or holder who is charged with having committed a felony or misdemeanor, pays or has ever paid a fine, enters or has ever entered a plea of nolo contendere, or receives or has ever received a deferred or suspended sentence imposed by the court for any offense described in Sections 15.00(3)(a), 15.00(3)(b), 15.00(3)(d) or 15.00(3)(e) of these Rules;
- 15.00(2)(i) notwithstanding any provision of Section 15.00(3) of these Rules to the contrary, a license may be denied, suspended or revoked when the State Board of Education determines an applicant or holder who held a license prior to June 6, 1991, has ever been convicted of an offense described in Sections 15.00(3)(a) - 15.00(3)(d) of these Rules, unless the applicant or holder was previously afforded the rights set forth in Section 22-60.5-108, C.R.S., with respect to the offense and the applicant or holder received or retained his or her license as a result;
- 15.00(2)(j) a license may be suspended when the holder without good cause, resigns or abandons his or her contracted position with a school district without giving written notice to the employing local board of education of his or her intent to terminate his or her employment contract for the succeeding academic year at least thirty days prior to the commencement of the succeeding academic year or the commencement of services under his or her employment contract or without giving written notice to the employing local board of education of his or her intent to terminate his or her employment contract for the current academic year at least thirty days prior to the date he or she intends to stop performing the services required by the employment contract.
- 15.00(2)(k) a license may be denied, annulled, suspended or revoked when the State Board of Education finds and determines that the applicant or holder is or has ever been professionally incompetent, as described in Section 15.01 of these Rules;
- 15.00(2)(l) a license may be denied, annulled, suspended or revoked when the State Board of Education finds and determines that the applicant or holder is or has ever been guilty of unethical behavior, as described in Section 15.02 of these Rules .
- 15.00(2)(m) a license may be suspended or revoked for a period not less than 90 days when the State Board of Education finds and determines that the licensee knowingly and intentionally failed to protect student data, pursuant to 22-1-123 C.R.S.
- 15.00(2)(n) a license may be denied, suspended or revoked when the applicant or holder is or has ever been convicted of, pleads or has ever pled nolo contendere to or receives or has ever received a deferred sentence for a misdemeanor committed under the laws of the United States , another state, a municipality of another state, or any territory subject to the jurisdiction of the United States , the elements of which are substantially similar to sexual exploitation of children as described in Section 18-6-403 (3) (b.5), C.R.S.
- 15.00(3) a license shall be denied, annulled, suspended or revoked by the State Board of Education in accordance with the State Administrative Procedures Act, Sections 24-4-101 through 107, C.R.S., in the following circumstances:

- 15.00(3)(a) a license shall be denied, suspended or revoked when the applicant or holder is or has ever been convicted by a jury verdict or by entry of a verdict or acceptance of a guilty plea or a plea of nolo contendere by a court of felony child abuse, as specified in Section 18-6-401, C.R.S.; a crime of violence, as defined in Section 18-1.3-406, C.R.S.; a felony offense involving unlawful sexual behavior, as defined in Section 16-22-102(9), C.R.S.; or a felony offense in another state, the United States , or territory subject to the jurisdiction of the United States , the elements of which are substantially similar to the elements of one of the offenses described in this paragraph (a);
- 15.00(3)(b) a license shall be denied, suspended or revoked when the applicant or holder is or has ever been convicted by a jury verdict or by entry of a verdict or acceptance of a guilty plea or a plea of nolo contendere by a court of indecent exposure, as described in Section 18-7-302 C.R.S., or of a crime under the laws of another state, a municipality of this or another state, the United States , or a territory subject to the jurisdiction of the United States , the elements of which are substantially similar to the offense of indecent exposure described in this paragraph (b);
- 15.00(3)(c) a license shall be denied, suspended or revoked when the applicant or holder receives or has ever received a disposition or an adjudication for an offense that would constitute felony unlawful sexual behavior, as defined in Section 16-22-102(9), C.R.S., if committed by an adult;
- 15.00(3)(d) a license shall be denied, suspended or revoked when the applicant or holder is or has ever been convicted by a jury verdict or by entry of a verdict or acceptance of a guilty plea or a plea of nolo contendere by a court of a felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in Section 18-6-800.3, C.R.S., or of a felony offense in another state, the United States , or territory subject to the jurisdiction of the United States, the elements of which are substantially similar to the elements of the offense described in this paragraph (d). These grounds for mandatory denial, suspension or revocation of a license shall only apply for a period of five years following the date the offense was committed, provided the applicant or holder has successfully completed any domestic violence treatment required by the court.
- 15.00(3)(e) a license shall be denied, suspended or revoked if the applicant or holder is or has ever been convicted by a jury verdict or by entry of a verdict or acceptance of a guilty plea or a plea of nolo contendere by a court of a felony drug offense described in Part 4 of Article 18 of Title 18, C.R.S., committed on or after August 25, 2012. This requirement for denial, suspension or revocation of a license shall only apply for a period of five years following the date the offense was committed.
- 15.00(3)(f) a license shall be denied, suspended or revoked when the applicant or holder fails to submit his or her fingerprints taken by a qualified law enforcement agency to the Department within thirty days after receipt of the Department's written request for fingerprints, which fingerprint submission the Department required upon finding probable cause to believe that the applicant or holder had been convicted of a felony or misdemeanor, other than a misdemeanor traffic offense or traffic infraction, subsequent to his or her licensure.

15.00(4) The State Board of Education may take immediate action to deny, annul or suspend a license without a hearing, notwithstanding the provisions of Section 22-60.5-108, C.R.S., upon receipt of a certified copy of the judgment of conviction, a deferred sentence, or the acceptance of a guilty plea or a plea of nolo contendere for any violation of Sections 15.00(2)(d), 15.00(2)(e) or 15.00(2)(n) of these Rules, or upon receipt of a certified copy of the judgment of conviction or the acceptance of a guilty plea or a plea of nolo contendere for any violation of Sections 15.00(3)(a) - 15.00(3)(e) of these Rules. The State Board of Education may revoke a suspended license based on a violation of Sections 15.00(2)(d), 15.00(2)(e) or 15.00(2)(n) of these Rules and shall revoke a suspended license based on a violation of Sections 15.00(3)(a) - 15.00(3)(e) of these Rules without a hearing and without any further action after the exhaustion of all appeals, if any, or after the time for seeking an appeal has elapsed, and upon the entry of a final judgment. A certified copy of the judgment of a court of competent jurisdiction of a conviction, a deferred sentence, or the acceptance of a guilty plea or a plea of nolo contendere shall be conclusive evidence of such conviction or plea for the purposes of Sections 15.00(2)(d), 15.00(2)(e) and 15.00(2)(n) of these Rules. A certified copy of the judgment of a court of competent jurisdiction of a conviction or the acceptance of a guilty plea or a plea of nolo contendere shall be conclusive evidence of such conviction or plea for the purposes of Sections 15.00(3)(a) - 15.00(3)(e) of these Rules.

15.00(5) In cases where the State Board of Education deems summary suspension is appropriate, pursuant with Section 24-4-104(4), C.R.S., proceedings for suspension or revocation may be instituted upon the Board's own motion without the necessity for having a charge filed pursuant to these regulations. The holder shall be entitled to a post-deprivation hearing consistent with Section 24-4-105, C.R.S. At such hearing, the burden of proof shall rest with the holder.

15.01 Standards of Professional Incompetence.

For a license holder or applicant to be found incompetent, it must be demonstrated that he or she is unable to engage in professional assignments related to his or her license or endorsement area because of a failure to carry out the teaching, special services, principal or administrative functions as described in Sections 5.00 or 6.00 of these Rules. To warrant denial, annulment, suspension or revocation of the license, violations must be found to be substantial or continued.

15.02 Standards of Unethical Behavior.

The following shall serve as standards against which charges of unethical behavior will be judged. To warrant denial, annulment, suspension or revocation of the license, violations must be found to be substantial or continued. It shall be considered unethical behavior for a license holder or applicant to:

15.02(1) fail or to have ever failed to make reasonable effort to protect the student from conditions harmful to health and safety;

15.02(2) provide or to have ever provided professional services in a discriminatory manner regarding age, gender, sexual orientation, national origin, race, ethnicity, color, creed, religion, language, disability, socio-economic status, or status with regard to marriage;

15.02(3) fail or to have ever failed to keep in confidence information obtained in the course of professional services unless disclosure serves to protect the child, other children or school personnel, or is required by law;

15.02(4) direct or to have ever directed a person to carry out professional responsibilities knowing that such person is not qualified for the responsibility given, except for assignments of short duration in emergency situations;

- 15.02(5) deliberately distort or suppress or to have ever deliberately distorted or suppressed curricular materials or educational information in order to promote the personal view, interest or goal of the license holder or applicant;
- 15.02(6) falsify or misrepresent or to have ever falsified or misrepresented records or facts relating to the license holder or applicant's qualifications, another educator's qualifications or a student's records;
- 15.02 (7) make or to have ever made false or malicious statements about students or school personnel;
- 15.02(8) solicit, accept or agree to accept or to have ever solicited, accepted or agreed to accept anything of substantial value from any person when the license holder or applicant knows, or a reasonable person could construe, that the conferment of the thing of value is for the purpose of influencing the license holder or the applicant's professional judgment or performance of professional duties;
- 15.02(9) fail or to have ever failed to conduct financial transactions relating to the school program in a manner consistent with applicable law, rule or regulation;
- 15.02(10) engage or to have ever engaged in immoral conduct that affects the health, safety or welfare of children, conduct that offends the morals of the community or conduct that sets an inappropriate example for children or youth whose ideals the educator is expected to foster and elevate; or
- 15.02(11) engage or to have ever engaged in unlawful distribution or sale of dangerous or unauthorized prescription drugs, or other dangerous nonprescription substances, alcohol or tobacco.

15.03 Complaints.

- 15.03(1) A complaint is a formal statement filed by an aggrieved party or a party in interest of an alleged violation of conditions that, if found to be substantial or continued, and if found to be true, becomes ground for denying, annulling, revoking or suspending the license.
- 15.03(2) The Department of Education shall supply necessary complaint forms and information to any aggrieved person or party in interest.
- 15.03(3) Filing of Complaints
 - 15.03(3)(a) A written complaint shall be delivered personally or sent by mail to the Commissioner of Education by the complainant. The complaint shall be signed and sworn to by the complainant. Such complaint shall set forth facts alleging the actions serving as the basis of the complaint to be substantial or continued. A complaint may be initiated by the Commissioner if done within twenty working days of receipt of actual express notice of the actions which give rise to the complaint.
 - 15.03(3)(b) The Department of Education shall determine, within twenty working days of receipt of the complaint, if the complaint meets the requirements of the law and rules before further investigative action is taken by the Department. The Department shall notify the complainant if the complaint is being rejected due to the failure of the complaint to meet the requirement of the law or rules, but that the complaint may be pursued with the local board of education if desired by the complainant. Such notification shall be within five working days of the decision to reject the complaint.

- 15.03(3)(c) A complaint that meets the requirement of the law or rules and is accepted by the Department, shall be filed within ten working days of acceptance of the complaint with the person against whom the complaint was filed. If the Department knows that the person complained against is employed by a Colorado school district, board of cooperative services or charter school, the Department shall notify the school district, BOCES or charter school of the complaint. The school district, BOCES or charter school board may take action pursuant to its locally adopted policies as it deems appropriate.
- 15.03(3)(d) A complaint may be withdrawn by the complainant at any time during the proceedings; however, the Department may continue proceedings even though the complaint is withdrawn. The Department shall notify the person complained against of the complaint withdrawal.
- 15.03(3)(e) Any handling of the complaint shall be consistent with the laws on confidentiality. Directives based on these laws shall be indicated on forms and shall be given to all parties in interest.
- 15.03(4) Processing Charges
- 15.03(4)(a) Within forty working days of the acceptance of the complaint, an inquiry into the complaint shall be completed by the Department. The purpose of this inquiry shall be to determine if there is probable cause to file a formal charge against the license holder or applicant. In any case where the Department determines probable cause does not exist, the Department shall withdraw or dismiss the complaint and notify the person complained against and the complainant of the Department's action.
- 15.03(4)(b) The Department shall send a copy of the charge by First Class mail to the person charged within five working days. The Department shall include a notification of such person's right to return a response within twenty working days. If the Department knows that the person charged is an employee of a Colorado charter school, BOCES or school district, the Department shall notify the charter school, BOCES or school district of the charge.
- 15.03(4)(c) After the expiration of the twenty working day period allowed for a response or upon receipt of the answer, whichever is sooner, the Department will review the charge and response and determine whether to pursue the charges for denial, revocation or annulment of the license.
- 15.03(4)(d) The Commissioner is authorized to grant extensions to any of the processing deadline dates in Sections 15.03 (3) and (4) of these Rules, based upon sufficient cause shown.
- 15.03(4)(e) The Department will present its findings and recommendations to the State Board of Education for action.
- 15.03(4)(e)(ii) if revocation or annulment is recommended and accepted by the State Board of Education, the Board shall take action to have the hearing conducted in accordance with Section 24-4-105 C.R.S.
- 15.03(4)(e)(iii) if denial is recommended and accepted by the State Board of Education, the Department shall notify by First Class mail the applicant of the denial and the applicant's right to request a hearing conducted in accordance with Section 24-4-105, C.R.S.

15.03(4)(f) The Department shall notify by First Class mail both the complainant and the person charged of the decision of the State Board of Education to dismiss the charge or conduct a hearing. If the Department knows that the person charged is a current employee of a Colorado charter school, BOCES or school district, the Department shall notify such school, BOCES or school district of the decision of the State Board.

15.03(4)(g) If the decision of the State Board of Education is to conduct a formal hearing, or if the applicant timely requests a formal hearing concerning the Board's denial of his or her application, the hearing and subsequent proceedings shall be conducted by an Administrative Law Judge appointed by the Division of Administrative Hearings in accordance with Section 24-4-105(3), C.R.S.

15.03(4)(h) Pursuant to Section 24-4-105(14), C.R.S., the decision of the Administrative Law Judge shall include a statement of findings and conclusions and the appropriate order, sanction, relief or denial thereof. The decision of the Administrative Law Judge shall result in revocation of the license or, in the case of an application, denial of the license if the charge is sustained.

15.04 Application For License Following Suspension, Revocation, Annulment Or Denial

15.04(1) The holder of a license that has been suspended or revoked may apply for a new license, the renewal of the expired license, or the reinstatement of the license to the State Board of Education. Said application will include justification for issuance, renewal or reinstatement, with appropriate supporting documentation as to the current fitness of the applicant to resume educational duties, and be in compliance with all laws and rules currently in effect, in all cases involving the application for a new license, the renewal of the expired license, or the reinstatement of the suspended or revoked license, the burden of proof shall rest with the applicant.

15.04(1)(a) The reinstated license will bear the same expiration date as had been originally issued.

15.04(1)(b) In the event the original license has expired during the period of suspension or revocation, the applicant will be required to meet all requirements for the renewal of the license.

15.04(2) The party whose license has been denied or annulled by the State Board of Education may apply for a license to the State Board. Said application will include justification for issuance, with appropriate supporting documentation as to the current fitness of the applicant to resume educational duties, and be in compliance with all laws and rules currently in effect, in all cases involving the application for a license, the burden of proof shall rest with the applicant.

15.05 Mandatory Reporting of Misconduct

15.05(1) The local board of education, charter school, board of cooperative services or its designee shall immediately notify the Department when any dismissal action or acceptance of resignation concerning a district, charter school or BOCES employee is based upon a violation resulting in a conviction, guilty plea, plea of nolo contendere or deferred sentence as set forth in Sections 15.00 (2) (d) - 15.00 (2) (h) and 15.00 (3) (a) - 15.00 (3) (c) of these Rules. The local board, charter school, BOCES or its designee shall provide any information requested by the Department concerning the circumstances of the employee's dismissal or resignation.

15.05(2) The local board of education, charter school, board of cooperative services or its designee shall notify the Department when an employee, of the district, charter school or BOCES has been dismissed or has resigned as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of evidence. Such notification shall occur within ten business days after the employee's dismissal or resignation. The local board, charter school, BOCES or its designee shall provide any information requested by the Department concerning the circumstances of the employee's dismissal or resignation.

15.05(3) The local board of education, charter school, board of cooperative services or its designee shall notify the Department when the county Department of social services or local law enforcement agency reasonably believes that an incident of abuse or neglect has occurred and an employee of the district, charter school or BOCES is the suspected perpetrator and was acting in his or her official capacity as an employee of the district, charter school or BOCES. The local board, charter school, BOCES or its designee shall provide any information requested by the Department concerning the employee's alleged abuse or neglect.

15.05(4) The local board of education, charter school, board of cooperative services or its designees shall notify the Department when the local board, charter school or BOCES reasonably believes that one of its employees is guilty of unethical behavior or professional incompetence as set forth in sections 15.01 and 15.02 of these Rules. The local board, charter school, BOCES or its designee shall provide any information requested by the Department concerning the employee's behavior or competence.

15.05(5) The local board of education, charter school, board of cooperative services or its designee shall notify the Department when the local board, charter school or BOCES learns from a source other than the Department that a current or past employee of the district, charter school or BOCES has been convicted of, has pled nolo contendere to, or has received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children.

2260.5-R-16.00 (number reserved)

2260.5-R-17.00 Standards for the Approval of Educator Preparation Programs.

The State Board of Education will submit its recommendation to the Colorado Commission of Higher Education, with regard to a teacher education program, based on whether or not it approves of the content of the program.

17.01 Design of the Professional Education Programs.

The professional education unit has high quality programs that are based on State Board of Education standards, sections 5.00, 6.00, and 7.00 through 11.00 of these Rules. The programs are coherent and consistent with the institution's mission and are continuously evaluated.

17.02 The CDE Office of Professional Services

will evaluate all new and renewing teacher preparation programs for consistency with State Board of Education teacher preparation content standards, including the assessment of the content of those programs, based on 22-2-109 C.R.S., and recommend to CCHE approval or disapproval of such programs.

2260.5-R-18.00 Alternative Teacher Preparation Programs:-One-year and Two-year Programs.

The following shall serve as standards for the initial and continuing approval of alternative teacher preparation programs. Colorado school district(s), boards of cooperative services (BOCES), accredited non-public school(s), accepted institution(s) of higher education, non-profit agency, or any combination thereof, may apply to the Colorado State Board of Education for approval of an alternative teacher preparation program pursuant to 22-60.5-102(5) and 22-60.5-205, C.R.S.

18.00(1) An alternative teacher preparation program shall:

18.00(1)(a) Be a one-year or two-year teacher preparation program of study and training for persons of demonstrated knowledge and ability who hold an alternative teacher license, as issued pursuant to section 3.12 of these Rules.

18.00(1)(a)(i) A one-year program is designed to be completed in one year. The program may be extended for one year based on documentation of unforeseen circumstances that are reviewed for approval by the department.

18.00(1)(a)(ii) A two year program is designed to be completed in two years.

18.00(1)(a)(iii) Except that an alternative teacher preparation program for the purpose of receiving a special education endorsement may be designed to be completed in a maximum of three years during which time the candidate must be teacher of record for a minimum of one year.

18.00(1)(b) Be the responsibility of a designated agency, whose duties shall include the organization, management, and operation of the program.

18.00(1)(b)(i) A designated agency may be either a Colorado school district, an accredited non-public school, a BOCES, an accepted institution of higher education, or a non-profit organization, or any combination, thereof.

18.00(1)(b)(ii) The designated agency shall establish an advisory council, regionally represented if appropriate to the program, which shall include, at a minimum, representatives from-participating school districts, BOCES, or accredited non-public schools; at least one qualified mentor teacher; and a representative from any accepted institution of higher education cooperating with the designated agency.

18.00(1)(c) Require alternatively-licensed teachers to be employed full-time by a Colorado school district, accredited non-public school, or BOCES, to teach, receive training, and be supervised by a qualified mentor teacher and an appropriate support team.

18.00(1)(c)(i) For purposes of these Rules, full-time shall mean a 100% contract by which the alternative teacher is assigned to teach a minimum of 51% in the approved endorsement area;

18.00(1)(c)(i)(a) If the alternatively licensed teacher is asked to teach in any content area(s) outside of his/her assessed content area, the school or school district is required to keep on file, documented evidence that the alternatively-licensed teacher has completed 24-semester hours in the additional content area, or the equivalent, thereof; or has passed the related state-approved content area exam(s).

18.00(1)(c)(ii) During at least one year of the program, the alternatively-licensed teacher shall be the teacher of record.

18.00(1)(c)(ii) Training of alternatively-licensed teachers shall include 225-clock hours of planned instruction, and activities to include, but not be limited to, teacher preparation courses that meet the performance based standards, and training in dropout prevention.

18.00(1)(c)(ii)(a) These 225-clock hours shall, at a minimum, include professional development that addresses the content of the Teacher Performance Standards pursuant to 2260.5-R-5.00.

18.00(1)(c)(ii)(b) The amount of hours of required instruction and activities may be modified by the alternative teacher's support team, but only after a documented and performance based evaluation of the candidate's proficiency which determines that one of the program's requirements has already been met by the alternatively-licensed teacher's proven knowledge or past experience.

18.00(1)(c)(ii)(c) Performance evaluations of alternatively-licensed teachers shall be conducted and documented in accordance with 22-9-106, C.R.S.

18.00(2) Proposal applications submitted by designated agencies for the approval of alternative teacher preparation programs shall include, but not be limited to:

18.00(2)(a) evidence of the establishment of an alternative teacher preparation program advisory council, by the designated agency.

18.00(2)(b) a listing of the duties of the advisory council, which shall include, but not be limited to, providing the designated agency with information regarding the organization, management, and operation of the approved alternative teacher program.

18.00(2)(c) criteria for the selection of mentor teachers, which shall include, but not be limited to, evidence and/or confirmation of exemplary teaching and school leadership; the ability to model and counsel the alternative teacher; relevant coursework; and a valid license and endorsement, in the alternatively-licensed teacher's content area. Mentor teachers may evaluate alternative teachers, if trained in accordance with 22-9-106(4), C.R.S., except that mentor teachers shall not be required to hold an administrative license.

18.00(2)(d) a formal mandatory and intensive supervision training program for mentors that provides direction with regard to structured guidance, the provision of regular ongoing support to new teachers, and teacher performance evaluation.

18.00(2)(e) duties of the mentor teacher, including, but not be limited to, serving as a member of the support team; providing ongoing counseling and supervision of the alternative teacher; and having the primary responsibility for representing the support team in the process of evaluating with regard to, and making recommendations for, the licensing of the alternative teacher.

18.00(2)(f) a checklist of the duties of the mentor teacher and the time required of that teacher to mentor the alternatively-licensed teacher which shall be maintained by the designated agency, the mentor teacher checklist shall include, but not be limited to the following elements: membership on the support team and attendance at meetings; identification of the time the mentor will spend in counseling and supervising the alternatively-licensed teacher; and the primary responsibility of the mentor to represent the support team, in the process of evaluating and making recommendations regarding the initial licensing of the alternatively-licensed teacher.

- 18.00(2)(g) provisions made by the designated agency, to assist the mentor teacher in properly discharging his/her regular duties, such provisions may include, but not be limited to: providing a substitute teacher for the mentor teacher, as necessary and appropriate, and/or allowing for adequate compensatory time, and/or other compensation, for the mentor teacher's required planning and observation schedule and ongoing regular conferences with the alternatively-licensed teacher.
- 18.00(2)(h) the composition of the alternative teacher preparation program support team. The team shall include, at the least, the alternative teacher's mentor teacher, the building principal, and a representative of the approved institution of higher education.
- 18.00(2)(i) duties of the support team including, but not be limited to:
- 18.00(2)(i)(i) meeting on a regular schedule with an agenda. Documentation of such regularly-scheduled meetings shall include, but not be limited to, evidence of the alternatively-licensed teacher toward meeting the program's objectives.
 - 18.00(2)(i)(ii) evaluation of the related prior education and experience of the alternatively-licensed teacher, to determine the appropriate program elements which will prepare the candidate for full licensure, as prescribed by these and other relevant rules and policies.
 - 18.00(2)(i)(ii)(a) the support team may decrease or increase the 225-hours of training, based upon its evaluation and the documented evidence it has, on file, of the qualifications, knowledge, and experience of the alternatively-licensed teacher.
 - 18.00(2)(i)(ii)(b) the training program shall include the elements required by these Rules.
 - 18.00(2)(i)(iii) development of the instruction plans and activities for the alternatively-licensed teacher's preparation and its delivery, these shall meet the Colorado State Board of Education standards, as prescribed in section 5.00 of these Rules.
 - 18.00(2)(i)(iv) administration, prior to the beginning of the school year, of the alternatively-licensed teacher's program of instruction, the program shall include, but not be limited to, an orientation to: the school and its student population; policies and procedures which affect teaching; classroom management strategies; and teacher responsibilities, as prescribed by Section 18.00 (1) (c) of these Rules.
- 18.00(2)(j) a means of assurance that the major portion of the alternatively-licensed teacher's assignment shall be in the content area in which the alternatively-licensed teacher has been approved by the state through a content area evaluation, as prescribed by Section 3.12(4)(a)-(b).
- 18.00(2)(k) explanation of how the school or district will meet the requirements specified in Section 18.00(1)(c)(i)(a) of these Rules if an alternatively-licensed teacher is asked, by the school or district to teach outside of his/her approved content area.
- 18.00(2)(l) the method of evaluation of the alternatively-licensed teacher's proficiencies using performance evaluations, as based on performance-based standards for Colorado teachers, as prescribed by Section 22.60.5-R-5.00 - 5.08(5) of these Rules.

- 18.00(2)(m) an inventory of standards pursuant to 2260.5-R-5.00 for each alternatively-licensed teacher candidate in its program, that documents how the alternatively-licensed teacher demonstrates proficient knowledge and understanding of the performance based standards for Colorado teachers, and their standard elements, including demonstration of proficient performance in a classroom setting.
- 18.00(2)(n) an estimate of the revenues and expenditures necessary for the development and administration of the alternatively-licensed teacher's preparation program, including sources of those revenues.
- 18.00(2)(o) the process by which performance evaluations of alternatively-licensed teachers will be conducted, which shall be consistent with the provisions of 22-9-106 C.R.S.
- 18.00(2)(p) the designated agency's measurable objectives for the alternatively-licensed teacher's preparation program.
- 18.00(3) The alternative teacher preparation program shall be approved for five years, at which time it will be reviewed and evaluated for evidence of effectiveness of program administration and preparation of alternatively-licensed teachers.

18.01 Acceptance of Alternatively-Licensed Teachers.

For the purposes of issuing an alternative teacher license pursuant to 22-60.5-201(1) (a), C.R.S., designated agencies shall provide the following to the Colorado Department of Education within 30 days of the candidate's employment:

- 18.01(1) A copy of the alternatively-licensed teacher candidate's contract, which includes terms and conditions of employment;
- 18.01(2) A statement of assurance of employment with signatures from the designated agency representative, human resources officer of the employing district or accredited non-public school, and the alternatively-licensed teacher candidate verifying that the candidate is employed, that the placement is in the approved endorsement area, and that the candidate is teaching in the approved endorsement area a minimum of 51% of the full time contract.

2260.5-R-19.00 Colorado Teacher of the Year Program

19.01 Administration.

- 19.01(1) The Colorado Teacher of the Year is selected in accordance with the National Teacher of the Year: Selection Criteria, as articulated by the Council of Chief State School Officers (CCSSO).
- 19.01(2) The Department may reward the Award Recipient with gifts, services and opportunities that may include, but need not be limited, to:
 - 19.01(2)(a) A Sabbatical from teaching responsibilities that includes moneys awarded to the Award Recipient's employer for the purpose of hiring a substitute teacher during the award recipient's sabbatical;
 - 19.01(2)(b) A cash gift;
 - 19.01(2)(c) Travel and lodging expenses;
 - 19.01(2)(d) A computer;

- 19.01(2)(e) Supplies and equipment for the award recipient's classroom or school; and
- 19.01(2)(f) The opportunity to receive additional training or education.
- 19.01(3) During his or her tenure as Colorado Teacher of the Year, the Award Recipient may participate in activities that may include but not be limited to:
 - 19.01(3)(a) Participating in local, regional and national events related to the Award Recipient's designation as Colorado Teacher of the Year;
 - 19.01(3)(b) Promoting the Teaching Profession;
 - 19.01(3)(c) Teaching best practices to other teachers;
 - 19.01(3)(d) Teaching temporarily in other public schools or school districts.
 - 19.01(3)(e) Mentoring students in teacher preparation programs and supporting newer teachers in Colorado;
 - 19.01(3)(f) Collaborating with institutions of higher education in scholarly research and teaching; and
 - 19.01(3)(g) Participating in special projects relating to education that are important to the award recipient.

2260.5-R-20.00 (number reserved)

2260.5-R-21.00 (number reserved)

2260.5-R-22.00 Inactive Status of Licenses.

- 22.00(1) Holders of valid professional licenses may choose to convert the professional license to inactive status.
 - 22.00(1)(a) The licensee shall notify the Department of Education in writing of his or her intent to place the professional license on inactive status, and
 - 22.00(1)(b) simultaneously transfer, either in person or by first-class mail, the professional license to the Department of Education.
 - 22.00(1)(c) The Department of Education may, upon request of a licensee, and with evidence of that licensee's active military service, reissue his/her license with a new expiration date reflecting the amount of time which remained on the license prior to the licensee's active military service, plus the amount of time during which the licensee served in active military service.
- 22.00(2) While on inactive status, the expiration date of a professional license shall be suspended and the person shall be deemed to not hold a professional license.
- 22.00(3) A person may return a professional license to active status any time by notifying the Department of Education in writing, either in person or by first-class mail to return his or her professional license.
- 22.00(4) Upon receipt of notice to return to active status, the Department of Education shall:

- 22.00(4)(a) reissue the professional license with a new expiration date reflecting the period remaining on the professional license as the date the license holder converted to inactive status.
- 22.00(4)(b) shall return the reissued license to the license holder within thirty days after receiving notice to return to active status.
- 22.00(5) Upon receipt of the professional license, the license holder shall resume active status.
- 22.00(6) Renewal of licenses previously inactive:
 - 22.00(6)(a) Any person who is on inactive status may, but is not required, to complete professional development activities which meet the requirements of section 12.02 of these Rules. Such activities completed while on inactive status shall apply to renewal of the person's professional license after the person returns to active status.
 - 22.00(6)(b) At the time of renewal, the holder shall provide to the Department of Education evidence of completion of the professional development activities which meet the requirements of the State Board of Education for license renewal as provided in section 12.02 of these Rules and which were completed within the five years preceding the date on which the professional license will expire after its return to active status.

2260.5-R-23.00 Waivers

[The unnumbered paragraph at the beginning of this section expired 5/15/07 per House Bill 07-1167.]

23.01

A written request for a waiver must be received by the State Board of Education at least 120 days prior to proposed implementation. The State Board is authorized to waive any requirement in regard to alternative teacher programs or approved induction programs. Waiver applications shall include the following:

- 23.01(1) The specific portion of these Rules to be waived;
- 23.01(2) The rationale for the request;
- 23.01(3) Detailed information on the innovative programs or plans to be instituted;
- 23.01(4) Financial impact of the proposed waiver, if applicable;
- 23.01(5) Reasons why these innovative programs or plans cannot be implemented under the applicable rule;
- 23.01(6) A detailed plan for the evaluation of the innovative programs or plans to show their effectiveness in improving the quality of the affected educators.

Editor's Notes

History

Sections 2260.5-R-1.00, 15.00, 15.05 emer. rule eff. 08/14/2008.

Sections 2260.5-R-1.00, 15.00, 15.05 eff. 10/31/2008.

Sections 2260.5-R-1.16, 4.04 eff. 10/30/2009.

Sections 2260.5-R-1.00 – 2.04, 3.01, 3.03, 3.12, 4.03, 4.12, 4.17, 7.02, 13.00, 18.00 – 19.00 eff. 07/30/2010.

Sections 2260.5-R-1.19, 4.11, 4.14(11)(d – e) emer. rule eff. 09/16/2010.

Sections 2260.5-R-1.17, 4.11, 6.13, 10.05 eff. 12/31/2010.

Sections 2260.5-R-1.20, 8.22 – 8.23 eff. 01/31/2011.

Sections 2260.5-R-1.21, 4.16, 15.00 – 15.00(5) eff. 09/30/2012.

Sections 2260.5-R-2.01, 2.03, 3.01, 3.03, 3.05 – 3.07, 3.12, 4.02 – 4.04, 4.11, 4.13, 4.17, 8.02, 8.04, 8.14, 12.02, 15.03, 18.00, 23.01 eff. 01/30/2013.

Sections 2260.5-R-1.23, 3.01(2)(e)(ii)(3), 3.06(1), 3.12(3)(b)(i), 4.13(3), 4.13(5), 4.17 eff. 05/15/2014.

Annotations

Introductory paragraph of Rule 2260.5-R-23.00 (adopted 11/10/2005) was not extended by House Bill 07-1167 and therefore expired 05/15/2007. Rules 2260.5-R-3.03(2)(a), 3.06(1)(a), 3.06(1)(c), 3.07(1)(d), 4.13(4)(c), 4.17(7), 15.00(2)(d), 15.00(2)(j) (adopted 12/14/2006) were not extended by Senate Bill 08-075 and therefore expired 05/15/2008; Rules 2260.5-R-3.07(1), 4.17(1), 4.17(2), 4.17(3) were repealed by Senate bill 08-075, eff. 05/15/2008; Rules 4.11(6) – 4.11(6)(d) (adopted 08/08/2012) were not extended by Senate Bill 13-079 and therefore expired 05/15/2013.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2013-00976

Opinion of the Attorney General rendered in connection with the rules adopted by the
Colorado State Board of Education

on 07/02/2014

1 CCR 301-37

RULES FOR THE ADMINISTRATION OF THE EDUCATOR LICENSING ACT OF 1991

The above-referenced rules were submitted to this office on 07/02/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 09, 2014 17:04:32

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Banking

CCR number

3 CCR 701-4

Rule title

3 CCR 701-4 RULES OF THE COLORADO STATE BANKING BOARD PERTAINING
TO THE PUBLIC DEPOSIT PROTECTION ACT 1 - eff 08/14/2014

Effective date

08/14/2014

PDP4 Standards for Establishing Current Market Value of Eligible Collateral [Section 11-10.5-107(1)(c), C.R.S.]

- A. Market value of the obligations and instruments approved as eligible collateral under Banking Board Rule PDP3(A), items 1, 2, 3, 4, 5, and 7 (except medium term and discount notes), and Banking Board Rule PDP3(F); and all items under Banking Board Rule PDP3(B), shall be the last reported bid or transaction price or, for an inactively traded security, evaluators or other analysts acceptable to the Division of Banking may determine the market value.
- B. Market value of the obligations approved as eligible collateral under Banking Board Rule PDP3(E) shall be 85 percent of the market value determined by evaluators or other analysts acceptable to the Division of Banking.
- C. Market value of the obligations approved as eligible collateral under Banking Board Rule PDP3(C) shall be 50 percent of the current principal balance of the note.
- D. Market value of the obligations approved as eligible collateral under Banking Board Rules PDP3(D) and PDP3(A)(9) shall be 85 percent of the par value of the obligation.
- E. Market value of the medium-term and discount notes approved as eligible collateral under Banking Board Rule PDP3(A), items 3, 4, 5, 6, and 8 shall be 90 percent of the par value of the obligation.
- F. Market value of the letters of credit approved as eligible collateral under Banking Board Rule PDP3(A)(10), and the surety bonds approved under Banking Board Rule PDP3(G) shall be 100 percent of the face value of the letter of credit or surety bond.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00372

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Banking

on 06/19/2014

3 CCR 701-4

RULES OF THE COLORADO STATE BANKING BOARD PERTAINING TO THE PUBLIC DEPOSIT
PROTECTION ACT

The above-referenced rules were submitted to this office on 06/19/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

July 01, 2014 14:49:28

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

3 CCR 702-4 Series 4-2 LIFE, ACCIDENT AND HEALTH, Series 4-2 1 - eff 08/15/2014

Effective date

08/15/2014

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

Amended Regulation 4-2-43

ENROLLMENT PERIODS RELATING TO INDIVIDUAL AND GROUP HEALTH BENEFIT PLANS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Individual Enrollment Periods
Section 6	Group Enrollment Periods
Section 7	Incorporation by Reference
Section 8	Severability
Section 9	Enforcement
Section 10	Effective Date
Section 11	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109, 10-16-105(2)(b), 10-16-105.7(3)(c) and 10-16-109, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish rules governing enrollment periods for individual and group health benefit plans in accordance with Article 16 of Title 10 of Colorado Revised Statutes, and the Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, 124 Stat. 119 (2010), and the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010), together referred to as the "Affordable Care Act" (ACA).

Section 3 Applicability

This regulation shall apply to all carriers offering individual and/or group health benefit plans subject to the individual and group laws of Colorado and the requirements of the ACA. This regulation does not apply to those health benefit plans that have not yet become subject to the provisions of HB13-1266.

Section 4 Definitions

- A. "Calendar year" means, for the purpose of this regulation, a year beginning on January 1 and ending on December 31.
- B. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- C. "Creditable coverage" shall have the same meaning as found at § 10-16-102(16), C.R.S.
- D. "Days" mean, for the purpose of this regulation, calendar days, not business days.

- E. "Designated beneficiary agreement" shall have the same meaning as found at § 15-22-103(2), C.R.S.
- F. "Exchange" shall have the same meaning as found at § 10-16-102(26), C.R.S.
- G. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.

Section 5 Individual Enrollment Periods

- A. Carriers offering individual health benefit plans must accept every eligible individual who applies for coverage, agrees to make the required premium payments and abide by the reasonable provisions of the plan, although carriers may choose to restrict enrollment to open or special enrollment periods.
- B. Carriers offering individual health benefit plans must display continuously and prominently on their web site:
 - 1. Notice of open enrollment dates;
 - 2. Notice of special enrollment qualifying and triggering events;
 - 3. Notice of the enrollment periods for each qualifying and triggering event; and
 - 4. Instructions on how to enroll.
- C. Open enrollment periods.
 - 1. The open enrollment period for plans effective on or after January 1, 2015 shall begin on November 15, 2014, and extend through February 15, 2015. Carriers must ensure that coverage purchased between the first and fifteenth day of the month during this open enrollment period shall become effective no later than the first day of the following month. Coverage purchased between the sixteenth and the last day of the month shall become effective no later than the first day of the second following month.
 - 2. Subsequent annual open enrollment periods will begin on October 15 and extend through December 7 of each calendar year.
 - 3. Carriers must ensure that coverage is effective as of January 1 for health benefit plans purchased during annual open enrollment specified in C.2. of this section.
 - 4. The benefit year for individual health benefit plans purchased during the initial and annual open enrollment periods is a calendar year.
 - 5. During open enrollment periods, carriers must offer guarantee-issue child-only health benefit plans to all applicants under the age of 21.
- D. Special enrollment periods.

Carriers must establish special enrollment periods for individuals who experience triggering events, pursuant to § 10-16-105.7, C.R.S.

 - 1. Following a triggering event, a carrier must provide a special enrollment period of no less than sixty (60) days.
 - 2. When an individual is notified or becomes aware of a triggering event that will occur in the future, he or she may apply for enrollment in a new health benefit plan during the

thirty (30) calendar days prior to the effective date of the triggering event, with coverage beginning no earlier than the day the triggering event occurs to avoid a gap in coverage. The individual must be able to provide written documentation to support the effective date of the triggering event at the time of application. The effective date of this enrollment must comply with the coverage effective dates found in Section 5.D.4. of this regulation.

3. Triggering events are:
 - a. Involuntarily losing existing creditable coverage for any reason other than fraud, misrepresentation, or failure to pay a premium;
 - b. Gaining a dependent or becoming a dependent through marriage, civil union, birth, adoption, or placement for adoption, placement in foster care, or by entering into a designated beneficiary agreement if the carrier offers coverage to designated beneficiaries;
 - c. An individual's enrollment or non-enrollment in a health benefit plan that is unintentional, inadvertent or erroneous and is the result of an error, misrepresentation, or inaction of the carrier, producer, or the Exchange;
 - d. Demonstrating to the Commissioner that the health benefit plan in which the individual is enrolled has substantially violated a material provision of its contract in relation to the individual;
 - e. An Exchange enrollee becoming newly eligible or ineligible for the federal advance payment tax credit or cost-sharing reductions available through the Exchange;
 - f. Gaining access to other creditable coverage as a result of a permanent change in residence;
 - g. A parent or legal guardian dis-enrolling a dependent, or a dependent becoming ineligible for the Children's Basic Health Plan;
 - h. An individual becoming ineligible under the Colorado Medical Assistance Act;
 - i. An individual, who was not previously a citizen, a national, or a lawfully present individual, gains such status; or
 - j. An Indian, as defined by section 4 of the Indian Health Care Improvement Act, may enroll in a qualified health plan or change from one qualified health plan to another one time per month.
4. Coverage effective dates.
 - a. In the case of marriage, civil union, or in the case where an individual loses creditable coverage, coverage must be effective no later than the first day of the following month.
 - b. In the case of birth, adoption, placement for adoption, or placement in foster care, coverage must be effective on the date of the event.
 - c. In the case of all other triggering events, where individual coverage is purchased between the first and fifteenth day of the month, coverage shall become effective no later than the first day of the following month.

- d. In the case of all other triggering events, where individual coverage is purchased between the sixteenth and last day of the month, coverage shall become effective no later than the first day of the second following month.

E. Notification requirements.

Carriers offering individual health benefit plans during open enrollment periods must provide the notice found in Appendix A, to their current individual policyholders no later than thirty (30) days prior to the start of each annual open enrollment period.

Section 6 Group Enrollment Periods

A. Carriers that offer small group health benefit plans must guarantee-issue small group health benefit plans throughout the year to any eligible small group that applies for a plan, agrees to make the required premium payments, and abide by the reasonable provisions of the plan, except as noted below.

B. Special enrollment periods for small employers.

- 1. For small employers that are unable to comply with employer contribution or group participation rules at the time of initial application, carriers may limit the availability of coverage for a group it has declined to an enrollment period that begins on November 15 and ends on December 15 of each year.
- 2. Coverage must be effective consistent with the dates listed below, unless the initial premium payment is not received by the carrier's cut-off date.
 - a. Carriers cannot establish a waiting period of more than ninety (90) days.
 - b. If a fully completed application is received by the carrier between the first and the fifteenth day of the month, the first effective day of the health benefit plan will be no later than the first day of the following month.
 - c. If a fully completed application is received between the sixteenth and last day of the month, the first effective day of the health benefit plan will be no later than the first day of the second following month.

C. Special enrollment periods for employees of small and large employer group plans.

- 1. Carriers must establish special enrollment periods in the group health benefit plan for individuals who experience any of the following qualifying events pursuant to § 10-16-105.7(3)(b)(I), C.R.S.:
 - a. Loss of coverage due to:
 - (1) The death of a covered employee;
 - (2) The termination or reduction in the number of hours of the employee's employment;
 - (3) The covered employee becoming eligible for benefits under Title XVIII of the Federal "Social Security Act", as amended; or
 - (4) The divorce or legal separation from the covered employee's spouse or partner in a civil union.

- b. Becoming a dependent through marriage, civil union, birth, adoption, or placement for adoption, or placement in foster care;
 - c. Becoming a dependent of a covered person by entering into a designated beneficiary agreement, or pursuant to a court or administrative order mandating that the individual be covered;
 - d. Losing other creditable coverage due to:
 - (1) Termination of employment or eligibility for coverage, regardless of eligibility for COBRA or state continuation;
 - (2) A reduction in the number of hours of employment;
 - (3) Involuntary termination of coverage; or
 - (4) Reduction or elimination of his or her employer's contributions toward the coverage.
 - f. Losing coverage under the "Colorado Medical Assistance Act" and then requesting coverage under an employer's group health benefit plan within sixty (60) days of the loss of coverage;
 - g. An employee or dependent becoming eligible for premium assistance under the "Colorado Medical Assistance Act" or the Children's Basic Health Plan; or
 - h. A parent or legal guardian dis-enrolling a dependent, or a dependent becoming ineligible for the Children's Basic Health Plan, and the parent or legal guardian requests enrollment of the dependent in a health benefit plan within sixty (60) days of the disenrollment or determination of ineligibility.
- 2. Individuals in the group market shall have a thirty (30) day special enrollment period that begins on the date the qualifying event occurs, except as provided in Section 6.C.1.f. and g. of this regulation, which provide a sixty (60) day special enrollment period.
 - 3. When an individual in the group market is notified or becomes aware of a qualifying event that will occur in the future, he or she may apply for coverage during the thirty (30) calendar days prior to the effective date of the qualifying event, with coverage beginning no earlier than the day the qualifying event occurs to avoid a gap in coverage. The individual must be able to provide written documentation to support the effective date of the qualifying event at the time of enrollment. The effective date of this enrollment must comply with the coverage effective dates found in Section 6.C.4. of this regulation.
 - 4. Coverage effective dates.
 - a. In the case of birth, adoption, placement for adoption, or placement in foster care, coverage must be effective on the date of the event.
 - b. In the case of marriage, civil union, or other qualifying events, coverage must be effective no later than the first day of the following month after the date the Exchange or the carrier receives a completed enrollment form.

Section 7 Incorporation by Reference

The “Indian Health Care Improvement Act” (25 U.S.C. § 1601 et seq. (2010)), published by the Indian Health Service shall mean “Indian Health Care Improvement Act” as published on the effective date of this regulation and does not include later amendments to or editions of the “Indian Health Care Improvement Act.” A copy of the “Indian Health Care Improvement Act” may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado 80202 or by visiting the Indian Health Service website at http://www.ihs.gov/ihcia/documents/home/USCode_Title25_Chapter%2018.pdf. A certified copy of the “Indian Health Care Improvement Act” may be requested from the Colorado Division of Insurance for a fee.

Section 8 Severability

If any provision of this regulation or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of this regulation shall not be affected

Section 9 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 10 Effective Date

This regulation shall become effective on August 15, 2014.

Section 11 History

Emergency regulation 13-E-13 effective October, 31, 2013.

Regulation effective February 1, 2014.

Amended regulation effective August 15, 2014.

APPENDIX A

Annual Open Enrollment Period Notice for Individual Health Benefit Plans

“We would like to let you know that your annual open enrollment period starts this year on [Open Enrollment Start Date]. Your open enrollment period will last until [Open Enrollment End Date]. During the open enrollment period you will be able to purchase new health insurance for the coming year.

You have two choices:

- You can continue with your current plan, where you will not need to take any action; or
- You can enroll in a new plan during the open enrollment period.

If you decide to choose a new plan:

- You can choose your new plan from us, or any other carrier offering plans; or
- You may purchase a new plan through Connect for Health Colorado, where you may qualify for federal financial assistance (www.connectforhealthco.com).

Make sure you follow the termination notice requirements in your current plan so that you will be able to avoid a gap in coverage by ending your old plan and beginning your new plan on the appropriate dates.

You can contact us or your insurance advisor for assistance and additional information. [Insert carrier contact information]”

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00466

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance

on 06/25/2014

3 CCR 702-4 Series 4-2

LIFE, ACCIDENT AND HEALTH, Series 4-2

The above-referenced rules were submitted to this office on 06/27/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 09, 2014 17:03:07

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

3 CCR 702-4 Series 4-2 LIFE, ACCIDENT AND HEALTH, Series 4-2 1 - eff 08/15/2014

Effective date

08/15/2014

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

Regulation 4-2-51

CARRIER DISCONTINUANCE OF A HEALTH BENEFIT PLAN

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Rules
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History
Appendix A	Example Notice
Appendix B	Health Benefit Plan Discontinuances Summary Data Template
Appendix C	Health Benefit Plan Discontinuances by County Data Template

Section 1 Authority

This regulation is promulgated under the authority of §§ 10-1-109, 10-16-105.1(6)(a), 10-16-105.7(3)(c), and 10-16-109, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish standards for carriers in discontinuing health benefit plans pursuant to the requirements of Colorado law.

Section 3 Applicability

This regulation shall apply to individual and small group health benefit plans subject to the individual and group health insurance laws of Colorado.

Section 4 Definitions

- A. "Carrier" shall, for the purposes of this regulation, have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "Creditable coverage" shall, for purposes of this regulation, have the same meaning as found at § 10-16-102(16), C.R.S.
- C. "Exchange" shall, for the purposes of this regulation, have the same meaning as set forth in § 10-16-102(26), C.R.S.
- D. "Health benefit plan" shall, for the purposes of this regulation, have the same meaning as found at § 10-16-102(32), C.R.S.

- E. "SERFF" means, for the purposes of this regulation, System for Electronic Rate and Form Filings.

Section 5 Rules

- A. Prior to discontinuing any grandfathered or non-grandfathered individual or small group health benefit plans, a carrier must notify the Division of Insurance (Division) of such discontinuance by submitting a filing to the Division. All filings shall be submitted electronically via SERFF by a licensed entity. Failure to supply the required information specified in this regulation will render the filing incomplete, and such a filing may be rejected. A separate filing must be sent for each Line of Business being discontinued. The SERFF filing should be submitted as:
1. Type of Filing "Other"; and
 2. Type of Insurance (TOI) code H21, or for HMO's code HOrg03.
- B. Until an individual or small group health benefit plan becomes subject to the provisions of HB13-1266, carriers electing to discontinue individual or small group plans must do so in accordance with the requirements found at § 10-16-201.5, C.R.S. (2012).
- C. For plans issued after January 1, 2014, carriers that elect to non-renew or discontinue individual or small group health benefit plans must do so in accordance with the requirements found at § 10-16-105.1(2)(g), C.R.S. The carrier shall offer policyholders the option of purchasing any other health benefit plan currently being offered by the carrier for which they qualify.
- D. The carrier shall provide notice of the decision not to renew or continue coverage to each policyholder at least ninety (90) days prior to the date of nonrenewal or discontinuance.
- E. Carriers shall include notice to the policyholder of eligibility for special enrollment periods, as established pursuant to § 10-16-105.7, C.R.S., with the nonrenewal or discontinuance notice.
- F. Carriers must use the notification language provided in Attachment A in order to provide sufficient notification to policyholders.
- G. Carrier discontinuance of a health benefit qualifies the policyholder for a special enrollment period pursuant to § 10-16-105.7(3), C.R.S. as an involuntary loss of creditable coverage.
- H. Carriers shall provide the following information in SERFF to the Division when discontinuing plans:
1. The Form Schedule Tab in SERFF must be completed with the form name, form number, edition date, form type, and action for each policy form that is being discontinued. Listing the readability score and attaching the actual forms is not required.
 2. Copies of all proposed policyholder notices for Division review.
 3. A letter addressed to the Commissioner that contains a summary of the carrier's discontinuance actions must be attached as a supporting document and must contain the following information:
 - a. Effective date of the discontinuance and/or exit from the market;
 - b. The reason for the carrier's action;
 - c. The market segment being discontinued;

- d. Number of people affected (by county); and
 - e. Grandfathered/Non-Grandfathered status.
4. The form found in Appendix B of this regulation shall be completed and included with this filing.
 5. The form found in Appendix C of this regulation shall be completed and included with this filing.

Section 6 Severability

If any provisions of this regulation or the application thereof to any person or circumstances are for any reason held to be invalid, the remainder of the regulation shall not be affected in any way.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This regulation is effective August 15, 2014.

Section 9 History

Regulation effective August 15, 2014.

Appendix A – Carrier Discontinuance Notice

Notice to Consumers for Carrier Discontinuance (Pursuant to § 10-16-201.5, C.R.S. (2012) and § 10-16-105.1, C.R.S.)

“We would like to notify you that your current policy will be discontinued or not renewed ninety (90) days from now, on (Month, Day, Year) because (company name) will no longer offer your current health plan in the State of Colorado.

This discontinuance triggers a special enrollment period which allows you to select a new health plan. You will have thirty (30) days before your plan ends and sixty (60) days after the date your plan ends to enroll in a new plan.

You may begin shopping for a new health benefit plan immediately to replace the plan that is ending, and you can enroll in a new health benefit plan up to thirty (30) days before your current plan ends, but you will need to be able to provide proof that your current plan is ending to the carrier of the plan you want to enroll in.

This notice can serve as the proof required for enrollment in a new plan. Knowing your plan is ending gives you the ability to enroll in a new plan with coverage beginning no earlier than the day this coverage ends so that you may avoid a gap in coverage.

[If carrier is offering new individual plans, use:

Your options include:

- Purchasing another individual health plan from us;
- Purchasing a plan from another carrier; or
- Purchasing a new plan through Connect for Health Colorado, where you may qualify for federal financial assistance (www.connectforhealthco.com).]

[If carrier does not offer new individual plans, use:

We are not going to be selling new individual plans so you won't be able to buy a new plan from us. Your options include:

- Purchasing a new plan from another carrier.
- Purchasing a new plan through Connect for Health Colorado, where you may qualify for federal financial assistance (www.connectforhealthco.com).

You should schedule the start date of your new plan to match the end date of this plan to avoid a gap in coverage.

You can contact us, your insurance advisor, or Connect for Health Colorado for assistance and additional information. [Insert Connect for Health Colorado's contact information and Carrier contact information]

**APPENDIX C – HEALTH BENEFIT PLAN DISCONTINUANCES BY COUNTY DATA TEMPLATE
(WITH EXAMPLES):**

CANCELLATIONS BY COUNTY FOR [CARRIER NAME] FOR [MONTH], [YEAR]:					
SERFF FILING #:		111111	222222	333333	COUNTY TOTAL:
NAIC #:		44444	55555	66666	
PLAN/PRODUCT NAME:		Plan X	Plan Y	Plan Z	
ADAMS COUNTY			2	3	5
ALAMOSA COUNTY					
APAPAHOE COUNTY			3	6	9
ARCHULETA COUNTY					
BACA COUNTY					
BENT COUNTY					
BOULDER COUNTY			6	100	106
BROOMFIELD COUNTY			2	43	45
CHAFFEE COUNTY		1			1
CHEYENNE COUNTY					
CLEAR CREEK COUNTY				1	1
CONEJOS COUNTY					
COSTILLA COUNTY					
CROWLEY COUNTY				1	1
CUSTER COUNTY					
DELTA COUNTY					
DENVER COUNTY			8	200	208
DOLORES COUNTY				1	1
DOUGLAS COUNTY				50	50
EAGLE COUNTY				1	1
EL PASO COUNTY				3	3
ELBERT COUNTY					

**APPENDIX C – HEALTH BENEFIT PLAN DISCONTINUANCES DATA TEMPLATE BY COUNTY
(WITH EXAMPLES) CONTINUED:**

CANCELLATIONS BY COUNTY FOR [CARRIER NAME] FOR [MONTH], [YEAR]:					
SERFF FILING #:		111111	222222	333333	COUNTY TOTAL:
NAIC #:		44444	55555	66666	
PLAN/PRODUCT NAME:		Plan X	Plan Y	Plan Z	
FREMONT COUNTY			2	9	11
GARFIELD COUNTY					
GILPIN COUNTY					
GRAND COUNTY			3	150	153
GUNNISON COUNTY					
HINSDALE COUNTY					
HUERFANO COUNTY			6	40	46
JACKSON COUNTY			2	30	32
JEFFERSON COUNTY		1			1
KIOWA COUNTY					
KIT CARSON COUNTY				1	1
LA PLATA COUNTY					
LAKE COUNTY					
LARIMER COUNTY				1	1
LAS ANIMAS COUNTY					
LINCOLN COUNTY					
LOGAN COUNTY			8	125	133
MESA COUNTY				1	1
MINERAL COUNTY				60	60
MOFFAT COUNTY				1	1
MONTEZUMA COUNTY				3	3
MONTROSE COUNTY					
MORGAN COUNTY					

**APPENDIX C – HEALTH BENEFIT PLAN DISCONTINUANCES DATA TEMPLATE BY COUNTY
(WITH EXAMPLES) CONTINUED:**

CANCELLATIONS BY COUNTY FOR [CARRIER NAME] FOR [MONTH], [YEAR]:					
SERFF FILING #:		111111	222222	333333	COUNTY TOTAL:
NAIC #:		44444	55555	66666	
PLAN/PRODUCT NAME:		Plan X	Plan Y	Plan Z	
OTERO COUNTY			2	12	14
OURAY COUNTY					
PARK COUNTY			3	45	48
PHILLIPS COUNTY					
PITKIN COUNTY					
PROWERS COUNTY			6	150	156
PUEBLO COUNTY			2	11	13
RIO BLANCO COUNTY		1			1
RIO GRAND COUNTY					
ROUTT COUNTY				1	1
SAGUACHE COUNTY					
SAN JUAN COUNTY					
SAN MIGUEL COUNTY				1	1
SEDGWICK COUNTY					
SUMMIT COUNTY					
TELLER COUNTY			8	120	128
WASHINGTON COUNTY				1	1
WELD COUNTY				75	75
YUMA COUNTY				1	1
OUT OF STATE				3	3
TOTAL:		3	63		1616

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00480

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance

on 06/25/2014

3 CCR 702-4 Series 4-2

LIFE, ACCIDENT AND HEALTH, Series 4-2

The above-referenced rules were submitted to this office on 06/27/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 09, 2014 17:03:44

A handwritten signature in black ink, appearing to read "DD", written over a light blue rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-4 Series 4-2

Rule title

3 CCR 702-4 Series 4-2 LIFE, ACCIDENT AND HEALTH, Series 4-2 1 - eff 08/15/2014

Effective date

08/15/2014

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

Amended Regulation 4-2-39

CONCERNING PREMIUM RATE SETTING FOR NON-GRANDFATHERED INDIVIDUAL, SMALL AND LARGE GROUP HEALTH BENEFIT PLANS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	General Rate Filing Requirements
Section 6	Actuarial Memorandum
Section 7	Premium Rate Setting for Individual and Small Group Health Benefit Plans
Section 8	Rate Filings and Actuarial Certification for Small Group Health Benefit Plans
Section 9	Additional Requirements for Large Group Health Benefit Plans
Section 10	Prohibited Rating Practices
Section 11	Incorporation by Reference
Section 12	Severability
Section 13	Enforcement
Section 14	Effective Date
Section 15	History
Appendix A	Rate Filing Requirements for Non-grandfathered individual and small group health benefit plans
Appendix B	Sample Rate Table

Section 1 Authority

This emergency regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109(1), 10-16-104.9, 10-16-107 and 10-16-109, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to provide the necessary guidance to carriers to implement the requirements of House Bill 13-1266, enacted during the 2013 General Assembly and to ensure that health insurance rates comply with Colorado's health benefit plan rating laws.

Section 3 Applicability

This regulation applies to all carriers marketing and issuing non-grandfathered individual, small group, and/or large group health benefit plans on or after January 1, 2014; health benefit plans subject to the individual, small group, and large group laws of Colorado; and stand-alone dental plans that provide for pediatric dental as an essential health benefit. This regulation excludes individual short-term policies as defined in § 10-16-102(60), C.R.S.

Section 4 Definitions

- A. "Benefits ratio" means, for the purposes of this regulation, the ratio of the value of the actual policy benefits, not including policyholder dividends, to the value of the actual premiums, not reduced by policyholder dividends, over the entire period for which rates are computed to provide coverage. Additionally, the Division of Insurance (Division) will consider Quality Improvement (QI), as defined herein at Section 4.AA. in the benefits ratio calculation. Note: active life reserves do not represent claim payments, but provide for timing differences. Benefits ratio calculations must be displayed without the inclusion of active life reserves.
- B. "Carrier" means, for the purposes of this regulation, a carrier as found at § 10-16-102(8), C.R.S., and includes, but is not limited to: licensed life and health insurance companies; non-profit hospital, medical-surgical, and health service corporations; health maintenance organizations (HMOs); prepaid dental companies; and limited service licensed provider networks.
- C. "Catastrophic plan" shall have the same meaning as found at § 10-16-102(10), C.R.S.
- D. "Covered lives" means, for the purposes of this regulation, the number of members, subscribers and dependents.
- E. "Dividends" means, for the purposes of this regulation, both policyholder and stockholder dividends.
- F. "Essential health benefit" and "EHB" shall have the same meaning as found at § 10-16-102(22), C.R.S.
- G. "Excessive rates" means, for the purposes of this regulation, rates that are likely to produce a long run profit that is unreasonably high for the insurance provided, or if the rates include a provision for expenses that is unreasonably high in relation to the services rendered. In determining if the rate is excessive, the commissioner may consider profits, dividends, annual rate reports, annual financial statements, subrogation funds credited, investment income or losses, unearned premium reserve, reserve for losses, surpluses, executive salaries, expected benefits ratios, and any other appropriate actuarial factors as determined by accepted actuarial standards of practice. The commissioner may require the submission of whatever relevant information the commissioner deems necessary in determining whether to approve or disapprove a rate filing.
- H. "Exchange" shall have the same meaning as found at § 10-16-102(26), C.R.S.
- I. "File and use" means, for the purposes of this regulation, a filing procedure that requires rates and rating data to be filed with the Division concurrent with or prior to distribution, release to producers, collection of premium, advertising, or any other use of the rates. Under no circumstance shall the carrier provide insurance coverage using the rates until on or after the

proposed implementation or effective date specified in the rate filing. Carriers may bill members but not require the member to remit premium prior to the proposed implementation or effective date of the rate change.

- J. "Filing date" means, for the purposes of this regulation, the date that the rate filing is received at the Division.
- K. "Filed rate" means, for the purposes of this regulation, the index rate as adjusted for plan design and the case characteristics of age, geographic location, tobacco use and family size only. The "filed rate" does not include the index rate as further adjusted for any other case characteristic. (See Section 7.A.3. of this regulation.)
- L. "Geographic area" means, for the purposes of this regulation, the geographic area selected by Colorado and approved by the federal government, to be used by carriers in the state of Colorado.
- M. "Grandfathered health benefit plan" shall have the same meaning as found at § 10-16-102(31), C.R.S.
- N. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- O. "Implementation date" means, for the purposes of this regulation, the date that the filed or approved rates can be charged to an individual or group.
- P. "Index rate" shall have the same meaning as found at § 10-16-102(39), C.R.S.
- Q. "Inadequate rates" means, for the purposes of this regulation, rates that are clearly insufficient to sustain projected losses and expenses, or if the use of such rates, if continued, will tend to create a monopoly in the marketplace. In determining if the rate is inadequate, the commissioner may consider profits, dividends, annual rate reports, annual financial statements, subrogation funds credited, investment income or losses, unearned premium reserve, reserve for losses, surpluses, executive salaries, expected benefits ratios, and any other appropriate actuarial factors as determined by accepted actuarial standards of practice. The commissioner may require the submission of whatever relevant information the commissioner deems necessary in determining whether to approve or disapprove a rate filing.
- R. "Multistate associations" shall have the same meaning as found at § 10-16-102(68), C.R.S.
- S. "New policy form or product" means, for the purposes of this regulation, a policy form that has substantially different new benefits or unique characteristics associated with risk or costs that are different from existing policy forms. For example: A guaranteed issue policy form is different than an underwritten policy form; a managed care policy form is different than a non-managed care policy form; a direct written policy form is different from a policy sold using producers, etc.
- T. "Plan" means, for the purposes of this regulation, the specific benefits and cost-sharing provisions available to a covered person.
- U. "PPACA" or "ACA" means, for the purposes of this regulation, The Patient Protection and Affordable Care Act, Pub. L. 111-148 and the Health Care and Education Reconciliation Act of 2010, Pub. L. 111-152.
- V. "Premium" shall have the same meaning as found at § 10-16-102(51), C.R.S.

- W. "Premium rate" means, for the purposes of this regulation, all moneys paid by an individual, or an employer and eligible employees, as a condition of receiving coverage from a carrier, including any fees or other contributions associated with obtaining or administering the health benefit plan.
- X. "Prior approval" means, for the purposes of this regulation, a filing procedure that requires a rate change be affirmatively approved by the commissioner prior: to distribution, release to producers, collection of premium, advertising, or any other use of the rate. Under no circumstances shall the carrier provide insurance coverage using the rates until on or after the proposed implementation or effective date specified in the rate filing. The implementation date must be at least sixty (60) days after the date of submission. After the rate filing has been approved by the commissioner, carriers may bill members but not require the member to remit premium prior to the proposed implementation or effective date of the rate change.
- Y. "Product(s)" means, for the purposes of this regulation, the services covered as a package under a policy form developed by a carrier, which may have several cost-sharing options and riders as options.
- Z. "Qualified actuary" means, for the purposes of this regulation, a member of the American Academy of Actuaries, or a person who has demonstrated to the satisfaction of the commissioner that the person has sufficient educational background and who has not less than seven (7) years of recent actuarial experience relevant to the area of qualifications, as defined in Colorado Insurance Regulation 1-1-1.
- AA. "Quality improvement expenses" and "QI" mean, for the purposes of this regulation, expenses, other than those billed or allocated by a provider for health care delivery (i.e., clinical or claims costs), for all carrier activities that are designed to improve health care quality, and increase the likelihood of desired health outcomes, in ways that are capable of being objectively measured and produce verifiable results and achievements. These expenses must be directed toward enrollees, or may be incurred for the benefit of specified segments of enrollees, recognizing that such activities may provide health improvements to the population beyond those enrolled in coverage as long as no additional costs are incurred due to the non-enrollees participation other than allowable QI associated with self-insured plans. Qualifying QI shall be grounded in evidence-based medicine, widely accepted best clinical practices, or in criteria issued by recognized professional medical societies, accreditation bodies, government agencies or other nationally recognized health care quality organizations. Qualifying QI activities should not be designed primarily to control or contain cost, though they may have cost-reducing or cost-neutral benefits if quality improvement remains the primary goal and are primarily designed to achieve the following goals set out in Section 2717 of the PHSa and Section 1311 of the PPACA:
1. Improve health outcomes including increasing the likelihood of desired outcomes compared to a baseline and reducing health disparities among specified populations;
 2. Prevent hospital readmissions;
 3. Improve patient safety and reduce medical errors, lower infection and mortality rates;
 4. Increase wellness and promote health activities; or
 5. Enhance the use of health care data to improve quality, transparency, and outcomes.
- AB. "Rate" means, for the purposes of this regulation, the amount of money a carrier charges as a condition of providing health coverage. The rate charged normally reflects such factors as the carrier's expectation of the insured's future claim costs; the insured's share of the carrier's claim settlement; operational and administrative expenses; and the cost of capital. This amount is net of

any adjustments, discounts, allowances or other inducements permitted by the contract. Rates for all health benefit plans and pediatric dental plans must be filed with the Division.

- AC. "Rate filing" means, for the purposes of this regulation, a filing that contains all of the items required in this regulation, and:
1. For individual products, the proposed base rates and all rating factors. The underlying rating assumptions must be submitted. Support for all changes in existing rates, factors and assumptions must be provided, including the continued use of previously filed trend factors. Support for new product offerings must be provided; and
 2. For group products, proposed base rates, the underlying rating factors and assumptions. Support for all changes in existing rates, factors and assumptions must be provided, including the continued use of previously filed trend factors. Support for new product offerings must be provided. Groups must meet the definition contained in §§ 10-16-214(1) and 10-16-215, C.R.S.
- AD. "Rate increase" shall have the same meaning as found at § 10-16-102(57), C.R.S., and includes increases in any current rate or factor used to calculate rates for new or existing policyholders, members, or certificate holders. Rate changes applicable to "new business only" are considered rates changes, and must be supported. Rate increases for "new business only" are subject to prior approval.
- AE. "Rating period" shall have the same meaning as found at § 10-16-102(58), C.R.S.
- AF. "Renewed" means, for the purposes of this regulation, a plan renewed upon the occurrence of the earliest of: the annual anniversary date of issue; the date on which premium rates can be or are changed according to the terms of the plan; or the date on which benefits can be or are changed according to the terms of the plan. If the plan specifically allows for a change in premiums or benefits due to changes in state or federal requirements, and a change in the health benefit and standalone pediatric dental plan premiums or benefits that is solely due to changes in state or federal requirements, and is not considered a renewal in the plan, then such a change will not be considered a renewal for the purposes of this regulation.
- AG. "Retention" means, for the purposes of this regulation, the sum of all non-claim expenses including investment income from unearned premium reserves, contract or policy reserves, reserves from incurred losses, and reserves from incurred but not reported losses as the percentage of total premium.
- AH. "SERFF" means, for the purposes of this regulation, System for Electronic Rate and Form Filings.
- AI. "Substantially different new benefit" means, for the purposes of this regulation, a new benefit which results in a change in the actuarial value of the existing benefits by 10% or more. The offering of additional cost sharing options (i.e. deductibles and copayments) to what is offered as an existing product does not create a new benefit. Actuarial value is the change in benefit cost as developed when making other benefit relativity adjustments.
- AJ. "Trend" or "trending" means, for the purposes of this regulation, any procedure for projecting losses to the average date of loss, or of projecting premium or exposures to the average date of writing. Trend used solely for restating historical experience from the experience period to the rating period, or which is used to project morbidity, is considered a rating assumption.
- AK. "Trend factors" means, for the purposes of this regulation, rates or rating factors which vary over time or due to the duration that the insured has been covered under the policy or certificate, and which reflect any of the components of medical or insurance trend assumptions used in pricing.

Medical trend includes changes in unit costs of medical services or procedures, medical provider price changes, changes in utilization (other than due to advancing age), medical cost shifting, and new medical procedures and technology. Insurance trend includes the effect of underwriting wear-off, deductible leveraging, and anti-selection resulting from rate increases and discontinuance of new sales. Rate filings must be submitted on an annual basis to support the continued use of trend factors. Underwriting wear-off does not apply to guaranteed issue products.

- AL. “Unfairly discriminatory rates” means, for the purposes of this regulation, charging different rates for the same benefits provided to individuals, or groups, with like expectations of loss; or if after allowing for practical limitations, differences in rates which fail to reflect equitably the differences in expected losses and expenses. A rate is not unfairly discriminatory solely if different premiums result for policyholders with like loss exposures but different expenses, or like expenses but different loss exposures, so long as the rate reflects the differences with reasonable accuracy.
- AM. “Use of the rates” means, for the purposes of this regulation, the distribution of rates or factors to calculate the premium amount for a specific policy or certificate holder including advertising, distributing rates or premiums to producers and disclosing premium quotes. Rates must be filed with the Division and forms, as required by § 10-16-107.2, C.R.S., must be filed prior to use. It does not include releasing information about the proposed rate change to other government entities or disclosing general information about the rate change to the public.
- AN. “Valid group” means, for the purposes of this regulation, a group of persons who qualify for “group sickness and accident insurance” as found at §§ 10-16-214(1) and 10-16-215, C.R.S. All groups must meet the qualifications as “valid groups”. Non-employer groups, including, but not limited to, associations, trusts, unions, and organizations eligible for group life insurance shall be submitted to the Division for approval. Groups formed for the purpose of insurance are prohibited under Colorado law. Multi-state associations must also meet the requirements under § 10-16-214(1), C.R.S. Bona fide associations must meet the requirements under § 10-16-102(6), C.R.S. Trusts must meet the requirements under § 10-7-201, C.R.S., and must be formed by one or more employers or by one or more labor unions, or by one or more employers and one or more labor unions. Union agreements must also be submitted to the Division.
- AO. “Wellness and prevention program,” shall have the same meaning as found at § 10-16-136(7)(b), C.R.S., and apply to individual and small group health benefit plans.

Section 5 General Rate Filing Requirements

All rates associated with health coverage policies, riders, contracts, endorsements, certificates, and other evidence of health coverage associated with health benefit plans and standalone pediatric dental plans must be filed with the Division prior to issuance or delivery of coverage. All rate filings shall be submitted electronically by licensed entities. Failure to supply the information required in Sections 5, 6, 7, 8 and 9 of this regulation will render the filing incomplete. Incomplete filings are not reviewed for substantive content. All filings that are not returned or disapproved on or before the 30th calendar day after receipt will be considered complete. Filings may be reviewed for substantive content, and if reviewed, any deficiency will be identified and communicated to the filing carrier on or before the 45th calendar day after receipt. Correction of any deficiency, including deficiencies identified after the 45th calendar day, will be required on a prospective basis, and no penalty will be applied for a non-willful violation identified in this manner, other than as allowed by § 10-16-216.5, C.R.S. Nothing in this regulation shall render a rate filing subject to prior approval by the commissioner that is not otherwise subject to prior approval as provided by statute.

- A. General Requirements

1. Prior Approval: Any proposed rate increase for health benefit plans or a rate increase of 5% or more annually for dental insurance is subject to prior approval by the commissioner and must be filed with the Division at least sixty (60) calendar days prior to the proposed implementation or use of the rates.
 - a. If the commissioner approves the rate filing within sixty (60) calendar days after the filing date, the carrier may use the rates immediately upon approval for new business and upon renewal for existing business; however, under no circumstances shall the carrier provide insurance coverage under the rates until on or after the proposed implementation or effective date specified in the rate filing.
 - b. A carrier who provides insurance coverage using the rates before the proposed implementation or effective date will be considered as using unfiled rates and the Division will take appropriate action as defined by Colorado law.
 - c. After the rate filing has been approved by the commissioner, carriers may bill members, but not require the member to remit premium prior to the proposed implementation date of the rate change.
 - d. If the commissioner does not approve or disapprove the rate filing within sixty (60) calendar days after the submission date, the carrier may use the rates as of the implementation or effective date in the filing.
 - e. Under no circumstances shall the carrier provide insurance coverage under the filed rates until on or after the proposed implementation date or effective date specified in the rate filing.
2. Existing law defines a rate increase as any increase in the current rate. This, for purposes of this regulation, includes an increase in any base rate, or any rating factor, or continued use of trend factors used to calculate premium rates which results in an overall increase in the current rate to any existing policyholder or certificate holder renewing during the proposed rating period of the filing and would be considered a prior approval filing. Rate increases as applied to "new business only" are also subject to prior approval.

To determine prior approval, calculations should reflect both the 12-month cumulative impact of trend and any changes to rating factors or base rates. Calculations should not reflect a particular policyholder's movement within each rating table (i.e., change in family status, move to a new geographic area, etc.). Trend factors do not renew automatically and must be filed annually. Any continued use of any trend factor for more than twelve (12) months is subject to prior approval.

The commissioner may require submission of any relevant information the commissioner deems necessary in determining whether to approve or disapprove a rate filing. Corrections of any deficiency identified after the 60th calendar day will be required on a prospective basis and no penalty will be applied for a non-willful violation identified in this manner if the rates are determined to be excessive, inadequate or unfairly discriminatory, other than as allowed by § 10-16-216.5, C.R.S.

All filings must be filed with the Rates and Forms Section of the Division. The commissioner shall disapprove the rate filing if any of the following apply:

- a. The benefits provided are not reasonable in relation to the premiums charged;

- b. The rate filing contains rates that are excessive, inadequate, unfairly discriminatory, or otherwise does not comply with the provisions of Sections 5, 6, 7, 8, 9 and 10 of this regulation. In determining if the rate is excessive or inadequate, the commissioner may consider profits, dividends, annual financial statements, subrogation funds credited, investment income or losses, unearned premium reserve, reserve for losses, surpluses, executive salaries, expected benefits ratios, and any other appropriate actuarial factors as determined by accepted actuarial standards of practice;
 - c. The actuarial reasons and data do not justify the requested rate increase;
 - d. The rate filing is incomplete; or
 - e. The data in the filing failed to adequately support the proposed rates.
3. File and Use: Any rate filing not specified in Paragraph 1 of this subsection is classified as file and use. Existing law allows for file and use rate filings to be implemented upon submission to the Division and correction of any deficiency shall be on a prospective basis. All filings not returned on or before the 30th day after submission to the Division will be considered complete. Rates for all health coverages must be filed with the Division prior to use.

To determine file and use, calculations should reflect the 12-month accumulative impact of trend and any changes to rating factors or base rates. If there is an annual cumulative decrease in rates for all policyholders during the filed rating period then the filing would be file and use.

If new rates, rating factors, or a rate change has been implemented or used without being filed with the Division, corrective actions may be ordered, including, but not limited to, civil penalties, refunds to policyholders, and/or rate credits. Use of unfiled rates may also be deemed excessive. Under no circumstances shall the carrier provide insurance coverage using the rates until on or after the proposed implementation or effective date. A carrier who provides insurance coverage under the rates before the proposed implementation or effective date will be considered as using unfiled rates and the Division will take appropriate action as defined by Colorado law. Carriers may bill members but not require the member to remit premium prior to the proposed implementation or effective date of the rate change. All filings must be filed with the Rates and Forms Section of the Division.

4. New Policy Forms and Products: Carriers shall not represent an existing product to be a new policy form, or product unless it fits the definition set forth in Section 4.S. If a policy form is not a new policy form or product, and the rate is increasing, the rate filing will be considered a prior approval filing and the required supporting documentation required by law and regulation will need to be submitted with the filing. In the case of reasonable modifications, pursuant to § 10-16-105.1, C.R.S., if an existing policy form is modified and it is truly not a new policy form or product, the policy form must be revised to comply with the provisions of § 10-16-105.1, C.R.S.
5. Required Submissions:
- a. Rates on all health insurance policies, riders, contracts, endorsements, certificates, and other evidence of health coverage, must be filed with the Division prior to issuance or deliverance of policies, certificates or evidence of coverage.

- b. All carriers must submit a compliant rate filing whenever the rates charged to new or renewing policyholders, or certificate holders differ from the rates on file with the Division. Included in this requirement are changes due to periodic recalculation of experience, change in rate calculation methodology, or change(s) in trend or other rating assumptions. Failure to file a rate filing that is compliant with this regulation in these instances will render the carrier as using unfiled rates and the Division will take appropriate action as allowed by Colorado law.
 - c. All carriers must submit a compliant rate filing on an annual basis, at minimum, to support the continued use of trend factors, which change on a predetermined basis. The rate filing must contain detailed support as to why the assumptions upon which the trend factors are based continue to be appropriate. The rate filing shall contain all of the items required in this regulation. The rate filing must demonstrate that the rate is not excessive, inadequate or unfairly discriminatory. Note: Trend factors which change on a predetermined basis can be continued for no more than twelve (12) months. To continue the use of trend factors that change on a predetermined basis, a filing must be made for that particular form with an implementation or effective date on or before the one-year anniversary of the implementation or effective date of the most recent rate filing for that form.
 - d. All carriers must submit compliant rate filings when rates are changed on an existing product, even though the rate change pertains to new business only. Colorado experience data for this existing product must be submitted. If Colorado data is partially credible, nationwide data must also be submitted. Detailed support must be provided for the rate change. Support must also be provided to ensure rates are not discriminatory. Assessing different rates for the same product based on issue dates may violate Colorado law.
 - e. All carriers must submit compliant rate filings within sixty (60) calendar days after commissioner approval of the assumption or acquisition of a block of business. This rate filing should provide detailed support for the rating factors the assuming or acquiring carrier is proposing to use, even if there is no change in rating factors. The new filing must demonstrate that the rating assumptions are still appropriate.
 - f. Each line of business requires a separate rate filing. Rate filings should not be combined with form filings.
 - g. All carriers are expected to review their experience on a regular basis, no less than annually, and file rate revisions, as appropriate, in a timely manner to ensure that rates are not excessive, inadequate and unfairly discriminatory, and to avoid filing large rate changes
 - h. The Form Schedule tab in SERFF must be completed for all rate and form filings. This tab must list policies, riders, endorsements, or certificates referenced in the rate filing. Do not attach the actual forms to a rate filing.
6. Withdrawn, Returned, or Disapproved Filings: Filings that have been withdrawn by the filer, returned by the Division as incomplete or disapproved as unjustified, and are subsequently resubmitted, will be considered as new filings. If a filing is withdrawn, returned, or disapproved, those rates may not be used or distributed. Nothing in this regulation shall render a rate filing subject to prior approval by the commissioner which is not otherwise subject to prior approval as provided by Colorado law.

7. **Submission of Rate Filings:** All health benefit plans and stand-alone pediatric dental plan rate filings must be filed electronically in a format made available by the Division, unless exempted by rule for an emergency situation as determined by the commissioner. If the carrier fails to comply with these requirements, the carrier will be notified that the filing has been returned as incomplete. Complete electronically submitted rate filings must meet all relevant general requirements, including all necessary rate and policy forms. If a filing is returned as incomplete, those rates may not be used or distributed.
8. **Carrier Specific:** A separate filing must be submitted for each carrier. A single filing made for more than one carrier, or for a group of carriers is not permitted. This applies even if a product is comprised of components from more than one carrier, such as an HMO/indemnity point-of-service plan.
9. **Required Inclusions:** Rate filings require the submission of an actuarial memorandum in the format specified in Section 6 of this regulation. A response must be provided for each element contained in Section 6. The level of detail and the degree of consistency incorporated in the experience records of the carrier are vital factors in the presentation and review of rate filings. Every rate filing shall be accompanied by sufficient information to support the reasonableness of the rate. Valid carrier experience should be used whenever possible. This information may include the carrier's experience and judgment; the experience or data of other carriers or organizations relied upon by the carrier; the interpretation of any statistical data relied upon by the carrier; descriptions of methods used in making the rates; and any other similar information deemed necessary by the carriers. Actual Colorado experience must be submitted for changes to existing products. In addition, the commissioner may request additional information used by the carrier to support the rate change request.

For medical filings, issuers must provide full rate tables for each plan offered (see Rate Table Format exhibit in Appendix B). For each plan the corresponding rate table created should be provided with one of the following rate table status indicated in the table header: Initial Filing – Not Final Approved; Adjusted During Review - Not Final Approved; or, Final Approved Table.

10. **Confidentiality:** All rate filings submitted shall be considered public and shall be open to public inspection, unless the information may be considered confidential pursuant to § 24-72-204, C.R.S. The Division does not consider such items as rates, rating factors, rate histories, or side-by-side comparisons of rates or retention components to be confidential. The entire filing, including the actuarial memorandum, cannot be held as confidential. There should be separate SERFF component for the confidential exhibits, and must be indicated by the icon as confidential in SERFF. Non-confidential information, such as the actuarial memorandum, must be in a separate SERFF component.
11. A "Confidentiality Index" must be completed if the carrier desires confidential treatment of any information submitted, as required in this regulation. The Division will evaluate the reasonableness of any request for confidentiality and will provide notice to the carrier if the request for confidentiality is rejected. It should be noted that HMOs are not afforded automatic confidential treatment of any rate filings; and, therefore, must complete a Confidentiality Index.

B. Actuarial Certification

Each rate filing shall include a signed and dated statement by a qualified actuary, which attests that, in the actuary's opinion, the rates are not excessive, inadequate, or unfairly discriminatory.

- C. Stand-alone dental plans that do not provide pediatric dental coverage as mandated by PPACA must include notification language similar to the following at the time of solicitation:

“This policy DOES NOT include coverage of pediatric dental services as required under the Affordable Care Act. Coverage of pediatric dental services is available for purchase in the State of Colorado and can be purchased as a stand-alone plan. Please contact your insurance carrier, agent, or Connect for Health Colorado to purchase either a plan that includes pediatric dental coverage or an Exchange-qualified stand-alone dental plan that includes pediatric dental coverage.”

- D. To be considered a complete filing, rate filings must comply with the submission and requirements for non-grandfathered individual and small group health benefit plans contained in Appendix A of this regulation.

Section 6 Actuarial Memorandum

The rate filing must contain an actuarial memorandum. To ensure compliance with this regulation, each of the following sections must be provided in the memorandum in the designated order shown below, or in an alternate template supplied by the Division. A response must be provided for each element under this section. The actuarial memorandum must be attached to the Supporting Documents tab in SERFF, and must be accompanied by a certification signed by, or prepared under the supervision of, a qualified actuary, in accordance with the Actuarial Certification requirements of this regulation. Do not attach the actuarial memorandum, supporting documents, or actuarial certification to the Rate/Rule tab in SERFF.

Stand-alone dental plans must comply with the actuarial memorandum requirements found in Colorado Insurance Regulation 4-2-11.

- A. Summary: The memorandum must contain a summary that includes, but is not limited to, the following:
1. Reason(s) for the rate filing: A statement as to whether or not this is a new product offering; a rate revision to an existing product, which includes rates applicable to “new business only”, or; a new option being added to an existing form. If the filing is a rate revision, the reason for the revision should be clearly stated.
 2. Requested Rate Action: The overall rate increase or decrease should be listed. The listed rate change, the average change in each rate component and the change in renewal date-by effective month must be provided. The submission must also list the twelve (12) month renewal with changes by component and the averages by component.
 3. Marketing Method(s): A brief description of the marketing method used for the filed form should be listed. (Agency/Broker, Internet, Direct Response, Other) All non-employer groups must be clearly identified, and must meet the definition of a “valid group” found in this regulation.
 4. Premium Classification: This section should state all attributes upon which the premium rates vary. This section must comply with all new rating reforms including, but not limited to, the age and tobacco ratios, family composition, and geographic areas.
 5. Product Descriptions: This section should describe the benefits provided by the policy, rider or contract. For non-grandfathered individual and small group health benefit plans and stand-alone pediatric dental, this section must include EHB(s) and list any substitution of benefits or any additional benefits provided above the required EHB(s).

6. Policy/Rider or Contract: This section must include a listing of all policies/riders or contracts impacted by the submission.
7. Age Basis: This section must state whether the premiums will be charged on an attained age, renewal age or other basis.
8. Renewability Provision: All health benefit plans are guaranteed renewable.

A: SUMMARY	
1. Reason(s):	
2. Requested Rate Action:	
3. Marketing Method(s):	<input type="checkbox"/> Agency/Broker <input type="checkbox"/> Internet <input type="checkbox"/> Direct Response <input type="checkbox"/> Other:
4. Premium Classification(s):	
5. Product Description(s):	
6. Policy/Rider Impacted:	
7. Age Basis:	<input type="checkbox"/> Renewal Age <input type="checkbox"/> Attained Age <input type="checkbox"/> Both Issue & Attained Age <input type="checkbox"/> Other:
8. Renewability Provision:	
Additional Information:	

- B. Assumption, Acquisition or Merger: The memorandum must state whether or not the products included in the rate filing are part of an assumption, acquisition or merger of policies from/with another carrier. If so, the memorandum must include the full name of the carrier/carriers from which the policies were assumed, acquired or merged, and the effective date of the assumption, acquisition or merger, and the SERFF Tracking Number of the assumption of the acquisition, or assumption rate filing. Commissioner approval of the assumption or acquisition of a block of business is required. See Section 5.A.5.e. for acquisition or assumption rate filing requirements.

B. ASSUMPTION, MERGER OR ACQUISITION	
1. Is product part of assumption, acquisition, or merger (from or with another company)?	
Assumption:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Acquisition:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Merger:	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. If yes, provide name of company(s):	
3. Closing Date of assumption, merger or acquisition:	
Additional Information:	

- C. Rating Period: The memorandum must identify the period for which the rates will be effective. At a minimum, the proposed effective date of the rates must be provided. If the length of the rating period is not clearly identified, it will be assumed to be for twelve (12) months, starting from the proposed effective date. This must be provided in an Excel spreadsheet.

1. Individual Market: The rating period must be twelve (12) months and premiums cannot change through the year.

2. Small Group Market: The rating period must be twelve (12) months. The rating period can only be filed annually but can be trended quarterly.

C. RATING PERIOD	
Proposed Effective Date:	(MM/DD/YYYY)
Rating Period:	

- D. Effect of Law Changes: The memorandum should identify, quantify, and adequately support any changes to the rates, expenses, and/or medical costs that result from changes in federal, state or local law(s) or regulation(s). All applicable mandates should be listed, including those with no rating impact. This quantification must include the effect of specific mandated benefits and anticipated changes both individually by benefit, as well as for all benefits combined.

D. EFFECT OF LAW CHANGES	
Identify and quantify changes resulting from mandated benefits and other law changes:	
Select N/A if no changes	<input type="checkbox"/> N/A
Additional Information:	

- E. Rate History: The memorandum must include a chart showing, at a minimum, any rate changes that have been implemented in the three (3) years immediately prior to the filing date, including the implementation date of each rate change.

1. This chart must contain the following information: the filing number (State or SERFF tracking number), the implementation date of each rate change, the average increase or decrease in rate, the minimum and maximum increase and cumulative rate change for the past twelve (12) months.
2. This chart must contain the cumulative effect of all renewal rates on all rate filings submitted in the prior year.
3. The rate history shall be provided on both a Colorado basis, as well as an average nationwide basis, if applicable. This must be provided in an Excel spreadsheet.

E. RATE HISTORY					
Provide rate changes made in at least the last three (3) years (If available) N/A (Initial Filing)					
COLORADO					
State Tracking Number or SERFF Tracking Number	Effective Date	% OF CHANGE			
		Minimum	Average	Maximum	Cumulative for past 12 months

NATIONWIDE		
Effective Date	Average % of change	Cumulative for past 12 Months
Additional Information:		

F. Coordination of Benefits: The memorandum must reflect actual loss experience net of any savings associated with coordination of benefits and/or subrogation.

F: COORDINATION OF BENEFITS	
Provides actual loss experience net of any savings:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Additional Information:	

G. Relation of Benefits to Premium: The memorandum must adequately support the reasonableness of the relationship of the projected benefits to projected earned premiums for the rating period. This relationship will be presumed to be reasonable if the carrier complies with the following benefits ratio guidelines:

1. All rate filings justifying the relationship of benefits to premium using one of these guidelines must list the components of the retention percentage.
2. The Division-recommended benefit ratio guidelines are as listed below. Targeted loss ratios below these guidelines shall be actuarially justified.

Comprehensive Major Medical - Individual	80%
Comprehensive Major Medical - Small Group	80%
Comprehensive Major Medical - Large Group	85%

3. For individual products issued to HIPAA-eligible individuals the premiums for these products are, at most, twice the premiums for the underlying, underwritten product.

Targeted Loss Ratio: (This number should equal 1 minus the total retention percentage listed above.)

G: Relation of Benefits to Premium		
Description	Percentage	Support
Commissions		
General expenses		
Premium taxes		
Profit/Contingencies		
Investment Income		
PPACA Fees		
Exchange Fees		
Other		
Total Retention		

- H. Provision for Profit and Contingencies. The memorandum must identify the provision percentage for profit and contingencies, and how this provision is included in the final rate. Material, investment income from unearned premium reserves, reserves from incurred losses, and reserves from incurred but not reported losses must be considered in the ratemaking process. Detailed support must be provided for any proposed load.

H. PROVISION FOR PROFIT AND CONTINGENCIES		
If material, investment income from unearned premium reserves, reserves from incurred losses, and reserves from incurred but not reported losses must be considered in the ratemaking process.		
1. Provision for Profit and Contingencies:	%	Pre-FIT After tax
2. Proposed load in excess of 7% after tax.		
Provide detailed support:		
Additional information:		

- I. Complete Explanation as to how the Proposed Rates were Determined: The memorandum must contain a section with a complete explanation as to how the proposed rates were determined, including all underlying rating assumptions, with detailed support for each assumption. The Division may return a rate filing if support for each rating assumption is found to be inadequate.

This explanation may be on an aggregate expected loss basis or a per-member-per-month (PMPM) basis, but it must completely explain how the proposed rates were determined. The memorandum must adequately support all material assumptions and methodologies used to develop the expected losses or pure premiums.

I. DETERMINATION OF PROPOSED RATES	
Include all underlying rating assumptions, with detailed support for each assumption. This explanation may be on an aggregate expected loss basis or as a per-member-per-month (PMPM) basis.	
1. Explain, in detail, how rates and/or rate changes were developed:	
2. Provide adequate support for all assumptions and methodologies used:	
Additional Information:	

1. Carriers must develop a market-wide index rate based on the total combined EHB claims experience of all enrollees in all non-grandfathered (NGF) plans in the respective individual and small group single risk pool.
 2. After setting the Index Rate, the carrier shall make a market-wide adjustment based on the expected aggregated payments and charges under the risk adjustment and reinsurance programs in Colorado.
 3. The premium rate for any given plan shall not vary from the resulting adjusted market-wide Index Rate, except for the following factors: The actuarial value and cost-sharing structure of the plan; the plan's provider network; delivery system characteristics; utilization management practices; plan benefits in addition to EHB; and with respect to catastrophic plans, the expected impact of specific eligibility categories for those plans.
 4. The Index Rate, the market-wide adjustment to the Index Rate, and the plan-specific adjustments must be actuarially justified and implemented transparently, consistent with federal and state rate review processes.
- J. Trend: The memorandum must describe the trend factor assumptions used in pricing. These trend factor assumptions must each be separately discussed, adequately supported, and be appropriate for the specific line of business, product design, benefit configuration, and time period. Any and all factors affecting the projection of future claims must be presented and adequately supported. Trend factors do not renew automatically. Continued use of trend factors must be supported annually. This must be provided in an Excel spreadsheet.
1. The four (4) most recent years of monthly experience data used to evaluate historical trends shall be provided if available. This experience may include data from the plan being rated, or may include data from other Colorado or national business for similar lines of insurance, product design, or benefit configuration.
 2. Provided loss data must be on an incurred basis, with pharmacy data shown separately from medical data, separately presenting the accrued and unaccrued portions of the liability and reserve (e.g., case, bulk and incurred but not reported (IBNR) reserves) as of the valuation date. The carrier shall indicate the number of paid claim months of run out used beyond the end of the incurred claims period.
 3. The provided claims experience shall include the following separate data elements for each month: actual medical (non-pharmacy) paid on incurred claims; total medical incurred claims (including estimated IBNR claims); actual pharmacy paid on incurred claims; total pharmacy incurred claims (including estimated IBNR claims); average covered lives for medical; and, average covered lives for pharmacy.
 4. Data elements shall be aggregated into 12-month annual periods, with yearly "per member, per month" (PMPM) data, and year-over-year PMPM trends listed separately for medical and pharmacy. Annual experience PMPMs, trends normalized for changes in demographics, benefit changes, and other factors impacting the true underlying trends shall be identified. The trend assumptions shall be quantified into two categories, medical and insurance, as defined below:
 - a. Medical trend means, for the purposes of this section, the combined effect of medical provider price increases, utilization changes, medical cost shifting, and new medical procedures and technology.
 - b. Insurance trend means, for the purposes of this section, the combined effect of underwriting wear-off, deductible leveraging, and anti-selection resulting from rate

increases and discontinuance of new sales. Note: medical trend must be determined or assumed before insurance trend can be determined. Underwriting wear-off means the gradual increase from initial low expected claims that result from underwriting selection to higher expected claims for later (ultimate) durations. Underwriting wear-off does not apply to guaranteed issue products.

J. TREND	
Itemized trend component	Trend (%)
MEDICAL TREND (total)	
Medical provider price increase	
Utilization changes	
Medical cost shifting	
Medical procedures and new technology	
INSURANCE TREND (total)	
Underwriting wear-off	
Deductible leveraging	
Anti-selection	
PHARMACEUTICAL TREND (total)	
Price increases	
Utilization changes	
Cost shifting	
Introduction of new brand and generic drugs	
TOTAL AVERAGE ANNUALIZED TREND (required)	
Additional information:	

K. Credibility: The Colorado standard for fully credible data is 2,000 life years and 2,000 claims. Both standards must be met within a maximum of three (3) years if the proposed rates are based on claims experience. Partial credibility shall be based on either the number of Life Years OR the number of Claims over a three (3) year period. Partial credibility must be used if the Colorado data is not fully credible. The formula for determining the amount of partial credibility to assign to the data is the square root of (number of life years/full credibility standard) or the square root of (number of claims/full credibility standard). This must be provided in an Excel spreadsheet.

1. The memorandum shall discuss the credibility of the Colorado data with the proposed rates based upon as much Colorado data as possible. Collateral data used to support partially-credible Colorado data, including published data sources (including affiliated companies), must be provided and the use of such data must be justified.
2. The use of collateral data is only acceptable if the Colorado data does not meet the full credibility standard. The formula for determining the amount of credibility to assign to the data is the square root of (# life years or claims/full credibility standard). The full credibility standard is defined above, and Colorado data must be provided.
3. The memorandum shall also discuss how and if the aggregated data meets the Colorado credibility requirement. Any filing which bases its conclusions on partially credible data should include a discussion as to how the rating methodology was modified for the partially credible data.

K. CREDIBILITY	
1. Credibility Percentage (Colorado Only): If other, please specify	%

The above credibility percentage is based upon:	<input type="checkbox"/> Life Years <input type="checkbox"/> Claims <input type="checkbox"/> Other (please specify)
2. Number of years of data used to calculate above credibility percentage:	
3. Discuss how and if aggregated data meets the Colorado credibility requirement and how the rating methodology was modified for the partially credible data, if applicable.	
Additional Information: (including collateral data, if used)	

L. Data Requirements: The memorandum must include, at a minimum, earned premium data, loss experience data, average covered lives and number of claims data that has been submitted on a Colorado-only basis for at least three (3) years. This must be provided in an Excel spreadsheet.

1. Pharmacy claims data should be shown separately for incurred claims, actual benefits ratio, number of claims, average covered lives and number of policyholders.
2. National or other relevant data shall be provided in order to support the rates if the Colorado data is partially credible. Any rate filing involving an existing product is required to provide this information. This includes, but is not limited to: changes in rates, rating factors, rating methodology, trend, new benefit options, or new plan designs for an existing product.
3. If the purpose of the filing is to introduce a new product to Colorado, nationwide experience for this product must be provided. If no experience from the new product is available, experience from a comparable product must be provided, including experience data from other carriers that have been used to support the rates.
4. Support for new policy forms must be provided. If the new policy form is based on an existing policy form, the existing policy form experience will be used to support the new policy form, with an explanation as to the differences and relativities between the old and new policy form. The offering of additional cost sharing options (i.e. deductibles and copayments) does not change an existing form into a "new product," as defined in this regulation.
5. Rates must be supported by the most recent data available, with as much weight as possible placed upon the Colorado experience. Data used as support rates must be included in the filing. For both renewal filings and new business filings, the experience period must include consecutive data no older than six (6) months prior to the filing (submission) date.
6. The loss data must be presented on an incurred basis, including the accrued and unaccrued portions of the liability and reserve (e.g., case, bulk and IBNR reserves) as of the valuation date, both separately and combined. Premiums, and/or exposure data, must be stated on both an actual and on-rate-level basis. Capitation payments should be considered as claim or loss payments. The carrier should also provide information on how the number of claims was calculated.

L. DATA REQUIREMENTS

Colorado-only basis for at least 3 years. **Include** national, regional or other appropriate basis, if the Colorado data is not fully credible. The experience period must include consecutive data no older than 6 months prior to the filing date.

COLORADO DATA								
Year*	Earned Premium	Incurred Claims	Total Estimated Incurred Claims	Estimated IBNR Claims	Loss Ratio	Average Covered Lives	Number of Claims	Colorado On Rate Level Premium
20XX								
20XX								
20XX								
20XX								
*This column should be Calendar Year. If fractional year is used, identify period as MM/YYYY – MM/YYYY								
Above data is for:	<input type="checkbox"/> Existing Product <input type="checkbox"/> Comparable Product <input type="checkbox"/> Other _____ (please specify)							
OTHER DATA								
Year	Earned Premium	Incurred Claims	Total Estimated Incurred Claims	Estimated IBNR Claims	Average Covered Lives	Number of Claims		
20XX								
20XX								
20XX								
20XX								
Above data is for:	<input type="checkbox"/> Existing Product <input type="checkbox"/> Comparable Product <input type="checkbox"/> National <input type="checkbox"/> Other (please specify) (Check all the apply)							
Experience Period:	From		to					
Additional Information :								

M. Side-by-side Comparison: Each memorandum must include a “side-by-side comparison” identifying any proposed change(s) in rates. This comparison shall include three (3) columns: the first containing the current rate, rating factor, or rating variable; the second containing the proposed rate, rating factor, or rating variable; and the third containing the percentage increase or decrease of each proposed change(s). If the proposed rating factor(s) are new, the memorandum must specifically state this and provide detailed support for each of the rating factors.

M. SIDE-BY-SIDE COMPARISON <input type="checkbox"/> N/A			
If the proposed rating factor(s) are new, the memorandum must specifically so state, and provide detailed support for each of the factors.			
Description	Current Rate/ Rating Factor/ Rating Variable	Proposed Rate/ Rating Factor/Rating Variable	Percentage Increase/ Decrease
If the above table is not used, please identify the location of the Side-by-Side Comparison in			

the rate filing:	
Description and detailed support for new rating factor(s):	
Additional Information:	

- N. Benefits Ratio Projections: The memorandum must contain a section projecting the benefits ratio over the rating period, both with and without the requested rate changes. The comparison should be shown in chart form, listing projected premiums, projected incurred claims, and projected benefits ratio over the rating period, both with and without the requested rate change. The corresponding projection calculations should be included. This must be provided in an Excel spreadsheet.

N. BENEFITS RATIO PROJECTIONS			
PROJECTED EXPERIENCE FOR RATING PERIOD			
	Premiums	Incurred Claims	Benefits Ratio
Projected Experience Without Rate Change			
Projected Experience With Rate Change			
Additional Information:			

- O. Other factors: The memorandum must clearly display or clearly reference all other rating factors and definitions used, including the area factors, age factors, gender factors, etc., and provide support for the use of each of these factors in the new rate filing. The same level of support for changes to any of these factors must be included in all renewal rate filings. In addition, the commissioner expects each carrier to review each of these rating factors every five (5) years, at minimum, and provide detailed support for the continued use of each of these factors in a rate filing. Gender factors shall not vary for individual health care. See Section 8.D. of this regulation. This must be provided in an Excel spreadsheet.

O. OTHER FACTORS	
Identify and provide support for other rating factors and definitions, including area factors, age factors, gender factors, etc.:	
Additional Information:	

- P. Rating Manuals: A rating manual must be submitted to the Division for each new product. All changes to the rating manual must be filed with the Division in an appropriate rate filing. Rate pages and rate manual must be attached to the Rate tab in SERFF.
- Q. Actuarial Certification: An actuarial certification must be submitted with all filings. Actuarial Certification is a signed and dated statement made by a qualified Actuary which attests that, in the Actuary's opinion, the rates are not excessive, inadequate, or unfairly discriminatory.

Section 7 Premium Rate Setting for Individual and Small Group Health Benefit Plans

- A. Calculating Premium Rates Adjusted for Case Characteristics for non-grandfathered health benefit plans.
1. Index Rate: Each carrier offering a health benefit plan to individuals and small groups in Colorado shall develop a single index rate for all individual and small group non-grandfathered (NGF) plans it offers. The index rate for a market segment (individual or small group) shall be based on:

- a. The EHB claims experience of all enrollees in all NGF health benefit plans in a risk pool;
 - b. Adjusted for risk adjustment/reinsurance payments and charges, and Exchange user fees;
 - c. Index rates may be developed separately for supplemental stand-alone benefits, as all such similar benefits are pooled for setting the respective index rate; and
 - d. The premium rate charged during a rating period shall be based upon this index rate, adjusted for case characteristics and coverage as allowed in this section.
2. Benefit Design Adjustment: The index rate may be adjusted to reflect differences attributable to different benefit designs. Differences in the rates for different benefit plans, for persons with the same case characteristics of age, geographic location and family size, shall be attributable to benefit design only. Using this methodology, a carrier's rates for a plan with richer benefits should be higher than the rates for a plan with lesser benefits.
3. Acceptable Case Characteristic Factor Categories:
- a. Carriers will be allowed to adjust premiums only for the following factors: self-only or family enrollment, geographic area, age and tobacco. These factors apply to products offered both inside and outside the Exchange, and for both individual and small group products.
 - b. Rates may vary based on whether a plan covers an individual or a family. PHS Act section 2701(a)(4) provides that, with respect to family coverage, the rating variation permitted for age and tobacco use must be applied based on the portion of the premium attributable to each family member covered under a plan.
 - c. The per-member rating methodology under 45 CFR § 147.102(c)(1) must apply. Per-member rating requires that the age and tobacco use factors be apportioned to each family member, and no more than three (3) covered children under the age of 21 whose per-member rates can be taken into account in determining the family premium.
 - d. The per-member rating methodology is to be utilized in the small group market. The presence of employee choice among various qualified health plans (QHPs) in the Small Business Health Options Program (SHOP) exchange makes composite rating intractable and will not be allowed.
 - e. Geographic area rating factors must not vary by product; there is only one set of area factors for each rate filing. Geographic area rating factors are separate from network factor rating adjustments, and may not vary by network.

For example, a particular carrier's geographic area rating factors might be:

<u>Geographic Area</u>	<u>Rating Factor</u>
Boulder MSA	0.89
Denver MSA	1.03
Greeley MSA	0.98
Colorado Springs MSA	1.02
Fort Collins MSA	1.01

Grand Junction MSA	0.95
Pueblo MSA	1.05
East Non-MSA	1.27
West Non-MSA	0.99

The Denver area factor does not have to be set to 1.0. Carriers typically scale their area factors so that they are revenue neutral when applied within their rating formulas. Health claims may be used in the process of developing area factors. As stated in the ACA, rating factors may not reflect differences in member health status. Area factors should be actuarially justified and verified to have been set based upon the above criteria.

Geographic Location: If a carrier uses geographic location to calculate rates, then it shall use the nine (9) mandatory categories in the following table.

Rating Area	County
Rating Area 1	Boulder
Rating Area 2	El Paso, Teller
Rating Area 3	Adams, Arapahoe, Broomfield, Clear Creek, Denver, Douglas, Elbert, Gilpin, Jefferson, Park
Rating Area 4	Larimer
Rating Area 5	Mesa
Rating Area 6	Weld
Rating Area 7	Pueblo
Rating Area 8 (East)	Alamosa, Baca, Bent, Chaffee, Cheyenne, Conejos, Costilla, Crowley, Custer, Fremont, Huerfano, Kiowa, Kit Carson, Las Animas, Lincoln, Logan, Mineral, Morgan, Otero, Phillips, Prowers, Rio Grande, Saguache, Sedgwick, Washington, Yuma
Rating Area 9 (West)	Archuleta, Delta, Dolores, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, La Plata, Lake Moffat, Montezuma, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Juan, San Miguel, Summit

For a small employer in Colorado, the applicable area factor for each employee is based on the principal business location of the small employer, rather than the residence of each employee.

For an individual policy, the applicable area factor applied to rates for each member is based on the location of the primary policyholder rather than the residence of each family member.

- f. Age Factors. Age factors and age bands must be determined based on an enrollee's age on the date of policy issuance or renewal and must not exceed the 3:1 age ratio. For individuals who are added to the plan or coverage on a date

other than the date of policy issuance or renewal, the enrollee's age is determined as of the date such individuals are added or enrolled in the coverage.

Children: A single age band covering children 0 to 20 years of age, where all premium rates are the same.

Adults: One-year age bands starting at age 21 and ending at age 63.

Older adults: A single age band covering individuals 64 years of age and older, where all premium rates are the same. The following are age band examples:

AGE	PREMIUM RATIO	AGE	PREMIUM RATIO	AGE	PREMIUM RATIO
0-20	0.635	35	1.222	50	1.786
21	1.000	36	1.230	51	1.865
22	1.000	37	1.238	52	1.952
23	1.000	38	1.246	53	2.040
24	1.000	39	1.262	54	2.135
25	1.004	40	1.278	55	2.230
26	1.024	41	1.302	56	2.333
27	1.048	42	1.325	57	2.437
28	1.087	43	1.357	58	2.548
29	1.119	44	1.397	59	2.603
30	1.135	45	1.444	60	2.714
31	1.159	46	1.500	61	2.810
32	1.183	47	1.563	62	2.873
33	1.198	48	1.635	63	2.952
34	1.214	49	1.706	64 and Older	3.000

g. Tobacco Use Rate.

- (1) Carriers may vary tobacco rating by age (for example, a younger enrollee may be charged a lower tobacco use rate than an older enrollee) provided the tobacco use rate does not exceed the non-tobacco use rate contained in § 10-16-107(5)(a)(I)(D), C.R.S.
- (2) Carriers in the individual and small group market may remove the tobacco rating factor (as described in section 2705 of the PHS Act) for individuals participating in a wellness program.

- (3) "Tobacco use" is defined at 45 CFR § 147.102(a)(1)(iv) as the use of a tobacco product or products four (4) or more times per week within, but no longer than, the past six (6) months by legal users of tobacco products (generally those 18 years and older). It includes all tobacco products and clarifies that the term tobacco use does not include religious or ceremonial uses of tobacco (for example, by American Indians and Alaska Natives). Tobacco use must be defined by carriers in terms of the time since the individual's last use of a tobacco product.

h. Family Size Categories:

Mandatory Family Size Categories
All adults can be rated based on their age
Up to 3 children (oldest), under the age of 21 can be rated. This includes child only coverage

- i. Health status and claims experience may not be used as case characteristics.

- 4. Additional Premium Adjustments: Small employer groups may be subject to premium adjustment of no more than 35% above the modified community rate, for a period of no more than twelve (12) months, in certain instances. (See § 10-16-105.6, subsections (3) and (4), C.R.S.) Adequate and acceptably detailed information as to how the carrier determines the rating factor(s) for this adjustment must be included in each rate filing.
- 5. Wellness and Prevention Programs: A small employer carrier may make wellness and prevention programs available as provided for under Section 7.B. of Colorado Insurance Regulation 4-2-11.

B. Rating Period

- 1. The rating period for all small group health plans shall be twelve (12) months.
- 2. A carrier shall treat all health benefit plans issued or renewed in the same calendar month as having the same rating period.

C. Administrative and Other Fees

Separate administrative, processing, renewal, enrollment, and other special charges are prohibited. Reasonable late payment penalties may be imposed by a small group carrier if the policy discloses the carrier's right to, the amount of, and circumstances under which late payment penalties will be imposed.

D. Calculating Actuarial Value

The ACA requires carriers offering NGF health plans inside and outside of the Exchange in the individual and small group markets to assure that any offered plan meets a distinct level of coverage, or actuarial value (AV), specified in section 1302 of the ACA: bronze, silver, gold, or platinum (also known as "metal tiers"). Carriers may also offer catastrophic-only coverage to certain eligible individuals.

AV standards will help consumers compare health benefit plans by providing information about relative plan generosity. The AV standard of a health benefit plan is determined using the following calculation:

$$\frac{\text{(Total Overall Health Costs – Total Enrollee Cost Sharing)}}{\text{Total Overall Health Costs}}$$

Total Overall Health Costs

AV must be calculated based on the provision of EHB to a standard population and is presented as a percentage. Additionally, AV determines a health benefit plan's metal level tier. The ACA directs that NGF individual and small group plans inside and outside the Exchanges meet specific AV targets (or be a catastrophic plan):

- Bronze = 60% AV
- Silver = 70% AV
- Gold = 80% AV
- Platinum = 90% AV

These targets allow for a de minimis range of +/- 2% points

E. Calculating the Actuarial Value of Unique Plan Designs

1. To satisfy actuarial value (AV) requirements, carriers are required to use the Actuarial Value Calculator (AVC) developed and made available by the United States Department of Health and Human Services unless the plan design is not compatible with the AVC (a unique plan design). In order to assist with this calculation, the SERFF Plans & Benefits Template facilitates an automated AV calculation using the AVC and the data entered into the template. In addition, upon submission of a QHP application, HHS recalculates this value to validate that a carrier's plan designs meet AV requirements.
2. The AVC will be integrated with SERFF so that the Division can evaluate plans for compliance with AV standards on an automated basis. Carriers will first complete the plans and benefits template and submit the information through SERFF; the Plans and Benefits Template will directly populate the AVC to determine a plan's AV and corresponding metal tier. A plan's results from the AVC will be displayed automatically in SERFF.
3. For standard plan designs, carriers will determine AV using an HHS-developed AV calculator. The AVC will guarantee plans with the same cost sharing structure will have the same actuarial value (regardless of plan discounts or utilization estimates).
4. If a carrier determines that a material aspect of its plan design cannot be accommodated by the AVC, HHS allows for alternative calculation methods supported by certification by an actuary.
5. States will have the option to submit Colorado-specific data sets starting 2015.

F. Calculating the Actuarial Value of Health Benefit Plans that are not compatible with the AVC

1. Although the AVC has been designed to accommodate the vast majority of plan designs, there is the possibility that the Calculator will not be able to accommodate a small percentage of plan designs. Under 45 C.F.R. § 156.135(b), carriers with plan designs that

are not compatible with the AVC will need to use an alternate method to calculate AV, as described below. For example, the following types of plan designs would not be compatible with the AVC.

Example 1: A plan with coinsurance rates that increase with out-of-pocket spending, such as a plan design with 10 percent coinsurance for the first \$1,000 in consumer spending after the deductible, 20 percent coinsurance for the next \$1,000 in consumer spending, and 40 percent coinsurance up to a \$6,350 out-of-pocket maximum. This plan design would not be compatible because the current AVC can accommodate only a single coinsurance rate for each benefit.

Example 2: A plan with a multi-tiered provider or hospital network with substantial amounts of utilization expected in tiers other than the two lowest-priced tiers. This plan design would not be compatible because the current AVC does not take into account utilization beyond the second network tier when computing AV.

Generally, a plan design that includes different cost sharing for services not included in the AVC would be considered compatible with the AVC. For example, advanced imaging is a single cost-sharing entry in the Calculator; a plan design would not be considered incompatible because it assigns different copayment amounts to different types of imaging (e.g., MRI versus CT). Similarly, because the AVC does not consider quantitative or qualitative limits for any benefit, the application of limits to a particular benefit would generally not necessitate one of the alternative methods for AV calculation.

2. To account for plan designs that are incompatible and ensure that requiring the use of the AVC allows for plan innovation, 45 C.F.R. § 156.135(b) provides two alternative methods of calculating AV for plans that cannot meaningfully fit within the parameters of the AVC. Carriers issuing such plans must:

- a. Make adjustments to certain key plan design features to enter a modified plan design that fits into the parameters of the AVC, and have an actuary certify that the plan design was appropriately fit into the parameters of the AVC; or
- b. Use the AVC to determine the AV for plan provisions that do fit within its parameters, and then have an actuary calculate appropriate adjustments to the Calculator-generated AV to account for remaining plan features. For example, a carrier with reference pricing for prescription drugs could use the AVC to determine the AV for the medical benefits in its plan and then make adjustments to reflect its prescription drug benefits.

Both of the AV calculation methods for evaluating incompatible plans designs must be certified by a member of the American Academy of Actuaries, in accordance with generally accepted actuarial principles and methodologies. If a carrier uses either of the two alternate methods for calculating AV just described, the carrier must submit an actuarial certification.

3. Family Plan Design

The AVC standard population and claims data were developed using claims data that did not include any family cost-sharing information. Carriers issuing plans with deductibles and/or out of pocket maximum costs that accumulate at the family rather than the individual level have several options depending on the specifics of the family plan.

In the case of a plan with a deductible and/or out-of-pocket maximum that accumulates first at the individual level and at the family level, the carrier enters the individual

deductible and out-of-pocket maximum into the AVC to determine AV. If deductible and out-of-pocket maximum accrues only at the family level and not at the individual level, the carrier may either include the family deductible and out-of-pocket maximum into that AVC or, if the carrier believes that the family plan cost-sharing features will make a material difference in the AV produced by the calculator, the carrier may use one of the 45 CFR § 156.135(b) exceptions described above to calculate AV, and include plan-specific data on how the family-specific cost sharing is adjusted.

G. Unique Plan Design

1. If carriers are still unable to obtain an AV from the SERFF Plans and Benefits Template that matches what they obtain via the stand-alone AVC, then they should designate that particular plan as a unique plan design using the *Unique Plan Design?* field of the SERFF Benefits Package worksheet.
2. For this plan, the carrier should complete the **Issuer Actuarial Value** data field with the value from the stand-alone AVC. The carrier should also upload a screen shot of the stand-alone AVC with that value as a supporting document for each plan for which this situation occurs. They should indicate the *HIOS Plan ID (Standard Component)* in the Description field when uploading the screen shot as a supporting document in SERFF as well as indicating the *HIOS Plan ID (Standard Component)* in the file name of the screen shot.
3. Justification for Unique AV Plan Designs will need to complete the following document: *QHP Instructions: Chapter 13a Unique AV Plan Justification document located on www.regtap.info.*

H. Determining Minimum Value (MV)

A group health benefit plan provides minimum value (MV) if the total allowed costs of benefits paid by the plan are no less than 60%.

An individual eligible for coverage in an employer-sponsored plan that provides MV is not eligible for premium tax credits.

The following methods should be used to determine if a group health benefit plan provides MV:

1. The Minimum Value Calculator;
2. A safe harbor established by HHS and IRS; or
3. Certification by an actuary if neither is suitable.

I. Cost Sharing Limitations

Section 1302(c)(1) of the ACA sets an annual limitation on cost sharing (commonly referred to as a maximum out-of-pocket limit) as part of the EHB package that NGF policies sold in the individual and small group markets must offer. As provided in 45 C.F.R. § 156.130(c), cost sharing for benefits provided outside of a health plan's network do not count towards the annual limitation on cost sharing when the health plan uses a provider network. For plan or policy years beginning after January 1, 2014, this limit will be the out-of-pocket limit for high deductible health plans (HDHP), adjusted by the Consumer Price Index (CPI-U), and set by the Internal Revenue Service (IRS) pursuant to section 223(c)(2)(A)(ii) of the Internal Revenue Code.

J. Market Wide Index Rate

1. The market's risk pool index rate will be used to set the rates for all products of the carrier in that particular market. A carrier will then make a market-wide adjustment to the index rate based on the total expected market-wide payments and charges under the risk adjustment and reinsurance programs in Colorado. A market-wide adjustment to the index rate will be made for Exchange user fees.
2. Market-wide index rate (average rate) shall be:
 - a. Based on EHB claims experience of all enrollees in all NGF health benefit plans in the risk pool;
 - b. Adjusted for risk adjustment/reinsurance payments and charges, and Exchange user fees; and
 - c. Index rates may be developed separately for supplemental stand-alone benefits, and all such similar benefits are pooled for setting the respective index rate.
3. Rates on an individual policy issued on or after January 1, 2015, are only guaranteed through Dec 31 of that year. All members will receive new rates on January 1 of the following year. For example, an individual enrolling on October 1, 2015 would have their rates in effect until December 31, 2015, and would then be subject to the new rates implemented on January 1, 2016.

K. Market Wide Index Rate Development

1. Average Projected Benefit Cost Per-Member-Per-Month
 - a. The index rate will initially be set by determining the average benefit cost of all NGF members in the pool in the state. Carriers are expected to consider all of the usual data adjustments and methods in developing the per-member-per-month (PMPM) cost, from their experience, including the following:
 - b. Credibility: Carriers should determine the credibility levels of experience being used and adjust appropriately. Carriers shall always discuss actuarial justification for credibility of the data being used.
 - c. Typical methods to deal with experience deemed to be less than 100% credible would be:
 - (1) Supplement the Colorado experience with similar national business,
 - (2) Supplement small employer business with other Colorado experience with similar characteristics (membership, network, plan designs).
2. Carriers shall always discuss the impact of large claims on their business; apply methods for adjusting data by pooling large claims above a threshold and apply pooling charges. This consideration is separate from the Transitional Federal Reinsurance program impacts for individual plans in years 2014 through 2016.
3. Carriers must support and provide estimates for the IBNR claims portion of total incurred claims.

4. In developing the health cost trend, costs should be projected to the applicable rating period, assuming an actuarially justifiable health cost trend. For individual business index rates may not be trended monthly or quarterly through any rating period, and index rates must be the same for each month during a rating period. For small employer business, index rates may increase quarterly to reflect trend.
5. Adjustments for Demographic Mix, Benefit Mix, and Area: Other projected population changes from the experience period to the rating period should include considerations of newly uninsureds entering the market, grandfathered members moving into NGF products, and members moving from high-risk pools into commercial plans.
6. Adjustments for underwriting wear-off should be made due to members who were previously underwritten.

L. Medical Loss Ratio

In each rate filing, carriers are expected to provide a calculation indicating the estimated federal medical loss ratio (MLR) calculation for each full calendar year containing any part of the rating period. For example, a filing for calendar year 2014 should contain an estimated MLR calculation for calendar year 2014.

M. The development of the plan cost and index rate should include market-wide adjustments for the federal risk mitigations programs

1. **Reinsurance Recoveries:** For NGF individual business, carriers should include an adjustment reflecting expected reinsurance recoveries from the Transitional Federal Reinsurance program in years 2014 through 2016. This assumed reduction in claims cost should be actuarially supported by available studies or other analysis indicating expected recoveries for the carriers assumed population risk.
2. **Risk Adjustment Payments:** For NGF individual and small employer business, carriers should consider estimates of risk adjustment payment transfers either to or from HHS. Carriers with risk profiles of members indicating higher than market risks should consider adjusting the index rate to reflect receiving payments from the risk adjustment program.

N. The development of the plan cost and index rate should include market-wide adjustments for Exchange user fees.

Carriers will need to make a market-wide adjustment to the index rate for Exchange user fees. This will ensure that Exchange user fees are spread evenly across the market, creating a level playing field inside and outside the Exchange, and further protecting against adverse selection.

O. Plan Level Rating Adjustment

Index rate plan level adjustments can be modified for specific plans using only the following factors:

1. The actuarial value and cost-sharing design of the plan;
2. The plan's provider network and delivery system characteristics, as well as utilization management practices. This factor is intended to pass savings onto consumers where carriers negotiate robust provider discounts, construct efficient networks, or manage care more intensely;

3. Benefits provided by the product in addition to EHBs. The additional benefits must be pooled with similar benefits provided in other products to determine the allowed rate variation for products that offer these benefits;
4. Administrative costs other than Exchange user fees; and
5. With respect to catastrophic plans, the expected impact of the specific eligibility categories for those plans should be reflected.

P. Benefit Factor Adjustments to the Index Rate

1. The adjusted index rate as developed from the process in Section 7.A. may be modified for each plan design by reflecting benefit cost adjustments due to the different benefit plan designs. Differences in the rates for different benefit plans, for persons with the same case characteristics of age, geographic location, family size, and tobacco use shall be attributable to plan design only. Benefit factors should not reflect the health status of members assumed to be enrolled in any particular plan, and should not reflect claims experience of members on a particular plan. The benefit cost relativity between plans should only reflect the true benefit differences due to different member cost sharing levels and plan design features. Using this method, a carrier's benefit factor for a plan design relative to the benefit factor for a richer (leaner) plan design should be higher (lower).
2. With respect to catastrophic plans, the expected impact of the specific eligibility categories for those plans should be reflected.

Q. Retention Factor Adjustments to the Index Rate

Carriers shall adjust the index rate to include all retention from expenses, fees and profits that will be loaded into rates. Retention loads must be spread out across all rates in the NGF pool using the same rating factor. Retention rating factors may not vary between in-Exchange and out-of-Exchange plans. Differences in expenses due to Exchange fees are spread out across all NGF pooled plans.

At the minimum, carriers should provide actuarial justification for the retention levels, including a comparison to actual expenses in the most recent financials, and identify and justify loads by specific retention components that include at least the following:

1. Administrative expenses;
2. Commissions and other acquisition expenses (may be separated);
3. Taxes;
4. PPACA Fees (Transitional Reinsurance, Health Insurer, Comparative Effectiveness Research Fee (CERF)): these are market-wide adjustments as stated above};
5. Other assessments; and
6. Profit and contingencies.

R. Network Factor Adjustments

1. The adjusted index rate may be modified to reflect cost differences between different provider networks. Network factors may not be developed to reflect health status or claims experience of members included in the different networks. Factors should be set

assuming each network has the same average member risk profile and levels of member health. Therefore, claims experience may not be directly used as the basis for setting a network factor. Network factors must reflect the following estimated cost differences between networks:

- a. Differences in reimbursement levels and discounts between providers;
 - b. Differences in the utilization management of members, including tighter control of referrals, stricter managed care, disease management and wellness programs, etc.;
 - c. Other delivery system characteristics of a network; and
 - d. Plan level network factor adjustments for any plan design and network may not vary by geographic area.
2. Carriers shall provide a table showing the network factor for each plan.
- a. "Plan" is defined by HIOS Plan ID, which is the combination of "benefit design and cost sharing" (i.e. Silver Plan) with the network.
 - b. Plan level network factor adjustments may not vary by geographic area. As illustrated in the following table, all factors must be the same across areas (across rows in this table).

	Denver MSA	Boulder MSA	East Non-MSA
<u>HIOS Plan ID</u>	<u>Network Factor</u>	<u>Network Factor</u>	<u>Network Factor</u>
<u>Description</u>			
Silver 1750 Network A	0.83	0.83	0.83
Silver 1600 Network B	0.86	0.86	0.86
Bronze 2000 Network A	0.81	0.81	0.81
Bronze 1800 Network	0.84	0.84	0.84

As defined on the SERFF Plans and Benefits Template: HIOS Plan ID = Benefit Design, Network, Geographic Area.

The combined effect of the geographic and network factors on the index rate for a particular plan is:

$$(\text{Index Rate}) \times (\text{Geographic Area Factor}) \times (\text{Network Factor})$$

- S. For the purposes of determining whether a carrier is meeting the federal MLR requirements, a carrier shall provide a list of other plans under its legal entity that will be pooled with the plan in the rate filing for purposes of determining whether the Federal minimum MLR will be met.
- 1. The carrier is required to provide the estimate of the MLR for the current calendar year and the following calendar year. The carrier is requested to indicate all adjustments allowed in the minimum MLR calculation that will be used to reach the minimum required MLR. Federal minimum MLR requirements are as follows:
 - a. Large Group: 85%

- b. Small Group: 80%
 - c. Individual: 80%, includes Student Health Plans
2. Allowable MLR adjustments from Colorado's benefit ratio are as follows:
- a. Tax: State and federal taxes may be subtracted from earned premium in the denominator;
 - b. L&R: Licensing and regulatory fees may be subtracted from earned premium in the denominator;
 - c. QI: Quality Improvement costs may be added to the numerator;
 - d. ICD: ICD-10 implementation costs up to 0.3% of premium may be added to the numerator;
 - e. Cred: Credibility adjustment percent based on the plan's size is added to the Base Loss Ratio; and
 - f. Ded: Deductible adjustments based on average deductible, applied as a multiple to Cred.
- T. Essential Health Benefits (EHBs)
- 1. Carriers are to provide EHBs and essential health care benefit packages.
 - 2. Essential benefits include providing prescription drug coverage that covers at least the greater of:
 - a. One drug in every United States Pharmacopeial Convention (USP) Model category and class; or
 - b. The same number of prescription drugs in each category and class as the EHB benchmark plan. A drug is considered covered if the health benefit plan pays for all or part of the drug regardless of tiers and cost sharing. The specific drugs covered on each carrier's formulary may vary as long as the minimum number in each category and class is met.
- U. Stand-alone Dental (SADP)
- 1. QHPs in an Exchange may omit the pediatric dental EHB if a SADP in the Exchange offers pediatric dental EHB coverage.
 - 2. SADPs are allowed a separate out-of-pocket maximum
 - a. SADPs are required to demonstrate that the out-of-pocket maximum is reasonable for pediatric dental EHB.
 - b. The Division will make the final determination as to what constitutes a reasonable out-of-pocket maximum for pediatric dental EHB.
 - c. The cost sharing annual limit for a pediatric dental plan will be at or below \$350- for a plan with a single child enrollee, or \$700 for a plan with two or more child enrollees is considered reasonable and no higher limit will be approved.

3. SADPs are not required to use the AVC, but will have a low and/or high plan (70% AV and 85% AV, respectively).
4. Pediatric dental plans provide coverage up to age 19.
5. The standardized rating regions that apply to the medical QHPs do not apply to SADP. Each dental carrier can determine its area adjustment factors and how to vary such factors by geographic locations. If zip codes are used to establish the area adjustment factors, no zip code smaller than a three (3) digit zip code may be used when establishing an area.
6. The standard rating tiers and child factors applicable to the medical QHP do not apply to SADP. The dental carrier can develop a rating structure that conforms to federal and state laws.
7. The pediatric dental EHB offered by a stand-alone dental plan must be offered without annual and lifetime limits. Such limits may be used for benefits offered in addition to pediatric dental essential health benefits as well as for adult dental benefits.

V. Student Plans

1. 45 CFR § 147.145 of the federal rate review final rule exempts student health insurance coverage from the guaranteed availability and guaranteed renewability requirements of the Public Health Service Act (PHSA) to the limited extent provided for in PHSA sections 2702 and 2703, added by the ACA. However, coverage in a student health plan is guaranteed available and guaranteed renewable for students and their dependents.
2. Non-grandfathered student health insurance coverage is not subject to the single risk pool requirement of section 1312(c) of the ACA. The premium rate charged by a carrier offering student health insurance coverage may be based on a school-specific group community rate if, consistent with section 2701 of the PHSA, the carrier offers the coverage without rating for age or tobacco use.
3. Pursuant to federal law, these plans are defined as “individual health insurance coverage.”

Section 8 Rate Filings and Actuarial Certification

- A. The provisions of § 10-16-107, C.R.S. and this regulation shall apply to the filing of rates for individual, small and large group health benefit plans. Expected rate increases for individual, small and large group health benefit plans shall be submitted for approval to the Division of Insurance at least sixty (60) days prior to the proposed rate implementation and/or effective date.
- B. Small group health benefit plan rate filings shall not be combined with either individual or large group health benefit rate filings. Additionally, they shall be filed separately by type of coverage (indemnity, preferred provider organization, or health maintenance organization).
- C. Individual health benefit plan-rates shall be filed no more frequently than annually. Small group health benefit plan rates shall be filed annually, with an effective date of January 1.
 1. Small group health benefit plan filings may include quarterly trend increases. As of October 1, 2014, small group health benefit plan rates may be filed no more frequently than quarterly.

2. Annual filings for rates effective January 1, 2015 must be submitted no later than June 6, 2014.
 3. Annual filings for rates effective on January 1 must be submitted no later than May 15 of the previous year. For example, for rates to be effective on January 1, 2016, rates must be filed no later than May 15, 2015.
- D. Pursuant to § 10-16-107, C.R.S., all carriers who sell, or offer for sale, small group policies subject to the requirements of this regulation must submit an annual actuarial rate certification to the Division prior to March 15 of each calendar year. Note: this certification may be combined with the carrier's Annual Rate Report. Certifications shall be sent to the Colorado Division of Insurance, Attention: Rates and Forms Section. The certification must be signed by a qualified actuary and must contain at least the following:
1. The name of the carrier and the identification number assigned by the National Association of Insurance Commissioners;
 2. A list of all plans of health benefits and policy forms to which the certification applies;
 3. A statement that covers at least the points listed in the following illustration:

"I am familiar with the small group rating laws and regulations of the state of Colorado. In my opinion, as of January 1 of the year of this certification, the premium rates and rating methodology to which this certification applies are neither excessive, inadequate nor unfairly discriminatory, and they meet the requirements of the insurance laws and regulations of Colorado;"
 4. The name and title of the qualified actuary signing the certification, and the name of the firm with which he or she is associated; and
 5. The original signature of the qualified actuary and the date of the signature. Signature stamps or signatures on behalf of the actuary are not acceptable.
- E. Stand-alone dental plans offering the pediatric dental coverage mandated by PPACA as EHBs, must be "Exchange certified stand-alone dental plans". The "Product Name" on the General Information tab in SERFF must identify the filings as "PPACA Dental." New filings must be submitted in accordance with the PPACA rate filing requirements for Colorado.

Section 9 Additional Requirements for Large Group Health Benefit Plans

- A. Large Group Health Coverage Plans: Large group health coverage plan contracts are considered to be a negotiated agreement between a sophisticated purchaser and seller. Certain rating variables may vary due to the final results of each negotiation. Each large group rate filing must contain the ranges for these negotiated rating variables, an explanation of the method used to apply these rating variables, and a discussion of the need for the filed ranges. A new rate filing is required whenever a rating variable or a range for a rating variable changes. Each filing should contain an example of how the large group health rates are calculated. While the final rate charged the large group may differ from the initial quote, all rating variables must be on file with the Division.

Although it is not necessary to submit a separate rate filing for each large group policy issued, each carrier must retain detailed records for each large group policy issued. At a minimum, such records shall include: any data, statistics, rates, rating plans, rating systems, and underwriting rules used in underwriting and issuing such policies, experience data on each group insured, including, but not limited to, written premiums at a manual rate, paid losses, outstanding losses,

loss adjustment expenses, underwriting expenses, and underwriting profits. All rating factors used in determining the final rate should be identified in the detail material and lie within the range identified in the rate filing on file with the Division. The carrier shall make all such information available for review by the commissioner upon request. All such requests will be made at least three (3) business days prior to the date of review.

The rates for subgroups must be determined in an actuarially sound manner using credible data. The methodology for determining these rates must be on file with the Division and any changes in the methodology must be filed with the Division.

- B. Valid Multi-State Association Groups: Valid multi-state associations shall not use any health status-related factor in determining the premium or contribution for any enrolled individual and/or their dependent. However, the prohibition in this subsection shall not be construed to prevent the carrier from establishing premium discounts or rebates or modifying otherwise applicable copayments, coinsurance, or deductibles in return for adherence to programs of health promotion or disease prevention if otherwise allowed by state or federal law.
- C. Determining Minimum Value
 - 1. A group health plan provides minimum value (MV) if the total allowed costs of benefits paid by the plan is no less than 60%.
 - 2. An individual eligible for coverage in an employer-sponsored plan that provides MV is not eligible for premium tax credits.
 - 3. A group health plan may determine if it provides MV using the following methods:
 - a. The Minimum Value Calculator; or
 - b. A safe harbor established by HHS and IRS; or
 - c. Certification by an actuary if neither is suitable.

Section 10 Prohibited Rating Practices

The commissioner has determined that certain rating activities lead to excessive, inadequate or unfairly discriminatory rates, and are unfair methods of competition and/or unfair or deceptive acts or practices in the business of insurance. Therefore, in accordance with §§ 10-16-107, 10-16-109, and 10-3-1110(1), C.R.S., the following are prohibited:

- A. Attained age premium schedules where the slope by age is substantially different from the slope of the ultimate claim cost curve. However, this requirement is not intended to prohibit use of a premium schedule which provides for attained age premiums to a specific age followed by a level premium, or the use of reasonable step rating;
- B. The use of premium modalization factors which implicitly or explicitly increase the premium to the consumer by any amount other than those amounts necessary to offset reasonable increases in actual operating expenses that are associated with the increased number of billings and/or the loss of interest income;
- C. Pursuant to § 10-16-107(2)(b), C.R.S, individual health benefit plans rates shall not vary due to the gender of the individual policyholder, enrollee, subscriber, or member.
- D. For large group health benefit plans, the use of any rating factors based upon zip codes which fail to equitably adjust for different expectations of loss. It is the expectation of the commissioner that

areas of the state with like expectations of loss must be treated in a similar manner. Also, policyholders utilizing the same provider groups should be rated in a like manner. The use of zip codes in determining rating factors can result in inequities. Unless different rating factors can be justified based upon different provider groups or other actuarially sound reasons, the following guidelines shall be followed whenever zip codes are used in determining a carrier's rating factors:

1. All zip codes in the 800-802 three-digit zip code groups are considered part of the Denver metropolitan area and shall receive the same rating factor, with the following possible exceptions:
 - a. The following zip codes in Elbert County: 80101, 80106, 80107, 80117;
 - b. The following zip codes in Arapahoe County: 80102, 80103, 80105, 80136;
 - c. The following zip codes in El Paso County: 80132, 80133;
 - d. The following zip codes in Boulder County: 80025, 80026, 80027, 80028.
2. In addition, the following zip codes outside the 800-802 three-digit zip code groups are considered part of the Denver metropolitan area and shall receive the same rating factor as the 800-802 three-digit zip code groups:
 - a. The following zip codes in Jefferson County: 80401-80403, 80419, 80433, 80437, 80439, 80453, 80454, 80457, 80465; and
 - b. The following zip codes in Adams County: 80614, 80640.
3. All zip codes in the 809 three-digit zip code group are considered part of the Colorado Springs metropolitan area and shall receive the same rating factor. In addition, the following zip codes in El Paso County, which lie outside the 809 three-digit zip code group shall be considered part of the Colorado Springs metropolitan area and shall receive the same rating factor as the 809 three-digit zip code group: 80809, 80817, 80819, 80829, 80831, 80840, 80841.

If a carrier uses area rating factors which are based in whole or in part upon the zip code, and does not follow these guidelines, the carrier may be found to have rates that are unfairly discriminatory. The commissioner would prefer that a carrier use federal MSA's, rather than zip codes, in their rating structure. The commissioner expects carriers to review the appropriateness of area factors at least every five (5) years and provide detailed support for the continued use of the factors in rate filings and upon request.

Section 11 Incorporated Materials

Colorado Insurance Regulation 4-2-11, 3 CCR 702-4 published by the Colorado Division of Insurance shall mean Colorado Insurance Regulation 4-2-11, 3 CCR 702-4 as published on the effective date of this regulation and does not include later amendments to or editions of Colorado Insurance Regulation 4-2-11, 3 CCR 702-4. Colorado Insurance Regulation 13-E-01, 3 CCR 702-4 may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado 80202 or by visiting the Colorado Division of Insurance Website at www.dora.colorado.gov/insurance/. Certified copies of Colorado Insurance Regulation 4-2-11, 3 CCR 702-4 are available from the Division of Insurance for a fee.

45 CFR § 147.102 published by the Government Printing Office shall mean 45 CFR § 147.102 as published on the effective date of this regulation and does not include later amendments to or editions of 45 CFR § 147.102. A copy of the 45 CFR § 147.102 may be examined during regular business hours at

the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of the 45 CFR § 147.102 may be requested from the Rulemaking Coordinator, Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.

45 CFR §156.135 published by Government Printing Office shall mean 45 CFR §156.135 as published on the effective date of this regulation and does not include later amendments to or editions of 45 CFR §156.135. A copy of the 45 CFR §156.135 may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of the 45 CFR §156.135 may be requested from the Rulemaking Coordinator, Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.

45 CFR §147.145 published by Government Printing Office shall mean 45 CFR §147.145 as published on the effective date of this regulation and does not include later amendments to or editions of 45 CFR §147.145. A copy of the 45 CFR §147.145 may be examined during regular business hours at the Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, Colorado, 80202. A certified copy of the 45 CFR §156.135 may be requested from the Rulemaking Coordinator, Colorado Division of Insurance, 1560 Broadway, Suite 850, Denver, CO 80202. A charge for certification or copies may apply. A copy may also be obtained online at www.ecfr.gov.

Section 12 Severability

If any provision of this regulation or the application thereof to any other person or circumstance is for any reason held to be invalid, the remainder of the regulation shall not be affected thereby.

Section 13 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 14 Effective Date

This regulation shall become effective on August 15, 2014.

Section 15 History

Regulation effective October 1, 2013.

Amended regulation effective April 15, 2014.

Amended regulation effective August 15, 2014.

APPENDIX A

RATE FILING REQUIREMENTS FOR NON-GRANDFATHERED INDIVIDUAL AND SMALL GROUP HEALTH BENEFIT PLANS

- A. Format: All required reports and documentation must be submitted through SERFF in a searchable PDF format. All tables in the Colorado Actuarial Memorandum must also be submitted in an Excel format (in addition to the searchable PDF).
- B. Submission Requirements for New Rate Filings: Carriers must complete and submit the following information in SERFF in order for a rate filing submission to be considered complete:
 - 1. Carriers must complete all SERFF required data fields.
 - 2. Carriers must list all forms associated with the rate filing under the Form Schedule Tab.
 - a. Carriers must complete all data fields (Form Name, Form Number, Form Type, Action, Readability Score) under this tab.
 - b. Carriers are not required to attach copies of the actual form documents as part of a rate filing.
 - 3. Carriers must attach a copy of the Rate Tables/Manual under the Rate/Rule Schedule Tab.
 - 4. Carriers must attach copies of the following documents under the Supporting Documentation Tab in the Filing (Non-Binder) section in SERFF:
 - a. If a carrier uses a third party to submit a form filing on their behalf, a Letter of Authority, which must be attached under the Supporting Documentation Tab in SERFF.
 - b. A copy of the Colorado Actuarial Memorandum, which includes all elements contained in Section __ of this regulation.
 - c. The following documents required by the Centers for Medicare and Medicaid Services:
 - i. Part I – Unified Rate Review Template;
 - ii. Part II – Consumer Justification Narrative must be completed for all rate increases, but is optional for new plans;
 - iii. Part III – Actuarial Memorandum.
 - d. Any applicable justification or attestations forms specified by the Division.
 - 5. Carriers must complete and upload the following templates, under the Template Tab in the Plan Management (Binder) section of SERFF:
 - a. Business Rules Template;
 - b. Plans and Benefits Template;

- c. Prescription Drug Template;
 - d. Network Template;
 - e. Rate Data Template; and
 - d. Service Area Template.
6. Carriers must attach copies of the following documents required by the Centers for Medicare and Medicaid Services under the Supporting Documentation Tab in the Plan Management (Binder) section of SERFF
- a. Part I - the Unified Rate Review Template; and
 - b. Part II - Consumer Justification Narrative, which must be completed for all rate increases, but optional for new plans.

APPENDIX B – Sample Rate Table

201X Individual Market Rate Table

Issuer Name: Example Health Insurance Table Creation Date: Month/Day/Year
 Plan HIOS Number: XXXXXXXXXX Table Status: Initial Filing – Not Final Approval
 Metal Tier: Gold Benefit Type: Medical
 Smoker Rate Type: Non-Tobacco Exchange Status: On-Exchange Only

Age	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Area 7	Area 8	Area 9
<20	196.37	200.30	192.45	197.36	189.50	191.47	203.25	197.36	185.57
21	309.26	315.45	303.08	310.81	298.44	301.53	320.09	310.81	292.25
22	309.26	315.45	303.08	310.81	298.44	301.53	320.09	310.81	292.25
23	309.26	315.45	303.08	310.81	298.44	301.53	320.09	310.81	292.25
24	309.26	315.45	303.08	310.81	298.44	301.53	320.09	310.81	292.25
25	310.50	316.71	304.29	312.05	299.63	302.74	321.37	312.05	293.42
26	316.68	323.02	310.35	318.27	305.60	308.77	327.77	318.27	299.26
27	324.10	330.58	317.62	325.72	312.76	316.00	335.45	325.72	306.28
28	336.17	342.89	329.44	337.85	324.40	327.76	347.93	337.85	317.68
29	346.06	352.98	339.14	347.79	333.94	337.41	358.17	347.79	327.02
30	351.01	358.03	343.99	352.76	338.72	342.23	363.29	352.76	331.70
31	358.44	365.60	351.27	360.23	345.89	349.47	370.98	360.23	338.72
32	365.85	373.17	358.54	367.68	353.05	356.71	378.66	367.68	345.73
33	370.49	377.90	363.08	372.34	357.52	361.23	383.46	372.34	350.11
34	375.44	382.95	367.93	377.32	362.30	366.05	388.58	377.32	354.79
35	377.91	385.47	370.35	379.80	364.68	368.46	391.14	379.80	357.12
36	380.39	388.00	372.78	382.29	367.08	370.88	393.70	382.29	359.47
37	382.86	390.52	375.20	384.77	369.46	373.29	396.26	384.77	361.80
38	385.34	393.05	377.63	387.27	371.85	375.71	398.83	387.27	364.15
39	390.29	398.09	382.48	392.24	376.63	380.53	403.95	392.24	368.82
40	395.23	403.13	387.32	397.20	381.40	385.35	409.06	397.20	373.49
41	402.66	410.71	394.60	404.67	388.56	392.59	416.75	404.67	380.51
42	409.76	417.96	401.57	411.81	395.42	399.52	424.11	411.81	387.23
43	419.66	428.06	411.27	421.76	404.97	409.17	434.35	421.76	396.58
44	432.03	440.67	423.39	434.19	416.91	421.23	447.15	434.19	408.27
45	446.57	455.50	437.64	448.80	430.94	435.40	462.20	448.80	422.01
46	463.89	473.16	454.61	466.20	447.65	452.29	480.12	466.20	438.37
47	483.37	493.04	473.70	485.79	466.45	471.29	500.29	485.79	456.78
48	505.64	515.75	495.52	508.17	487.94	493.00	523.33	508.17	477.83
49	527.59	538.14	517.04	530.23	509.13	514.40	546.06	530.23	498.57
50	552.36	563.39	541.29	555.10	533.01	538.53	571.67	555.10	521.96
51	576.76	588.30	565.23	579.65	556.58	562.34	596.95	579.65	545.04
52	603.67	615.74	591.59	606.69	582.54	588.58	624.80	606.69	570.47
53	630.89	643.50	618.27	634.04	608.80	615.11	652.97	634.04	596.19
54	660.27	673.47	647.06	663.57	637.16	643.76	683.38	663.57	623.95
55	689.64	703.44	675.85	693.09	665.51	672.40	713.78	693.09	651.71
56	721.50	735.93	707.07	725.10	696.24	703.46	746.75	725.10	681.81
57	753.66	768.74	738.59	757.43	727.29	734.82	780.04	757.43	712.21
58	787.99	803.75	772.23	791.93	760.41	768.29	815.57	791.93	744.65
59	805.00	821.10	788.90	809.03	776.83	784.88	833.18	809.03	760.73
60	839.33	856.11	822.54	843.52	809.95	818.34	868.70	843.52	793.16
61	869.01	886.39	851.63	873.36	838.60	847.29	899.43	873.36	821.22
62	888.50	906.27	870.73	892.94	857.40	866.28	919.59	892.94	839.63
63	912.93	931.19	894.67	917.50	880.98	890.11	944.88	917.50	862.72
64+	927.79	946.34	909.23	932.43	895.32	904.59	960.26	932.43	876.76

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00465

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance

on 06/25/2014

3 CCR 702-4 Series 4-2

LIFE, ACCIDENT AND HEALTH, Series 4-2

The above-referenced rules were submitted to this office on 06/27/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

July 09, 2014 17:02:48

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Insurance

CCR number

3 CCR 702-4 Series 4-6

Rule title

3 CCR 702-4 Series 4-6 LIFE, ACCIDENT AND HEALTH, Series 4-6 1 - eff 08/15/2014

Effective date

08/15/2014

DEPARTMENT OF REGULATORY AGENCIES

Division of Insurance

3 CCR 702-4

LIFE, ACCIDENT AND HEALTH

Regulation 4-6-13

QUARTERLY RATE FILING REQUIREMENTS FOR SMALL GROUP HEALTH BENEFIT PLANS

Section 1	Authority
Section 2	Scope and Purpose
Section 3	Applicability
Section 4	Definitions
Section 5	Rules
Section 6	Severability
Section 7	Enforcement
Section 8	Effective Date
Section 9	History

Section 1 Authority

This regulation is promulgated and adopted by the Commissioner of Insurance under the authority of §§ 10-1-109(1), 10-16-107 and 10-16-109, C.R.S.

Section 2 Scope and Purpose

The purpose of this regulation is to establish rules concerning the quarterly filing of rates for small group health benefit plans.

Section 3 Applicability

This regulation applies to all carriers offering small group health benefit plans subject to the small group laws of Colorado.

Section 4 Definitions

- A. "Carrier" shall have the same meaning as found at § 10-16-102(8), C.R.S.
- B. "Health benefit plan" shall have the same meaning as found at § 10-16-102(32), C.R.S.
- C. "Index rate" shall have the same meaning as found at § 10-16-102(39), C.R.S.
- D. "Off-cycle" means, for the purposes of this regulation, the quarterly filing of small group health benefit plans that do not coincide with the annual rate and form filing dates for small group health

benefit plans. Small group health benefit plans filed for effective dates other than January 1 are considered off-cycle filings.

- E. "Premium" shall have the same meaning as found at § 10-16-102(51), C.R.S.
- F. "Rate" means, for the purposes of this regulation, the amount of money a carrier charges as a condition of providing health coverage. The rate charged normally reflects such factors as the carrier's expectation of the insured's future claim costs; the insured's share of the carrier's claim settlement; operational and administrative expenses; and the cost of capital. This amount is net of any adjustments, discounts, allowances or other inducements permitted by the contract. Rates for all small group health benefit plans must be filed with the Division.
- F. "Rating period" shall have the same meaning as found at § 10-16-102(58), C.R.S.
- G. "SERFF" means, for the purposes of this regulation, System for Electronic Rate and Form Filings.

Section 5 Rules

- A. For plans to be issued or renewed on or after October 1, 2014, carriers offering small group health benefit plans may file rates for those plans no more frequently than quarterly.
- B. Quarterly rate filings for existing small group health benefit plans may include:
 - 1. Changes to the index rate;
 - 2. Changes to the quarterly trend;
 - 3. Changes to the premium base rate; and
 - 4. Changes to the allowed rating factors.
- C. New small group health benefit plans filed off-cycle.
 - 1. Notwithstanding the requirements of other Colorado Insurance Regulations, if a carrier files a new small group health benefit plan as a quarterly rate filing that was not filed as a new product during the annual individual and small group filing cycle, when selling that plan:
 - a. The carrier shall not impose any minimum group participation requirements;
 - b. The carrier shall not impose any minimum employer contribution requirements; and
 - 2. If a carrier files a new small group health benefit plan as a quarterly rate filing that was not filed as a new product during the annual individual and small group filing cycle, that plan must comply with the form filing requirements found in Colorado Insurance Regulation 4-2-41.
 - 3. If a carrier files a new small group health benefit plan during the small group filing cycle, when selling that plan the carrier may impose:
 - a. Minimum group participation requirements; and
 - b. Minimum employer contribution requirements.

- D. Carriers must submit all quarterly rate filings through SERFF.
- E. A small group health benefit plan that has been filed as a new plan shall only become effective upon the first day of a quarter: January 1; April 1; July 1; or October 1.
- E. Carriers must comply with all of the rate filing requirements found in Colorado Insurance Regulation 4-2-39.
- F. Carriers must submit quarterly rate filings such that each filing complies with the timetables for quarterly rate submissions, both for new and existing plans, and to provide sufficient time for plan validation processes through SERFF. Quarterly rate filings must be filed with the Division at least sixty (60) days prior to the proposed implementation or effective date specified in the rate filing. Additionally, if there is a filing timeframe due to federal requirements, such as a Health Insurance Oversight System (HIOS) filing, carriers must comply with the federal filing requirements, due to the nature of dual state and federal rate review.

Section 6 Severability

If any provision of this regulation or the application thereof to any other person or circumstance is for any reason held to be invalid, the remainder of the regulation shall not be affected thereby.

Section 7 Enforcement

Noncompliance with this regulation may result in the imposition of any of the sanctions made available in the Colorado statutes pertaining to the business of insurance, or other laws, which include the imposition of civil penalties, issuance of cease and desist orders, and/or suspensions or revocation of license, subject to the requirements of due process.

Section 8 Effective Date

This regulation shall become effective on August 15, 2014.

Section 9 History

New regulation effective August 15, 2014.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00433

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Insurance

on 06/25/2014

3 CCR 702-4 Series 4-6

LIFE, ACCIDENT AND HEALTH, Series 4-6

The above-referenced rules were submitted to this office on 06/27/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 09, 2014 17:03:30

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Regulatory Agencies

Agency

Division of Professions and Occupations - Board of Veterinary Medicine

CCR number

4 CCR 727-1

Rule title

4 CCR 727-1 VETERINARY MEDICINE RULES AND REGULATIONS 1 - eff
08/14/2014

Effective date

08/14/2014

DEPARTMENT OF REGULATORY AGENCIES

State Board of Veterinary Medicine

VETERINARY MEDICINE RULES AND REGULATIONS

4 CCR 727-1

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

RULE I. DEFINITIONS

(Amended and Re-numbered November 3, 2011, Effective December 30, 2011; Amended June 22, 2012, Effective August 30, 2012; Temporary February 8, 2013, Effective February 8, 2013; Amended April 19, 2013, Effective May 30, 2013; Amended August 1, 2013, Effective September 30, 2013; Amended June 12, 2014, Effective August 14, 2014)

- A. "Dentistry," pursuant to section 12-64-103(16), C.R.S., is considered the practice of veterinary medicine.
1. Dentistry means the diagnosing, treating, correcting, changing, relieving, or preventing abnormalities of the oral cavity or associated structures, including surgical, non-surgical, or related procedures, and includes:
 - a. The application or use of any instrument or device to any portion of an animal's tooth, gum, or any related tissue for the prevention, cure, or relief of any wound, fracture, injury, or disease of an animal's tooth, gum, or related tissue; and
 - b. Preventive dental procedures including, but not limited to the removal of calculus, soft deposits, plaque, stains, or the smoothing, filing, or polishing of tooth surfaces.
 2. The practice of dentistry may be delegated to veterinary personnel under the direct supervision of a licensed veterinarian pursuant to section 12-64-104(1)(j), C.R.S., and limited as provided in Rule I.B and Rule VI.
 3. The practice of dentistry requires:
 - a. Establishing and maintaining a veterinarian-client-patient relationship (VCPR), as defined in section 12-64-103(15.5), C.R.S., and Rule III.A.7;
 - b. Creating and maintaining an animal patient record pursuant to section 12-64-120(3)(b), C.R.S.; and
 - c. Documenting that informed consent from the owner, agent, or party responsible for the patient was obtained. If anesthesia-free dentistry/dental cleaning is being considered as a dental treatment option, then its limited efficacy in addressing periodontal disease as compared to preventive and therapeutic dental procedures completed under the utilization of general anesthesia must be thoroughly discussed with the owner, agent, or party responsible for the patient as part of obtaining and documenting informed consent.
 4. Dentistry does not include teeth cleaning or preventive dental procedures that are limited to the utilization of cotton swabs, gauze, dental floss, dentifrice, or toothbrushes on an animal's teeth.

- B. "Direction and supervision" as applied in section 12-64-104(1)(j), C.R.S., is "direct supervision" as defined in section 12-64-103(5), C.R.S. However, it may also include "indirect supervision" under limited circumstances.
1. "Indirect supervision" means the licensed veterinarian may direct or supervise the authorized delegated treatment or collecting of diagnostic information of a patient at a "veterinary premises" or "premises" (as defined in section 12-64-103(17), C.R.S.) without being on the premises and shall not be construed to allow the establishment of a veterinary-client patient relationship (VCPR) solely by telephonic or other electronic means under the following criteria:
 - a. The licensed veterinarian is a practicing member of the veterinary staff on the premises with responsibilities for the patient for which the "indirect supervision" of veterinary personnel is being given;
 - b. A veterinarian-client-patient relationship (VCPR), as defined in section 12-64-103(15.5), C.R.S., has been previously established;
 - c. The licensed veterinarian must be readily available for consultation by telephone or other form of immediate communication;
 - d. The patient must be hospitalized or the patient must be undergoing outpatient treatment for a previously diagnosed medical condition;
 - e. Orders for treatment, either written or verbal, to persons who are providing veterinary medical care under "indirect supervision" must be entered into the patient's medical record; and
 - f. A suitable written protocol for "indirect supervision" must be established by the licensed veterinarian designated as responsible pursuant to section 12-64-123, C.R.S., for each "veterinary premise".
 2. In a life-threatening emergency, the supervising licensed veterinarian may provide verbal instructions necessary for stabilizing the patient prior to examining the patient provided the supervising licensed veterinarian subsequently and timely examines the patient and documents the instruction provided in the patient's record.
 3. The practice of "teeth floating" or "floating of teeth" as defined in section E.1 of this rule below may also occur under the indirect supervision of a licensed veterinarian, except that paragraph (d) of subsection 1 of this rule shall not apply.
 4. The practice of "teeth floating" or "floating of teeth" as defined in section E.2 of this rule below must occur under the direct supervision of a licensed veterinarian, and sedation must be provided by the licensed veterinarian as part of the procedure.
 5. Notwithstanding the provisions of subsections 1, 2, 3, and 4 of this rule, the State Board of Veterinary Medicine (the "Board") may determine in any instance or case that the provisions of sections 12-64-111(1)(gg), C.R.S., or Rule III.A.7 have not been met.
- C. "Emergency" as applied in Rule V of these rules refers to a situation when failure to acquire the medication immediately threatens the health or wellbeing of the patient.
- D. "Patient" as applied in these rules means an animal that is examined or treated by a licensed veterinarian and includes herds, flocks, litters, and other groups of animals.

E. "Teeth floating" or "floating of teeth" by persons experienced in that procedure is limited to the use of instruments in order to reduce or eliminate sharp or uneven edges on teeth. Instruments may include:

1. Non-powered, hand tools under indirect supervision.

a. The use of an oral sedative prescribed by a licensed veterinarian to the owner is permitted.

2. Motorized, high speed tools (sedation required) under direct supervision.

RULE II. LICENSURE AND APPLICATION PROVISIONS

(Eff. 9/30/2007; Eff. 1/30/2008; Amended and Re-numbered November 3, 2011, Effective December 30, 2011; Amended August 1, 2013, Effective September 30, 2013)

A. General Requirements for Veterinarians

1. Any person who practices or offers or attempts to practice veterinary medicine without an active license issued under the Veterinary Practice Act or Board Rules commits a class 2 misdemeanor for the first offense and a class 6 felony for the second or any subsequent offense.

2. Change of name and address

a. A licensee shall inform the Board in clear, explicit, and unambiguous written statement of any name or address change within 30 days of the change. The Board will not change the licensee's information without explicit written notification from the licensee. Notification by fax or email is acceptable.

i. The Division of Registrations maintains one contact address for each licensee, regardless of the number of different professional licenses the licensee may hold.

ii. All communication from the Board to a licensee will be to the contact address maintained with the Division of Registrations.

b. The Board requires one of the following forms of documentation to change a licensee's name or social security number:

i. Marriage license;

ii. Divorce decree;

iii. Court order; or

iv. A driver's license or social security card with a second form of identification may be acceptable at the discretion of the Director of Support Services.

c. Any notification by the Board to a licensee or applicant, required or permitted, under section 12-64-101 et seq., C.R.S. or the State Administrative Procedure Act, found at section 24-4-101 et seq., C.R.S., shall be served personally or by first class mail to the last address of record provided in writing to the Board. Service by mail shall be deemed sufficient and proper upon a licensee or applicant.

3. A graduate from a non-approved school of veterinary medicine is required to complete the

Educational Commission for Foreign Veterinary Graduates (ECFVG) program or the Program for the Assessment of Veterinary Education Equivalence (PAVE) in order to be eligible for licensure in this state. The only exception is if a graduate from a non-approved school of veterinary medicine is eligible to apply for an academic license.

4. An academic license shall authorize the licensee to practice veterinary medicine only while engaged in the performance of his or her official duties as a university employee in Colorado. An academic licensee may not use an academic license to practice veterinary medicine outside of his or her academic responsibilities.
5. A licensed veterinarian is required to renew his or her license biennially and submit the applicable fee. A licensed veterinarian in inactive status will also be required to renew his or her license biennially and submit the applicable fee. A licensed veterinarian with an academic license is not eligible for inactive status.
6. In order to renew a license to active status a licensee is required to complete 32 hours of Board-approved veterinary continuing education accrued during the 2-year period between licensure renewals. This requirement is not applicable to a licensed veterinarian renewing an inactive license.
7. A licensed veterinarian applying to reinstate or reactivate an expired or inactive license may be required to submit proof of completing continuing education hours as described in paragraph 6 above as part of his or her application.
8. A licensed veterinarian in inactive status shall not practice veterinary medicine in this state while his or her license is inactive.
9. A licensed veterinarian with an expired license shall not practice veterinary medicine in this state while his or her license is expired.
10. Any person whose license to practice is revoked will be ineligible to apply for any license under the Veterinary Practice Act for at least 2 years after the date of revocation or surrender of the license. Any subsequent application for licensure shall be treated as an application for an original license.
11. It is unlawful for any person to file with the Board a forged document or credentials of another person as part of an application for licensure.
12. All documents required as part of a licensure application, except for license renewal, must be received within 1 year of the date of receipt of application. An application is incomplete until the Board receives all additional information requested or required in order to determine whether to grant or deny the application. If all required information is not submitted within the 1 year period, then the original application materials will be destroyed and the applicant will be required to submit a new application, fee, and all required documentation. The only exception to this are examination results; they will be maintained for an additional 1 year if the application is not completed within 1 year of receipt of the application before they are also destroyed if a new application is not filed before that time.
13. The Board may deny an application for licensure upon a finding that the applicant has violated any provisions of the Veterinary Practice Act or Board Rules.
14. An applicant for licensure may not begin practicing as a licensed veterinarian in this state until he or she has been issued an active license number.

15. A veterinarian applying for a license is required to be at least 21 years of age.
16. Education, training, or service gained in military services outlined in C.R.S. 24-34-102(8.5), to be accepted and applied towards receiving a license, must be substantially equivalent, as determined by the Board, to the qualifications otherwise applicable at the time of receipt of application. It is the applicant's responsibility to provide timely and complete evidence for review and consideration. Satisfactory evidence of such education, training, or service will be assessed on a case by case basis.
17. Regulation of Military Spouses.
 - a. Pursuant to Article 71 of Title 12, a person need not obtain authority to practice veterinary medicine during the person's first year of residence in Colorado if:
 - i. The person is a military spouse, as defined in section 12-71-103(3), C.R.S., who is authorized to practice veterinary medicine in another state;
 - ii. Other than the person's lack of licensure, registration, or certification in Colorado, there is no basis to disqualify the person under Title 12 of the Colorado Revised Statutes; and
 - iii. The person consents as a condition of practicing veterinary medicine in Colorado, to be subject to the jurisdiction and disciplinary authority of the Board.
 - b. To continue practicing veterinary medicine in Colorado after the person's first year of residence, the person must apply for licensure in accordance with all licensing laws and requirements in effect at the time of the application, including, but not limited to, the Colorado Veterinary Practice Act and Board Rule II, which may include demonstrating current clinical competency.

B. Original Licensure

1. Each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that he or she:
 - a. Graduated from a school of veterinary medicine accredited by the American Veterinary Medical Association (AVMA). The applicant must submit official documentation bearing the seal of the institution in the form of one of the following:
 - i. A final official transcript showing proof of degree or
 - ii. A letter from the Dean of the School/College of Veterinary Medicine or the College/University Registrar stating that the applicant has been awarded the degree Doctor of Veterinary Medicine.
 - b. Graduated from a non-approved school of veterinary medicine. The applicant must submit official certificate of completion from one of the following programs in lieu of school transcripts:
 - i. Educational Commission for Foreign Veterinary Graduates (ECFVG) or
 - ii. Program for the Assessment of Veterinary Educational Equivalence (PAVE).
 - c. Successfully completed the North American Veterinary Licensing Examination

(NAVLE) administered by the National Board of Veterinary Medical Examiners (NBVME) after November of 2000 and subject to the examination retake policies of NBVME or an examination accepted by the Board prior to November of 2000.

2. Each applicant will also be required to verify that he or she:
 - a. Accurately and completely listed any acts that would be grounds for disciplinary action under the Veterinary Practice Act and provided a written explanation of the circumstances of such act, including supporting documentation if required.
 - b. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed.
 - c. Demonstrates current clinical competency and professional ability through at least one of the following:
 - i. Graduated within the 12 months immediately preceding the date the application is received with a DVM degree from an accredited school or college of veterinary medicine, which at the time of the applicant's graduation was accredited by the AVMA;
 - ii. Earned a certificate from either ECFVG or PAVE within the 12 months immediately preceding the date the application is received;
 - iii. Engaged in the active licensed clinical practice of veterinary medicine in another jurisdiction for at least 3 years of the 5 years immediately preceding the date the application is received (experience from postgraduate training, residency programs, internships, or research during this time will be evaluated on a case-by-case basis);
 - iv. Engaged in teaching veterinary medicine in an accredited program for at least 3 years of the 5 years immediately preceding the date the application is received;
 - v. Engaged in service as a veterinarian in the military for at least 3 years of the 5 years immediately preceding the date the application is received;
 - vi. Passed the NAVLE within 1 year of the date the application is received; or
 - vii. Successfully completed a Board approved evaluation by an AVMA accredited institution within 1 year of the date the application is received, which certifies the applicant's proficiency as equivalent to the current school graduate. An applicant must submit a proposed evaluation for pre-approval by the Board before it is begun. The Board may reject an evaluation whose proposal it has not pre-approved or for other good cause.
 - d. The Board may also consider applying one or more of the following towards demonstration of current clinical competency:
 - i. Practice under a probationary or otherwise restricted license for a specified period of time;
 - ii. Successful completion of courses approved by the Board; or

- iii. Any other professional standard or measure of continued competency as determined by the Board, including successful completion of species-specific examination(s).

C. Licensure by Endorsement

1. In order to be eligible for licensure by endorsement, an applicant is required to demonstrate that he or she does not currently possess a revoked, suspended, restricted, or conditional license to practice veterinary medicine, or is currently pending disciplinary action against such license, in another state or territory of the United States.
2. Each eligible applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify through the state in which he or she is seeking endorsement from that he or she meets the requirements listed under section B.1 of this rule.
3. The requirements in section B.2 of this rule apply.

D. Academic License

1. A veterinarian who is employed at a school of veterinary medicine in this state and who practices veterinary medicine in the course of his or her employment responsibilities and is applying for an academic license shall submit with the application and fee the following credentials and qualifications for review and approval by the Board:
 - a. Proof of graduation with a degree from a school of veterinary medicine located in the United States or another country.
 - b. Evidence of the applicant's employment by an accredited school of veterinary medicine in this state; actual practice is to commence only once licensure has been granted.
 - c. The requirements in section B.2 of this rule apply.

E. Reinstatement/Reactivation Requirements for Expired or Inactive Licenses

1. In order to reinstate or reactivate a license back into active status, each applicant shall submit a completed Board approved application along with the required fee in order to be considered for licensure approval and must also verify that he or she:
 - a. Accurately and completely listed any acts that would be grounds for disciplinary action under the Veterinary Practice Act and provided a written explanation of the circumstances of such act, including supporting documentation, if required, since last renewing his or her license to an active or inactive status in this state.
 - b. Accurately and completely provided any and all information pertaining to any final or pending disciplinary action by any state or jurisdiction in which the applicant is or has been previously licensed since last renewing his or her license to an active or inactive status in this state.
2. If the license has been expired or inactive for less than 2 years, then the applicant is required to submit proof of fulfilling the requirements of section F of this rule for the 2-year period in which his or her license was last active as well as the 2-year period in which the license was expired or inactive.

3. If the license has been expired or inactive for 2 or more years, then the requirements in section B.2 of this rule apply.

F. Continuing Education Requirements

1. Each licensed veterinarian or academic veterinarian with an active license in Colorado is required to attend 32 hours of educational study per renewal period as set forth in section 12-64-110(4), C.R.S. Continuing education hours may only be applied to one renewal period.
2. If a renewal date occurs during the year of original Colorado licensure, continuing education will not be required for the first renewal. If the renewal date occurs the year after original licensure, the licensee shall obtain 16 hours of continuing education prior to the biennial renewal.
3. The Board automatically accepts any course approved by the Registry of Approved Continuing Education (RACE).
4. Subject to the final approval of the Board, the Secretary of the Board may rule in regard to the approval of other meetings, programs, or courses.
5. The Board may accept no more than 6 hours of continuing education credit per licensing period for non-technical competencies based presentations including, but not limited to leadership training, personnel management, client relations, communication training, and integrated resource management principles.
 - a. Those presentations dealing with financial based subjects including, but not limited to bookkeeping procedures, financial planning, retirement planning, and insurance programs will not be approved as accepted continuing education.
 - b. No presentation that is primarily promotional in nature regardless of subject material will be acceptable.

RULE III. VETERINARY MEDICAL ETHICS AND CODE OF CONDUCT

(Amended and Re-numbered November 3, 2011, Effective December 30, 2011)

- A. In order to safeguard the public health, safety, and welfare and to establish and maintain a high standard of ethics, professional conduct and integrity in the practice of veterinary medicine in this state, the Board hereby establishes the following code of ethical conduct applicable to all licensed veterinarians. Violations of this code may result in disciplinary action by the Board.

1. Primary Consideration

Veterinarians should place the needs of the patient first in their practice of veterinary medicine. This includes the needs to relieve disease, diminish suffering, minimize pain and fear, provide palliative care where appropriate and ensure patient care to the best of their abilities.

2. Care

Once a veterinarian has accepted a patient for care and established a veterinarian-client-patient relationship (VCPR), care must be provided as best as possible within the constraints of the agreed upon parameters of the VCPR. Veterinarians may decline a VCPR in individual cases, and are advised to do so in cases where they lack the appropriate expertise, environment, or experience to practice safely. In cases where the

client limits payment, veterinarians are encouraged to clearly inform the client of the prognosis with and without treatment. Veterinarians should provide care only within their ability and competence.

3. Twenty-Four Hour Care

Veterinarians who advertise and offer 24 hour care to clients must ensure that such care is provided on a 24 hour basis. Staff must be available on site throughout the 24 hour period, and care given must be documented. If the veterinarian lacks the resources to treat such patients, then the client should be referred to a facility with the necessary resources. The veterinarian should also provide necessary supportive care prior to the transfer, and expedite transfer unless the referral is declined

4. Emergency Care

In emergency situations, veterinarians should provide essential services to patients when necessary to relieve suffering or to save life. If the veterinarian is unable to treat an emergency patient, then he or she should offer to refer the client to a facility with the necessary resources to treat the patient, provide necessary supportive care in the interim prior to transfer, and expedite the transfer unless the referral is declined. Veterinarians are encouraged to clearly inform the client of the prognosis with and without treatment.

5. Representations

Veterinarians should be honest, fair, and considerate in their dealings with clients and other colleagues. It is unethical for veterinarians to misrepresent their credentials, experience, expertise or academic degrees. Veterinarians must not engage in fraud, deceit or misrepresentation, nor become involved in situations where a conflict of interest may occur.

6. Influence on Judgment

The choice of treatments or patient care should consider the welfare of the patient, welfare and financial resources of the client, and the safety of the public.

7. VCPR

The veterinary-client-patient relationship is the basis for veterinary care. To establish such a relationship, the veterinarian should have sufficient knowledge of the patient to understand its current health and render at least a preliminary diagnosis. This would require that the veterinarian is personally acquainted with the patient either through office or home visits.

8. Prescription Drugs

Veterinarians may only prescribe medication when they have a VCPR with the patient. Under federal and state law, veterinarians may not sell, distribute, dispense or participate in or arrange for the sale of prescription medicines in any fashion except through a VCPR or in compliance with Rule V. Veterinarians are charged with knowledge of the pharmacy practice act provisions that apply to their practice, as well as the laws and regulations of the federal food and drug administration. When a client requests a copy of a prescription for their animal under current treatment, the veterinarian must provide it to the client.

9. Medical Records

Medical records must be kept by veterinarians in all cases in which they have a VCPR. Records must also be kept in any other situation where a veterinarian has provided care or prescribed or dispensed drugs. Clients have a statutory right to copies of the medical records of their animals, and copies must be provided in a reasonable length of time.

10. Communication

The veterinarian must communicate to the client the procedures, diagnoses, proposed treatments, estimated cost and prognosis for the patient. Such communication should be sufficient to enable the client to understand clearly the problem and the choices that must be made. If other staff is involved in the communication process, it is the responsibility of the veterinarian to ensure that such communications are appropriate.

11. Advertising

No veterinarian may advertise Specialty Board Certification without certification by the American Veterinary Medical Association in that specialty area. It is unethical to allow one's credentials to be used by any organization that engages in, or has members that engage in, the unauthorized practice of veterinary medicine. A veterinarian should only advertise information about their practice that is accurate and services that are actually provided.

12. Aiding and Abetting

No veterinarian may engage in acts that aid and abet the unlicensed practice of veterinary medicine. This includes situations where duties delegated to office staff include duties reserved for veterinarians. This also includes, but is not limited to, employment where non-veterinarians influence or engage in the practice of veterinary medicine.

13. Environment

All veterinarians must maintain a sanitary environment in which they care for patients. This includes, but is not limited to, sanitization, disinfection, disposal of water and any other activity required to address the cleanliness in which patients are treated. If veterinarians work in clinics they do not own, they are responsible for ensuring that their work is done in a clean environment and within the standards of care.

RULE IV. TRANSRECTAL PROCEDURES, EMBRYO TRANSFER, UTERINE LAVAGES, AND REPRODUCTIVE PROCEDURES

(Amended and Re-numbered November 3, 2011, Effective December 30, 2011)

A. General Provisions

1. Transrectal procedures including transrectal ultrasonography and transrectal palpation are the practice of veterinary medicine. Ova transplant, embryo transfer, oocyte collection, manipulation and transfer and embryo manipulation are the practice of veterinary medicine.
2. Semen collection in any species as it relates to and includes semen evaluation for the purpose of diagnosing and/or treating infertility is the practice of veterinary medicine.
3. Uterine lavage is the practice of veterinary medicine.

RULE V. WAIVER OF VETERINARIAN-CLIENT-PATIENT RELATIONSHIP FOR ADMINISTERING, DISTRIBUTING, DISPENSING, OR PRESCRIBING IN AN EMERGENCY SITUATION ONLY

(Adopted November 3, 2011, Effective December 30, 2011)

- A. If a licensed veterinarian who has an established veterinarian-client-patient relationship (VCPR) with a patient prescribes a prescription drug that the licensed veterinarian does not have in stock and is not available at a local pharmacy, then in an emergency situation ONLY another licensed veterinarian who does not have a VCPR with that same patient may administer, distribute, or dispense a prescription drug to that patient based on the examining veterinarian's expertise and established VCPR with the patient as long as the following requirements are met:
1. The examining veterinarian with the VCPR must document the emergency and the immediate need for the prescription drug;
 2. The examining veterinarian with the VCPR must document his or her efforts to obtain the prescription drug from a local pharmacy, including documentation of contact with at least 1 pharmacy in the general proximity of the examination location that does not have the prescription drug immediately available;
 3. The examining veterinarian must provide a written prescription;
 4. The examining veterinarian must have direct communication with the dispensing veterinarian; and
 5. The licensed veterinarian who administers, distributes, or dispenses the prescription drug on behalf of the examining veterinarian must document the date the prescription is administered, distributed, or dispensed.
- B. "Emergency" as defined in Rule I.C is limited in application to this rule.

RULE VI. SUPERVISED PRACTICE

(Adopted November 3, 2011, Effective December 30, 2011)

- A. Only a licensed veterinarian may diagnose, prescribe, perform surgery, or initiate treatment.
1. These duties cannot be delegated to veterinary personnel other than a veterinary student.
 2. These duties may be delegated to a veterinary student in compliance with section 12-64-116, C.R.S.
- B. Pursuant to section 12-64-104(1)(j), C.R.S. veterinary personnel that do not include a "licensed veterinarian" as defined in section 12-64-103(9), C.R.S or a "veterinary student" as defined under section 12-64-103(18), C.R.S. may perform veterinary medicine duties under the direction and supervision of a licensed veterinarian who shall be responsible for such person's performance under, but not limited to, the following conditions:
1. Veterinary personnel may assist in a surgical procedure under the "immediate supervision" of a licensed veterinarian as defined in section 12-64-103(6.5), C.R.S.
 2. Veterinary personnel assisting with dentistry require "direct supervision" as defined in section 12-64-103(5), C.R.S.

RULE VII. FINING SCHEDULE FOR VIOLATIONS OF THE VETERINARY PRACTICE ACT AND BOARD RULES

(Adopted November 3, 2011, Effective December 30, 2011)

- A. Pursuant to section 12-64-111(4), C.R.S. any person violating any provision of the Veterinary Practice

Act or Board Rules may be fined not less than \$100 nor more than \$1,000 for any such violation. The Board will impose fines including, but not limited to the following violations:

1. Substandard Record Keeping
 - a. \$250 for the 1st violation
 - b. \$500 for the 2nd violation
 - c. Up to \$1,000 for the 3rd or subsequent violation
2. Failure to Provide Records
 - a. \$250 for the 1st violation
 - b. \$500 for the 2nd violation
 - c. Up to \$1,000 for the 3rd or subsequent violation
3. Failure to Provide a Written Prescription
 - a. \$250 for the 1st violation
 - b. \$500 for the 2nd violation
 - c. Up to \$1,000 for the 3rd or subsequent violation
4. Practicing on an Expired or Inactive License
 - a. 0-12 months: \$0
 - b. 1-2 years: \$500
 - c. 2 or more years: \$1,000
5. Failure to Appropriately Supervise Veterinary Student or Personnel
 - a. \$250 for the 1st violation
 - b. \$500 for the 2nd violation
 - c. Up to \$1,000 for the 3rd or subsequent violation
6. Failure to Designate a Licensed Veterinarian as Responsible
 - a. Up to \$1,000 for each violation
7. Failure to Keep Veterinary Premises Clean and Sanitary
 - a. Up to \$1,000 for each violation
8. False Advertising
 - a. Up to a \$1,000 for each violation

9. Administering, Distributing, Dispensing, and Prescribing Outside of a VCPR

- a. Up to a \$1,000 for each violation

10. Failure to Respond to a Board Complaint

- a. \$250 for the 1st violation
- b. \$500 for the 2nd violation
- c. Up to \$1,000 for the 3rd or subsequent violation

11. Violation of the Pharmacy Act

- a. Up to a \$1,000 for each violation

12. Other Violations

- a. Up to a \$1,000 for each violation

RULE VIII. DECLARATORY ORDERS

(Amended and Re-numbered November 3, 2011, Effective December 30, 2011)

A. Any person may petition the Board for a declaratory order to terminate controversies or to remove uncertainties as to the applicability to the petitioner of any statutory provision or of any rule or order of the Board.

B. The Board will determine, in its discretion and without notice to petitioner, whether to rule upon any such petition. If the Board determines that it will not rule upon such a petition, the Board shall promptly notify the petitioner of its action and state the reasons for such action.

C. In determining whether to rule upon a petition filed pursuant to this rule, the Board will consider the following matters, among others:

1. Whether a ruling on the petition will terminate a controversy or remove uncertainties as to the applicability to petitioner of any statutory provision or rule or order of the Board.
2. Whether the petition involves any subject, question or issue which is the subject of a formal or informal matter or investigation currently pending before the Board or a court but not involving any petitioner.
3. Whether the petition seeks a ruling on a moot or hypothetical questions or will result in an advisory ruling or opinion.
4. Whether the petitioner has some other adequate legal remedy, other than an action for declaratory relief pursuant to Rule 57, Colo. R. Civ. P., which will terminate the controversy or remove any uncertainty as to the applicability to the petitioner of the statute, rule or order in question.

D. Any petition filed pursuant to this rule shall set forth the following:

1. The name and address of the petitioner and whether the petitioner is licensed pursuant to the provisions of CRS 1973, 12-64-101, et seq., as amended.
2. The statute, rule or order to which the petition relates.

3. A concise statement of all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner.

E. If the Board determines that it will rule on the petition, the following procedures apply:

1. The Board may rule upon the petition based solely upon the facts presented in the petition. In such a case:
2. Any ruling of the Board will apply only to the extent of the facts presented in the petition and any amendment to the petition.
3. The Board may order the petitioner to file a written brief, memorandum or statement of position.
4. The Board may set the petition, upon due notice to petitioner, for a non-evidentiary hearing.
5. The Board may dispose of the petition on the sole basis of the matters set forth in the petition.
6. The Board may request the petitioner to submit additional facts, in writing. In such event, such additional fact will be considered as an amendment to the petition.
7. The Board may take administrative notice of facts pursuant to the Administrative Procedure Act (CRS 1973, 24-4-105(8)) and may utilize its experience, technical competence and specialized knowledge in the disposition of the petition.
8. If the Board rules upon the petition without a hearing, it shall promptly notify the petitioner of its decision.
9. The Board may, in its discretion, set the petition for hearing, upon due notice to petitioner, for the purpose of obtaining additional facts or information or to determine the truth of any facts set forth in the petition or to hear oral argument on the petition. The notice to the petitioner setting such hearing shall set forth, to the extent known, the factual or other matters into which the Board intends to inquire.
10. For the purpose of such a hearing, to the extent necessary, the petitioner shall have the burden of proving all of the facts stated in the petition, all of the facts necessary to show the nature of the controversy or uncertainty and the manner in which the statute, rule or order in question applies or potentially applies to the petitioner and any other facts the petitioner desires the Board to consider.

F. The parties to any proceeding pursuant to this rule shall be the Board and the petitioner. Any other person may seek leave of the Board to intervene in such a proceeding, and leave to intervene may be granted at the sole discretion of the Board. A petition to intervene shall set forth the same matters as required by section 4 of this rule. Any reference to a "petitioner" in this rule also refers to any person who has been granted leave to intervene by the Board.

G. Any declaratory order or other order disposing of a petition pursuant to this rule shall constitute agency action subject to judicial review pursuant to CRS 1973, 24-4-106.

Editor's Notes

History

Sections 1.00 and 4.00 eff. 9/30/2007.

Section 4.00 eff. 1/30/2008.

Entire rule eff. 12/30/2011.

Rule I.B eff. 8/30/2012.

Rule I.B emer. rule eff. 02/08/2013.

Rules I.A, 1.B, 1.E eff. 05/30/2013.

Rule I.A eff. 06/14/2013.

Rules I.B, II.A.17 eff. 09/30/2013.

Rules I.B, I.E eff. 08/14/2014.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00409

Opinion of the Attorney General rendered in connection with the rules adopted by the
Division of Professions and Occupations - Board of Veterinary Medicine

on 06/12/2014

4 CCR 727-1

VETERINARY MEDICINE RULES AND REGULATIONS

The above-referenced rules were submitted to this office on 06/14/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

July 01, 2014 14:51:24

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Hazardous Materials and Waste Management Division

CCR number

6 CCR 1007-1 Part 02

Rule title

6 CCR 1007-1 Part 02 RADIATION CONTROL - REGISTRATION OF RADIATION MACHINES, FACILITIES AND SERVICES 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Hazardous Materials and Waste Management Division

STATE BOARD OF HEALTH

RADIATION CONTROL - REGISTRATION OF RADIATION MACHINES, FACILITIES AND SERVICES

6 CCR 1007-1 Part 02

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

Adopted by the Board of Health on June 18, 2014

[Publication Instructions: Insert/ensure there is a page break before each different Appendix – Appendix 2A through 2N - such that each new appendix begins at the top of the page.]

[Publication Instructions: Replace the entire rule text below with the following new and revised text.]

PART 2: REGISTRATION OF RADIATION MACHINES, FACILITIES AND SERVICES

2.1 Purpose and Scope.

2.1.1 Authority

2.1.1.1 Rules and regulations set forth herein are adopted pursuant to the provisions of sections 25 1 108, 25 1.5 101(1)(l), and 25-11-104, CRS.

2.1.2 Basis and Purpose.

2.1.2.1 A statement of basis and purpose of these regulations accompanies this part and changes to this part. A copy may be obtained from the Department.

2.1.3 Scope.

2.1.3.1 This part provides for:

- (1) Registration of facilities;
- (2) Certification of radiation machines;
- (3) Registration of persons providing radiation machine services including assembly, installation, maintenance and repair;
- (4) Registration of qualified inspectors and qualified experts; and

(5) Approval of radiation safety officers, mammographers and other operators.

2.1.4 Applicability.

2.1.4.1 The requirements and provisions of this part apply to each person who uses, operates, services or certifies radiation machines and to each registrant or applicant for registration subject to this part unless specifically exempted.

2.1.4.2 The provisions of this part are in addition to (and not in substitution for) other applicable provisions in Parts 1, 4, 5, 6, 7, 8, 9, 10, 24 and other parts of these regulations.

2.1.5 Published Material Incorporated by Reference.

2.1.5.1 Published material incorporated in Part 2 by reference is available in accord with 1.4.

2.2 Definitions.

2.2.1 Definitions of general applicability to these regulations are in Part 1, section 1.2.

2.2.2 As used in Part 2, each term below has the definition set forth.

“ARRT” means the American Registry of Radiologic Technologists.

“ARRT(R)” . See “radiologic technologist” .

“ASRT” means the American Society of Radiologic Technologists.

“Assembler” means any person engaged in the business of assembling, replacing, or installing one or more components into a radiation machine system or subsystem.

“Calibration” means to adjust and/or determine the:

- (1) Response or reading of an instrument relative to a series of conventionally true values; or
- (2) Strength of a radiation source relative to a standard or conventionally true value.

“Certification Evaluation” (CE) means the evaluation of a radiation machine at a facility by a qualified inspector or the Department for the purpose of ascertaining the performance of the radiation machine system and/or facility in order to determine conformance with these regulations.

“Computed tomography” (CT) means the production of a tomogram by the acquisition and computer processing of x-ray transmission data. For the purposes of Part 2, the requirements stated for computed tomography machines do not apply to “Volumetric Dental Imaging Systems”.

“Direct supervision” means the supervisor is present in the facility and immediately available to furnish assistance and direction to the supervisee throughout the performance of a procedure.

- (1) The direct supervisor is not required to be present in the room when the procedure is performed.
- (2) Direct supervision during the performance of a mammography examination means that the supervisor is present to observe and correct, as needed, the

performance of the individual being supervised who is performing the examination.

“Dual-energy X-Ray Absorptiometry” (DXA, previously DEXA) means an imaging technique using radiation machines for quantifying bone density, used in the diagnosis and management of osteoporosis.

“Examination” means performing a procedure, including selection of exposure settings, positioning the x-ray system and the patient, and initiating and terminating the exposure.

“Facility” means, for purposes of Part 2, the location within one building (or vehicle, or under one roof, or at one address) and under the same administrative control, at which a radiation machine is or was installed, operated and/or located.

“FDA” means the United States Food and Drug Administration.

“Fluoroscopy” means a technique for generating x-ray images and presenting them simultaneously and continuously as visible images.

“Industrial Radiography” means an examination of the structure of materials by the nondestructive method of utilizing ionizing radiation to make radiographic images. “Inter-comparison” means the direct comparison, in accord with 2.4.4.5, of two instruments designed to measure the same physical quantity.

“Limited-scope operator” (LSO) means an individual who has taken and passed a required test and has approval by the Department pursuant to 2.4.5.1 to operate x-ray systems and to conduct specified radiographic examinations of the chest, extremities, skull, hip/pelvis and spine/sacrum.

“MQSA” means Mammography Quality Standards Act.

“NIST” means the National Institute of Standards and Technology.

“Operator” means an individual adequately trained in accordance with these regulations in the purpose and experienced in the practice of performing a radiographic examination.

“Performance adjustment” means the adjustment or repair of a function (not including the setting of operator-selectable functions, such as time, mA and/or kVp for an individual exposure) of an x ray machine or imaging system that is required to bring the machine into compliance with these regulations and the specifications.

“Provisional Mammographer” means an individual who meets the requirements of 2M.2 and has current department approval to perform mammograms under direct supervision in order to meet the requirements to become a Qualified Mammographer.

“Provisional qualified inspector” (PQI) means an individual who meets the applicable requirements of Section 2I.2 of Appendix 2I and has current Department approval in a designated specialty to perform evaluations of radiation machines, facilities, and operators for compliance with these regulations while under the supervision of a qualified inspector.

“QE(R)” means a qualified expert medical physicist approved to design or evaluate shielding for radiation machines used in the healing arts.

“QE(S)” means a qualified expert physicist approved to design or evaluate shielding for radiation machines used for non-healing arts purposes.

“QE(T)” means a qualified expert medical physicist approved to design or evaluate shielding for radiation machines used in radiation therapy.

“Qualified expert” (QE) means an individual who meets the applicable requirements of Appendix 2B or 2C and has current Department approval as QE(S), QE(R), or QE(T) to evaluate radiation shielding design and recommend radiation safety practices, as provided in 2.4.3.

“Qualified inspector” (QI) means an individual who meets the applicable requirements of Appendix 2I and has current Department approval in a designated specialty to perform evaluations of radiation machines, facilities, and operators for compliance with these regulations, as provided in 2.4.4.

“Qualified mammographer” means a mammographer who meets the applicable requirements of Appendix 2M.

“Qualified trainer” (QT) means an individual whose training and experience adequately prepares the individual to carry out specified training assignments as illustrated in Appendix 2J.

“Radiologic technologist” means an individual who is currently registered in radiologic technology with the American Registry of Radiologic Technologists, designated ARRT(R).

“Registered medical physicist” (RMP) means an individual who meets the applicable requirements of Appendix 2I and has current Department approval to perform medical physics activities, including shielding design, performing radiation surveys, and providing consultation for radiation protection and quality assurance and clinical medical physics for radiation therapy, computed tomography, mammography and/or other healing arts facilities.

“Service company” means a person who is engaged (or offers to engage) in the business of selling, leasing, transferring, lending, assembling, installing, maintaining, repairing, storing, trading out, disabling, or disposing of radiation machines and their related components, or is engaged in the business of furnishing or offering to furnish radiation machine servicing or services.

“Service technician” means an individual who is employed by a service company to perform radiation machine servicing or services.

“Shielding design” means physical specifications, such as room layout, floor plan, construction materials, and equipment configuration, to demonstrate compliance with the radiation limits set forth in Part 4 of these regulations.

“Volumetric dental imaging system” means an x-ray machine that produces, for oral and maxillofacial structures, a three-dimensional tomographic data set or a time sequence of three-dimensional tomographic data sets. A dental x-ray machine only capable of producing a two-dimensional image is not considered to be a volumetric dental imaging system. For the purposes of Part 2, the requirements stated for “computed tomography” machines do not apply to “Volumetric Dental Imaging Systems”.

EXEMPTIONS FROM THE REGULATORY REQUIREMENTS

2.3 Exemptions.

2.3.1 Electronic equipment that is not designed primarily to produce radiation is exempt from the registration and notification requirements of Part 2, provided that the dose equivalent rate averaged over an area of 10 cm² does not exceed 5 μSv (0.5 mrem) per hour at 5 cm from any accessible surface of such equipment.

2.3.2 Radiation machines while in transit or storage incident thereto are exempt from the requirements of Part 2.

2.3.3 Domestic television receivers, computer monitors, and similar devices are exempt from the requirements of Part 2.

2.3.4 A radiation machine that is out of service yet kept at a facility is exempt from the registration and certification evaluation requirements of Part 2 provided:

2.3.4.1 the radiation machine has been made physically inoperable by inactivating or dismantling the electrical circuitry such that the radiation machine is not capable of producing radiation, and

2.3.4.2 the Department has received documentation of 2.3.4.1 on Form R 61, "Disposition of a Radiation Machine", or equivalent form, that is signed by a registered service technician.

2.3.5 An electron microscope or electron microprobe is exempt from Part 2 provided that:

2.3.5.1 A survey shows compliance with 2.3.1; or

2.3.5.2 The device is not capable of exceeding an operating voltage of 50,000 electron volts.

2.3.6 The legal owner of electronic equipment which meets the requirements of 2.3.1 but which is not specifically exempted under 2.3.2, 2.3.3, and 2.3.4 shall maintain for the lifetime of the equipment radiation measurement results or certification from the manufacturer or a qualified expert indicating that the equipment complies with the exposure rates specified in 2.3.1.

REQUIREMENTS FOR DEPARTMENT APPROVAL AND/OR REGISTRATION

2.4 State of Colorado Authorization or Approval Recognized by the Department is Required for Each Category Designated in This Section.

2.4.1 Registration of a Facility.

2.4.1.1 Each person possessing or in the process of coming into the possession of a radiation machine facility shall:

(1) Be registered with the Department prior to using a radiation producing machine at the facility;

(2) Complete and submit an application for registration on the applicable Department R-4 series Form, and include all of the information required by the form and any accompanying instructions. The facility shall:

(a) Designate a radiation safety officer who meets the applicable requirements of Appendix 2A to be responsible for overall radiation protection for the facility; and

(b) Document that a written shielding design has been:

(i) Completed in accordance with Parts 6, 8, or 9 of these regulations, as applicable, prior to any radiation machine installation; and

(ii) Retained on file at the facility for the life of the facility.

2.4.1.2 As prescribed by 6.3.3.3 for a healing arts screening program, registrants shall complete and submit a Healing Arts Screening application including all of the information required by Part 6, Appendix 6F).

2.4.1.3 In addition to the other requirements of 2.4, any research using radiation machines on humans shall be approved by an Institutional Review Board (IRB).

2.4.2 Registration as a Service Company.

2.4.2.1 Each person who is engaged (or offers to engage) in the business of selling, leasing, transferring, lending, assembling, installing, maintaining, repairing, storing, trading out, disabling or disposing of radiation machines and their related components, or is engaged in the business of furnishing or offering to furnish radiation machine servicing or services in this State, shall be registered with the Department prior to performing such activities.

2.4.2.2 Each Service Company shall complete the Form R-60 series application for registration with all of the information required by the Department indicated on the form and all accompanying instructions, together with the fee required by Part 12, Category 22.

2014-2.4.2.3 Each person applying for registration under 2.4.2 shall identify and provide:

(1) The service category for which registration is being requested, including but not limited to:

(a) Selling, leasing, transferring, lending, assembling, installing, maintaining, trading out, disabling or disposing of radiation machines and associated radiation machine components; and

(b) Servicing of radiation machines and associated radiation machine components, to include preventative maintenance, performance adjustment, calibration, or repair.

(2) The name and qualifications of each service technician who will provide service, including:

(a) Documentation of the training and experience that demonstrate compliance with the requirements of Appendix 2H; and

(b) Certification that each service technician has been instructed in, and demonstrates an understanding of the requirements of:

(i) these regulations; and

(ii) the Federal Performance Standard (21 CFR Chapter I, Subchapter J; and

(3) Documentation of the type of personnel dosimetric monitoring used that meets the requirements of 4.17 and 4.18; and

(4) A list of instruments that will be used to ensure that machine performance meets the manufacturer's specifications.

(5) Each servicing and services registrant under 2.4.2 shall notify the Department each time the registrant adds or deletes any service technician(s) to the list of service technicians authorized to provide radiation machine service(s).

(a) The registrant will be assessed an acceptance review fee when adding a technician, unless the technicians are added during a registration renewal.

2.4.3 Registration as a Qualified Expert.

2.4.3.1 Each individual who designs or evaluates protective shielding around a radiation area so the area meets the public exposure requirements of Part 4, shall be registered with the Department as a qualified expert designated QE(R), QE(S) or QE(T).

(1) Each individual who designs or evaluates shielding for a radiation machine regulated by Parts 8 or 9 and not used in the healing arts shall be registered with the department as a QE(S) and meet the requirements of Appendix 2C.

(2) Each individual who designs or evaluates shielding for a radiation machine used in the healing arts as regulated by Part 6, but not used in radiation therapy, shall be registered with the department as a QE(R) and meet the requirements of Appendix 2B

(3) Each individual who designs or evaluates shielding for a radiation machine used in radiation therapy as regulated by Part 24, shall be registered as a QE(T) and meet the requirements of Appendix 2B.

2.4.3.2 Each Qualified Expert shall complete the applicable Form R-68 series application for registration and include all of the information required by the form and any accompanying instructions, together with the fee required by Part 12, Category 22.

2.4.4 Registration as a Qualified Inspector.

2.4.4.1 Each individual who performs a certification evaluation of a radiation machine or an evaluation of a facility shall be registered with the Department as a qualified inspector who meets the criteria established in Appendix 2I.

2.4.4.2 Each individual who performs a certification evaluation on mammography, fluoroscopy or computed tomography machines used in the healing arts or, evaluates the quality assurance programs of digital imaging systems used in the healing arts shall be registered with the department as a qualified inspector with approval in the Registered Medical Physicist category.

(1) Individuals who perform a certification evaluation on Volumetric Dental Imaging Systems shall be registered with the department as a qualified inspector with approval in "Volumetric Dental Imaging Systems".

2.4.4.3 Each individual who performs registered medical physicist duties required by Part 24 shall be registered with the department as a qualified inspector with approval in the radiation therapy Registered Medical Physicist category.

2.4.4.4 Each Qualified Inspector shall complete the applicable Form R-53 series application for registration and include all of the information required by the form and any accompanying instructions, together with the fee required by Part 12.

2.4.4.5 Certification evaluation measurements shall be made with instruments that are sufficiently sensitive to determine compliance with these regulations.

- (1) The instruments shall be maintained and used in good working order.
- (2) The instruments shall be calibrated at least every two (2) years, or in accordance with the manufacturer's recommendation, whichever is more frequent, or after any repair that could affect the calibration of the instrument.
- (3) Calibrations shall be NIST-traceable where such traceability is feasible.
- (4) Procedures for instrument calibration done by inter-comparison with a suitable and appropriately calibrated instrument must be approved by the department.
 - (a) The comparison shall be between an instrument that has a current calibration traceable to NIST and an instrument for which a calibration factor is to be determined.
 - (b) The comparison shall be made using the actual physical quantity to be routinely measured (for example, radiation energy/quality or visible light spectrum) and shall be compared in the same physical geometry.
 - (c) The procedure(s) for inter-comparison shall be documented and available for review by the department.
- (5) In addition to the requirements in 2.4.4.5, instruments used for the certification evaluation report to measure the air kerma or air kerma rate of mammography machines shall be calibrated with an accuracy of \pm six (6) percent (95 percent confidence level) in the mammography energy range.

2.4.5 Registration of specific radiation machine Operators.

2.4.5.1 Limited Scope Operator.

- (1) Each individual operating an x-ray system on living humans in the State of Colorado, shall be registered as a Limited Scope Operator consistent with 2.4.5.1(2), except for:
 - (a) Those individuals subject to 2.6.1.5, 2.6.1.6, 2.6.1.7, 2.6.1.8, 2.6.1.10, 2.6.1.11, and 2.6.1.12, or
 - (b) Those individuals having current registration with the American Registry of Radiologic Technologists in radiography.
- (2) Registration
 - (a) The applicant for LSO registration must complete the requirements of 2D.2.1, 2D.2.2 and 2D.2.3 in a structured and documented training program in order to apply for registration as a Limited Scope Operator.

(b) Each Limited Scope Operator shall complete an application with all of the information required by the form and instructions, together with the fee required by Part 12, Category 24 and the fee required by the American Registry of Radiologic Technologists.

(i) The Form R-70 series application shall be used to initiate the registration process.

(ii) The Form R-71 series application shall be used to confirm the completion of the requirements of 2D.2.1, 2D.2.2 and 2D.2.3.

(c) Application for registration as a Limited Scope Operator shall be made within one year upon completion of the requirements of 2D.2.1 and within ninety (90) calendar days upon completion of the requirements of 2D.2.2 and 2D.2.3.

(d) If an applicant cannot achieve a passing score per 2D.2.4 within three attempts, the applicant must restart the training required by 2D.2.1, 2D.2.2, and 2D.2.3.

(e) Registrants must meet the requirements of 2D.2.5 in order to renew the Limited Scope Operator approval.

(i) The Form R-95 series application shall be used to renew the registration for a Limited Scope Operator.

2.4.5.2 Computed Tomography Operator Subject to Appendix 2E.

(1) Each individual operating a computed tomography system on living humans shall be registered with the Department as a Computed Tomography Operator, except for:

(a) Those individuals having current registration with the American Registry of Radiologic Technologists in radiography and certification in computed tomography; or

(b) those individuals having current registration with the American Registry of Radiologic Technologists in nuclear medicine technology or individuals registered with the Nuclear Medicine Technology Certification Board (NMTCB) as a certified nuclear medicine technologist; or

(c) those individuals having current registration with the American Registry of Radiologic Technologists in radiation therapy.

(2) Registration

(a) The applicant for Computed Tomography Operator must complete the requirements of Appendix 2E, 2E.2 in a structured and documented training program.

(b) Application for registration as a Computed Tomography Operator shall contain all of the information required by the form and instructions, together with the fee required by Part 12, Category 24.

(i) The Form R-95 series shall be used to document the requirements of 2E.2.2, 2E.2.3 and 2E.2.4.

(3) The state will no longer register Computed Tomography Operators under Appendix 2E.2 after July 30, 2015.

2.4.5.3 Bone Densitometry Equipment Operator (BDEO).

(1) Each operator of a dual-energy x-ray absorptiometry system used on a living human shall be registered as a Bone Densitometry Equipment Operator, except for:

(a) Those individuals registered with the American Registry of Radiologic Technologists as a radiologic technologist, nuclear medicine technologist or radiation therapist; or

(b) Those individuals registered with the Nuclear Medicine Technology Certification Board (NMTCB) as a certified nuclear medicine technologist.

(2) Registration

(a) The applicant must complete the requirements of 2F.2.1, 2F.2.2, and 2F.2.3 in a structured and documented training program in order to apply for registration as a Bone Densitometry Equipment Operator.

(b) Applicants with International Society of Clinical Densitometry (ISCD) certification must, at a minimum, document the completion of the requirements of 2F.2.1.1 through 2F.2.1.3.

(i) ISCD-certified applicants have met the requirements of 2F.2.1.4 through 2F.2.1.9, 2F.2.2 and 2F.2.3 and are exempt from the requirements of 2F.2.4

(c) Application for the Bone Densitometry Equipment Operator registration shall contain all of the information required by the form and instructions, together with the fee required by Part 12, Category 24 and the fee required by the American Registry of Radiologic Technologists, if applicable.

(i) The Form R-80 series application shall be used to initiate the registration process.

(ii) The Form R-81 series application shall be used to confirm the completion of the requirements of 2F.2.1, 2F.2.2 and 2F.2.3.

(d) Application for registration as a Bone Densitometry Equipment Operator shall be made within one year upon completion of the requirements of 2F.2.1 and within ninety (90) calendar days upon completion of the requirements of 2F.2.2 and 2F.2.3

(e) If an applicant cannot achieve a passing score per 2F.2.4 within three attempts, the applicant must restart the training required by 2F.2.1, 2F.2.2 and 2F.2.3.

(f) Bone Densitometry Equipment Operator registration is issued for a period of three years.

(g) Registrants must meet the requirements of 2F.2.5 in order to renew the Bone Densitometry Equipment Operator approval.

2.4.5.4 Provisional Mammographer.

- (1) Any individual performing mammography exams under supervision in order to meet the initial requirements of 2M.1.3 shall be registered as a Provisional Mammographer prior to performing such exams.
- (2) The application to be registered in the State of Colorado as a Provisional Mammographer shall be submitted on the Form R-64 series application and shall contain all information required by the Department as indicated on the form(s) and all accompanying instructions.
- (3) Provisional mammographer registration is issued for a period of one year.
- (4) A Provisional Mammographer registration may be renewed once.

2.4.6 General Requirements Applicable to Issuance and Maintenance of Department Registrations.

- 2.4.6.1 The application to be registered in the State of Colorado shall be submitted on the appropriate Department form(s) and shall contain all information required by the Department as indicated on the form(s) and all accompanying instructions.
- 2.4.6.2 Upon a determination that an applicant meets the requirements of the regulations, the Department shall issue a Notice of Registration.
- 2.4.6.3 The Department may incorporate in the Notice of Registration at the time of issuance, or thereafter by appropriate rule, regulation, or order, such additional requirements and conditions with respect to the registrant's activities as the Department deems appropriate or necessary.
- 2.4.6.4 Approval to conduct or perform activities in accordance with the registration requirements of these regulations shall be:
 - (1) For a period of two (2) years, except as otherwise specified by these regulations or the Department; and
 - (2) Limited to the category or categories of activities specifically designated in the Notice of Registration.
- 2.4.6.5 The registrant shall notify the Department in writing within thirty (30) calendar days of making any change of information contained in the application for registration and/or the Notice of Registration.
- 2.4.6.6 Except as provided by 2.4.6.7, each Notice of Registration shall expire at the end of the month in the year stated therein.
- 2.4.6.7 In any case in which a registrant, not less than thirty (30) calendar days prior to the expiration of the registrant's authorization, has filed an application in proper form for

renewal or for a new registration authorizing the same activities, such existing authorization shall not expire until final action by the Department.

2.4.6.8 The Department will not review or otherwise process a new application or application for renewal for which no fee is received.

(1) All application fees are non-refundable.

2.4.6.9 The Department may deny, withdraw, limit or qualify its approval of any person to perform activities upon determining that such action is necessary in order to prevent undue hazard to health and safety, or for other reasonable cause.

2.4.7 Providing Notice of Registrant's Rights

2.4.7.1 Whenever a business relationship exists between the qualified inspector and a registered service company, a "Notice of Registrant's Rights" Form R-65 shall be provided to the registered facility prior to beginning the service or evaluation, including:

(1) When a qualified inspector is also registered to perform services and servicing;

(2) When a qualified inspector is also a qualified expert; and

(3) When a qualified inspector, a qualified expert and/or a services and servicing provider is a member of the same corporation, partnership or other formal business relationship.

2.4.8 No person, in any advertisement, shall refer to the fact that the person is registered with the Department pursuant to the provisions of 2.4.1, 2.4.2, 2.4.3, 2.4.4, and 2.4.5 and no person shall state or imply that the quality of conduct or performance of any activity under such registration has been approved or endorsed by the Department.

CERTIFICATION EVALUATION

2.5 Certification Evaluations

2.5.1 Frequency of Certification Evaluations.

2.5.1.1 Each radiation machine registrant shall have its radiation machine(s) and facility evaluated by a Department-approved qualified inspector annually, except as provided in 2.5.1.2 through 2.5.1.5.

(1) Each certification evaluation shall determine if the machine is safe for each intended use and is in compliance with the specifications of the equipment manufacturer and these regulations.

(2) Each certification evaluation subsequent to the initial certification evaluation shall be completed in or prior to the same calendar month as the previous certification evaluation.

(3) The calendar month of a certification evaluation of a machine in any month prior to the month in which it is due shall become the calendar month in which the subsequent certification is due.

(4) A certification evaluation conducted after the month in which it was due shall not change the month in which subsequent certification evaluations are due.

2.5.1.2 Each non-healing-arts x ray imaging machine or system regulated by Parts 5, 8 or 9 shall be inspected at least every two (2) years. These include, but are not limited to, x-ray machines used for industrial radiography, nondestructive analysis, forensics or security screening.

2.5.1.3 Each bone densitometry, dental, podiatry or veterinary radiation machine shall be inspected at least every three (3) years, except that:

(1) Each radiographic x-ray machine used in non-intraoral dentistry or podiatry that is capable of continuously variable kilovoltage peak (kVp) or continuously variable milliamperage (mA) or continuously variable collimation shall be inspected annually.

(2) Each machine used in podiatry that is capable of operating at more than 30 mA shall be inspected annually.

(3) Each volumetric dental imaging system or computed tomographic system shall be inspected annually.

(4) Each portable hand-held instrument used for any purpose on living humans shall be inspected annually.

TABLE 2-1: SUMMARY OF FREQUENCY OF RADIATION MACHINE INSPECTION

Category	Frequency
Each radiation machine, including under reciprocity, unless otherwise provided below:	Every year
Each non-healing-arts x-ray imaging machine or system regulated by Parts 5, 8 or 9	Every two years
Each bone densitometry, dental, podiatry or veterinary radiation machine, except as required below:	Every three years
Each radiographic x-ray machine used in non-intraoral dentistry or podiatry that is capable of continuously variable kilovoltage peak (kVp) or continuously variable milliamperage (mA) or continuously variable collimation.	Every year
Pursuant to 2.5.1.3(2), each x-ray machine used in podiatry at more than 30 mA	Every year
Pursuant to 2.5.1.3(3), each volumetric dental imaging system or computed tomographic system	Every year
Pursuant to 2.5.1.3(4), each hand-held x-ray machine used on living humans	Every year

2.5.1.4 Each radiation machine system shall be evaluated within ninety (90) calendar days of installation or service that could potentially affect radiation output or technique settings. Such service includes, but is not limited to, the repair or replacement of high voltage generators, tube heads, consoles or image receptor systems,

2.5.1.5 Each new installation of a mammography system shall be evaluated by a registered medical physicist authorized in mammography prior to being used to perform any human examination.

2.5.1.6 Any radiation machine and/or facility not inspected in accordance with 2.5.1.1 through 2.5.1.5, or otherwise determined to be out of compliance with these regulations, shall be subject to a Department enforcement inspection and subject to the fees specified in Part 12.

2.5.2 Procedures for Certification Evaluations by Qualified Inspectors.

2.5.2.1 Each qualified inspector who performs a certification evaluation of a radiation machine and facility evaluation shall use procedures that are sufficient to determine compliance with these regulations.

2.5.2.2 If a radiation machine fails to meet any requirement specified by these regulations, including manufacturer's required specifications, the qualified inspector shall immediately so inform the registrant and RSO.

2.5.2.3 If the radiation machine is determined to be unsafe (as provided in Part 6 and described in Appendix 6D), the qualified inspector shall affix to such radiation machine system, in a location clearly visible to the operator and patient, if applicable, an "Unsafe for Use" label authorized and issued by the Department, indicating, as applicable, that such machine is not authorized for human, animal or other use.

2.5.2.4 Reporting and Labeling Procedures.

(1) Each qualified inspector shall provide an accurate and complete Certification Evaluation Report to the registrant and to the Department on Form R-59-1, "X ray Machine Certification Evaluation Report," in accordance with the instructions contained in that form.

(a) A clear and legible report may be substituted for Form R591, provided that it is in the same format and provides all of the information required by Form R591.

(b) Violations of the regulations not related to the performance of the specific radiation machine(s) shall be reported to the registrant and Department using Form R592, "X-ray Facility Compliance Evaluation Report," in accordance with the instructions contained in that form.

(c) Report(s) required by 2.5.2.4(1) shall indicate full or partial compliance and any specific violation of these regulations.

(d) Report(s) required by 2.5.2.4(1) shall include recommendations for corrective actions by the registrant (if applicable) to assist in achieving full compliance or improving radiation safety and the quality of the imaging process.

(e) The Department shall be notified within three (3) business days of radiation machine violations. Report(s) required by 2.5.2.4(1) that does not indicate violations shall be received by the Department no later than fifteen (15) calendar days after the inspection date, unless otherwise authorized by the Department.

(2) A certification label issued by the Department shall be affixed in a location clearly visible to the machine operator and patient, if applicable, when it is determined that the machine requirements of these regulations are fully met.

- (a) For a machine that was found to be in full compliance, the certification label shall be affixed no later than fifteen (15) calendar days (unless otherwise authorized by the Department) after the inspection date.
 - (b) For a noncompliant machine, the certification label shall be affixed no later than fifteen (15) calendar days (unless otherwise authorized by the Department) after the date that full compliance was achieved.
- (3) Each qualified inspector shall ensure that the following documentation is provided to the Department to confirm that each violation was corrected as required by 2.6.3.1 and/or 2.6.4.1 within thirty (30) calendar days of the date of inspection.
 - (a) For a noncompliant machine for which full compliance has been achieved, the completed documentation (on Form R-59-1 or equivalent) shall be received by the Department no later than fifteen (15) calendar days after the date that compliance was achieved.
 - (b) For a noncompliant facility, the completed documentation (on Form R 59-2 or equivalent) shall be received by the Department no later than fifteen (15) calendar days after the date that full compliance was achieved.
- (4) Concealing, defacing or altering of Department-issued certification labels is prohibited.
- (5) Repeated failure by a qualified inspector, to affix certification labels or to accomplish timely completion of certification evaluation reports as provided in this subsection shall be subject to review and audit as provided in 2.9 and also subject to the non routine inspection fee as provided in Part 12.

2.6 Facility Registrant Responsibilities.

- 2.6.1 In any facility regulated by or requiring registration under these regulations, the registrant shall allow only individuals who are adequately trained in radiation safety and the safe and effective use of the machine to operate any radiation machine.
 - 2.6.1.1 The facility registrant shall document evaluation of the qualifications of each individual permitted to operate any radiation machine at the facility.
 - (1) Each operator shall meet all radiation safety training and experience requirements of the respective State of Colorado professional licensure board, as applicable, and any applicable requirements of this Part 2.
 - (2) The registrant shall maintain a list of all operators of any radiation machine used by the facility registrant.
 - (a) For fluoroscopy equipment used in examination of a living human, a list of operators and individuals providing technical supervision of operators shall be maintained.
 - (b) The list of all operators and supervisors shall be updated at least annually as part of the radiation safety program required by 4.5.
 - (3) Records of such evaluations shall:
 - (a) Include current certifications of qualification;

(b) Be updated annually by the facility; and

(c) Be produced for examination upon request during any inspection conducted under the requirements of these regulations.

2.6.1.2 A physician, chiropractor, dentist, podiatrist, or veterinarian who has a current active license from the appropriate State of Colorado professional licensure board is considered to have demonstrated adequate training in radiation safety and the safe and effective use of the radiation machine (consistent with 2.6.1.5) and may operate radiation machines as part of medical, chiropractic, dental, podiatric or veterinary practice, respectively.

2.6.1.3 For a radiologist assistant “adequately trained” shall mean that the individual is qualified as provided in Appendix 2G.

2.6.1.4 For any radiographic x-ray system used on a living human (consistent with 2.6.1.2, 2.6.1.3, and 2.6.1.5 through 2.6.1.14), “adequately trained” shall mean that the individual meets the requirements of Appendix 2D.

(1) Limited-scope x-ray machine operator approval is limited to imaging procedures for x-ray examination of the skull, chest, hip/pelvis and spine/sacrum, upper extremities and lower extremities.

(2) A limited-scope x-ray machine operator shall not perform radiologic procedures involving the administration or utilization of contrast media, bone densitometry, fluoroscopic, mammography, computed tomography, or radiation therapy procedures.

2.6.1.5 For fluoroscopy equipment used in examination of a living human, “adequately trained” shall mean that, in addition to meeting all applicable requirements in 2.6.1.1 through 2.6.1.4, each individual who either supervises a fluoroscopy procedure or operates a fluoroscopy imaging system shall have adequate training in its safe operation. This training shall be documented and include the following:

(1) Fundamental principles of radiation protection;

(2) Biological effects of ionizing radiation;

(3) Safe operation of fluoroscopy equipment for each mode of operation to be used;

(4) Dose reduction techniques for fluoroscopy; and

(5) Applicable radiation regulations.

2.6.1.6 For mammography equipment used in radiography of the human breast, “adequately trained” shall mean that the individual operator meets the requirements of Appendix 2M.

2.6.1.7 For any computed tomography system used on a living human, “adequately trained” shall mean that the individual operator meets the requirements of Appendix 2E.

2.6.1.8 For any bone densitometry equipment used in examination of a living human, “adequately trained” shall mean that the individual operator meets the requirements of Appendix 2F.

2.6.1.9 For radiographic equipment used in the practice of medicine, “adequately trained” shall mean that the individual operator meets all applicable requirements of the Colorado State

Board of Medical Examiners (in particular Rule 700, "State Board of Medical Examiners Rules and Regulations Regarding Education and Training Standards for Unlicensed Personnel Exposing Ionizing Radiation" of 3 CCR 713-16).

2.6.1.10 For radiographic equipment used in chiropractic, "adequately trained" shall mean that the individual operator meets all applicable requirements of the Colorado State Board of Chiropractic Examiners (in particular Rule 19, "Safety Training for Unlicensed Chiropractic Personnel," of 3 CCR 707-1).

2.6.1.11 For radiographic equipment used in dentistry, including Volumetric Dental Imaging Systems, "adequately trained" shall mean that the individual operator meets all applicable requirements of the Colorado State Board of Dental Examiners (in particular Rule X, "Minimum Standards for Qualifications, Training and Education for Unlicensed Personnel Exposing Patients to Ionizing Radiation," of 3 CCR 709-1).

2.6.1.12 For radiographic equipment used in podiatry, "adequately trained" shall mean that the individual operator meets all applicable requirements of the State of Colorado Podiatry Board (in particular Rule 700 of 3 CCR 712-9).

2.6.1.13 For radiographic equipment used in veterinary medicine, "adequately trained" shall mean that the individual operator meets all applicable requirements of the State of Colorado Board of Veterinary Medicine (in particular 4 CCR 727 1).

2.6.1.14 An individual, enrolled in an ARRT-recognized program or graduated from such a program, may operate radiation machines so long as the individual works under the direct supervision of a radiologic technologist or other qualified trainer and has documentation of having completed education and experience equal to that specified in the program.

(1) A graduate from an ARRT-recognized program is granted ninety (90) calendar days from the date of graduation to schedule, take and pass the ARRT radiologic technology registry examination.

(2) During the 90-day period allowed by 2.6.1.14(1), the graduate is considered to satisfy Appendix 2D requirements.

(3) A student or graduate who fails to pass the registry examination has not met the requirements of Appendix 2D and shall not operate any radiation machine system on a living human unless otherwise authorized by the Department.

2.6.1.15 For radiation machines used in non-healing-arts applications, "adequately trained" shall mean that the individual operator meets the requirements of Appendix 2N.

(1) For industrial radiography, the requirements in Part 5 apply, as stated in 2N.1.

(2) The requirements of 2N.2 apply to all non-healing-arts applications (including but not limited to analytical, forensic, morgue, and homeland security uses) not subject to Part 5.

2.6.1.16 For assembly, installation and repair of radiation machines, "adequately trained" shall mean that the individual service technician meets the requirements of Appendix 2H.

2.6.1.17 Department recognition of training as adequate pursuant to 2.6.1.3 through 2.6.1.16 shall pertain only to the areas of training and experience specifically identified in these regulations.

2.6.1.18 The Department may, upon application or upon its own initiative, accept as being adequate:

- (1) Documented combinations of radiation safety training and experience; or
- (2) Equivalent approval by another state or agency.

2.6.2 The facility registrant shall ensure that all required certification and compliance evaluations are performed as required by 2.5.2 in accordance with the instructions that accompany Form R-59-1, "X-ray Machine Certification Evaluation Report" and Form R-59-2, "X-ray Facility Compliance Evaluation Report."

2.6.2.1 Upon receipt of a Form R-59-1 signed by a registered qualified inspector, the facility shall complete the certification evaluation process with that qualified inspector unless department approval is granted or required to have the certification evaluation done by a different qualified inspector.

2.6.3 For each radiation machine finding of noncompliance (Form R-59-1), the facility registrant shall:

2.6.3.1 Correct any failure of a radiation machine or imaging system to meet the requirements of these regulations or manufacturer's required specifications, within thirty (30) calendar days or as otherwise specified by the Department, in particular as identified on Form R 59 1, "X ray Machine Certification Evaluation Report."

2.6.3.2 Not use a radiation machine that has been determined to be unsafe for use, as determined by the criteria in Part 6, Appendix 6D, until subsequent certification by a Department-approved qualified inspector or the Department.

2.6.3.3 Permit only a person who has provided evidence of current registration with the Department in accordance with 2.4.2 to provide radiation machine servicing or services.

2.6.3.4 Notify the qualified inspector who issued the Certification Evaluation Report when the radiation machine violations have been corrected.

(1) A copy of the Certification Evaluation Report, Form R-59-1, with the service repair certification signed and dated by the person providing service, shall be provided to the qualified inspector who initiated the certification evaluation..

(2) A copy of any service report shall be provided to the qualified inspector upon request as evidence of completed corrective action.

2.6.3.5 Retain documentation that each indicated violation has been corrected to bring the machine into compliance in accordance with Section 2.6.6.

2.6.3.6 Pay the fee required by Part 12 for each certification label issued by the qualified inspector.

2.6.4 For each finding of facility noncompliance (Form R-59-2), the registrant shall:

2.6.4.1 Correct any violation within thirty (30) calendar days of each finding of facility noncompliance (Form R-59-2) or as otherwise specified by the Department.

2.6.4.2 Provide documentation to the Department to confirm that each indicated violation has been corrected to bring the facility into compliance.

- (1) For any item identified for correction on Form R-59-2, "X-ray Facility Compliance Evaluation Report", provide a copy of the Form R-59-2 with the "Registrant's Certification of Correction" section signed and dated by the registrant or registrant's agent.

2.6.5 Except as otherwise specified in Part 6 and Part 24 of these regulations, each registrant shall follow all applicable manufacturer's recommended equipment maintenance and quality assurance procedures.

2.6.6 Record Retention and Reports.

2.6.6.1 The registrant shall maintain each diagnostic image in a medical record for each patient as specified by the applicable State of Colorado professional licensure board; absent an applicable board specification, record retention shall be for a period not less than ten (10) years or any period of minority or incompetency.

2.6.6.2 The registrant shall maintain for the duration of the registration, records of each shielding design, and each radiation survey required by 6.9.4.1, performed for the facility.

- (1) Upon any transfer of ownership, such shielding design(s) and survey records shall also be transferred to the new owner.

2.6.6.3 The registrant shall maintain for the duration of the registration, until a machine is retired from service, the operator and service manual(s) provided by the manufacturer, if available.

- (1) If the operator manual is not obtainable from the manufacturer, such a manual of written operating procedures shall be developed and maintained by the registrant, including:

- (a) A description, including purpose and function, of each control panel knob, button, and meter;
- (b) Techniques for collimation and centering of the beam to the image receptor;
- (c) The function of all locks and detents; and
- (d) Emergency shutdown instructions.

2.6.6.4 The registrant shall maintain for inspection for a period of three (3) years for each x-ray imaging or image processing system (six years for a facility or machine inspected only every three years) records of:

- (1) Operator certifications;
- (2) Operator training;
- (3) Service and repair reports;
- (4) Radiation machine disposition
- (5) Radiation machine inspection certification evaluation reports;
- (6) Facility compliance evaluation reports; and

(7) Notices of violation.

2.7 Service Company Registrant Responsibilities.

2.7.1 No person shall certify or declare that a radiation machine or component is ready for its intended use, until:

2.7.1.1 The shielding design has been completed as required by 6.3.2, as documented by a comment on Form FDA 2579 or a signed and dated notification to the Department; and

2.7.1.2 The machine or component meets the manufacturer specifications and the requirements of these regulations; and

2.7.1.3 The registrant has been provided, by the vendor, assembler or services and servicing personnel, the following:

(1) All guidance documents, including instruction manuals, manufacturer specifications and information notices, that are applicable to each newly installed radiation machine system or component; and

(2) A checklist of the registrant's responsibilities under these regulations, including but not limited to requirements of 2.6.3, in particular 2.6.3.4.

2.7.2 Any person who sells, leases, transfers, lends, assembles, installs, trades out or repairs any radiation machine, or component, which affects radiation output or technique setting in this State shall notify the Department in writing within fifteen (15) calendar days of each transaction subject to this section with the following information:

2.7.2.1 The full name and address of each person who has received the radiation machine or component and the specific location within the facility; and

2.7.2.2 Specific details about the system or sub-system, including the manufacturer, model, and serial number of each radiation machine or component transferred; and

2.7.2.3 The date of transfer, assembly, or installation of each radiation machine or component; and

2.7.2.4 A completed Form FDA 2579 or a signed and dated affirmation that all instruction manuals, written instructions and regulations applicable to the newly installed radiation machine system or components have been delivered to the registrant.

2.7.3 A report of assembly (Form FDA 2579 or equivalent) shall be submitted to the Department within fifteen (15) calendar days following completion of the assembly or installation.

2.7.3.1 The assembly or installation is considered completed when the unit has properly been made operational and is ready for its intended use.

2.7.3.2 Form FDA 2579 or an equivalent report suffices in lieu of any reports required in 2.7.2.

2.7.4 As required by the Department on a Certification Evaluation Report, Form R-59-1, a service company technician who performs a radiation machine repair shall:

2.7.4.1 Sign the service repair certification section of the Certification Evaluation Report, Form R-59-1 issued by the qualified inspector who performed the evaluation; and

2.7.4.2 Provide a written detailed description of the service to the registered facility within one (1) business day.

2.7.5 A service technician who performs any activity that could potentially affect the radiation machine output, cause a change to the clinical technique settings of the radiation machine, or affect image quality shall provide a written detailed description of all service to the registered facility within one business day of the service.

2.7.6 Any person who disables a radiation machine in order to meet the requirements of 2.3.4 shall be registered with the Department as a Service Company.

RECIPROCITY

2.8 Out-of-State Radiation Machines.

2.8.1 Subject to these regulations, any person who desires to bring radiation machines into this state for temporary use is hereby granted authorization to conduct activities using these machines for a period not to exceed a total of 180 days in any calendar year, provided that:

2.8.1.1 The out-of-state registration, and/or other documents authorizing the use of radiation machines issued by the agency having jurisdiction where the out-of-state registrant maintains an office for directing the registered activity and at which radiation safety records are normally maintained, does not limit the activity authorized by such document to specified installations or locations; and

2.8.1.2 The person proposing to bring such machines into Colorado shall give written notice to the Department at least fifteen (15) calendar days before such machine is to be used in the state, unless otherwise authorized by the Department as provided in 2.8.2. The notice shall be made using the Department's "X-ray Reciprocity Request" Form R-200 and shall include all information required by that form.

(1) As part of this notice, the person requesting reciprocity shall certify that:

(a) A copy of all applicable parts of these regulations shall be available at each use location in State of Colorado;

(b) Each machine has been evaluated and determined to be in compliance with these, or equivalent, regulations; and

(c) The operation of each radiation machine shall be in accordance with the applicable requirements of these regulations.

(2) In the case of a request to perform a healing arts screening program within the State, submit a completed Form R-300, "Application for Registration – Healing Arts Screening," with the reciprocity request, including all of the information required, pursuant to Part 6, Appendix 6F, by the form and any accompanying instructions.

(3) In the case of a request to perform mammography screening within the State, a copy of the facility's mammography certificate issued by the FDA (21 CFR 900.11(a), April 1, 2010) and applicable American College of Radiology credentials shall be included with the reciprocity request.

(4) The person requesting reciprocity shall also supply such other information as the Department may request.

- 2.8.1.3 The out-of-state registrant complies with all applicable regulations of the Department; and
- 2.8.1.4 The out-of-state registrant shall at all times during work at any work location within the State have available the pertinent documentation as required by these regulations, including:
- (1) Pertinent registration documentation;
 - (2) Written authorization from the Department for in-state activities;
 - (3) Applicable sections of these regulations as certified pursuant to 2.8.1.2(1)(a);
 - (4) Documentation that each radiation machine has been evaluated in accordance with these regulations, or other state regulations which are equivalent; and that
 - (a) The machines comply with the manufacturer's required specifications;
 - (b) The evaluations are current, having been performed within one year prior to entry into the State as required in 2.5; and
 - (5) In the case of mammography-related functions, a copy of the mammography certificate issued by the FDA, applicable American College of Radiology credentials, quality control records, personnel records, and the most recent medical physicist survey.
- 2.8.2 Based upon an application that includes documentation of why it is not possible or is an undue hardship to provide fifteen (15) calendar days notice, the Department may:
- 2.8.2.1 Grant permission to proceed sooner; or
 - 2.8.2.2 Waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities pursuant to 2.8.1.
- 2.8.3 While in the State of Colorado, all radiation machines are subject to inspection and may be required to be inspected and/or certified by a qualified inspector who is registered with the Department.
- 2.8.4 The out-of-state registrant shall notify the Department within one hour after arrival at the actual work location within the State and shall notify the Department within one hour after any change of work location within the State.
- 2.8.5 If multiple individuals work concurrently at more than one work location under an approval granted pursuant to 2.8.1, each day worked per location shall be counted separately toward the limit of 180 cumulative total days per calendar year.
- 2.8.6 The Department may revoke, limit, or qualify its approval for the use of radiation machines in the State upon determining that the approval was based on false or misleading information submitted to the Department or that such action is necessary in order to prevent undue hazard to public health and safety or property.
- 2.8.7 Each person operating a radiation machine within the State under reciprocity in areas of exclusive federal jurisdiction shall comply with the applicable federal requirements.

ENFORCEMENT

2.9 Department Review of Performance.

2.9.1 The Department as appropriate shall:

- 2.9.1.1 Notify the registrant or person operating a radiation machine, as appropriate, regarding inadequate action on any item of violation;
- 2.9.1.2 Determine a schedule for correction of each violation and specifying a date by which compliance must be achieved;
- 2.9.1.3 Confirm and verify by inspection a corrective action by a registrant or person operating a radiation machine, as appropriate, to assure compliance with these regulations; and
- 2.9.1.4 Assess a non-routine inspection fee provided in Part 12, at the programmatic hourly rate, for the inspection of a radiation machine system or facility, if:
 - (1) The registrant or person operating a radiation machine, as appropriate, fails to fulfill the requirements of these Regulations; or
 - (2) Any item of violation has not been corrected in accordance with the compliance schedule established in 2.9.1.2.

2.9.2 The Department shall periodically review and audit:

- 2.9.2.1 The compliance of any person registered under 2.4 with these Regulations;
- 2.9.2.2 The competency of each service technician in meeting standards and requirements for adequate service company performance;
- 2.9.2.3 The performance of each qualified inspector, in particular:
 - (1) Adequacy of inspections;
 - (2) Competency in determining radiation machine system or facility compliance with these regulations; and
 - (3) Completeness and accuracy of findings on Form R-59-1 or R-59-2;
- 2.9.2.4 The performance of each qualified expert and/or registered medical physicist, in particular:
 - (1) Adequacy of shielding design reports; and
 - (2) Competency in performing activities in accordance with these regulations.

2.9.3 The Department shall notify the registrant of any failure to meet a performance standard or requirement of the regulations that is identified as a result of the review or audit.

2.9.4 The Department shall determine a schedule for actions required, specifying the date by which adequacy or competency shall be demonstrated.

2.9.5 For any failure to demonstrate adequacy or competency in accordance with the compliance schedule established in 2.9.4, the Department will assess a non-routine inspection fee at the programmatic hourly rate for Department effort to enforce compliance with a performance standard or requirement of the regulations.

2.9.6 The Department may deny, withdraw, limit or qualify its approval of any person to perform activities upon determining that such action is necessary in order to prevent undue hazard to health and safety, or for other reasonable cause.

2.9.7 A registrant that fails to comply with these regulations including 2.4.5 and 2.4.6 shall be subject to revocation as provided in 2.10.

MODIFICATION AND REVOCATION OF REGISTRATION

2.10 The terms and conditions of all registrations/certificates shall be subject to amendment, revision, or modification or the registration/certificate may be suspended or revoked by reason of amendments to the Act, or by reason of rules, regulations, and orders issued by the Department.

PART 2, APPENDIX 2A: RADIATION MACHINE RADIATION SAFETY OFFICER (RSO) ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

Each individual who performs the duties of a Radiation Safety Officer for a facility using radiation machines shall meet the following education and experience requirements:

2A.1 For non-healing arts facilities (such as those governed by Part 8, "Radiation Safety Requirements for Radiation Generating Machines Not Used in the Healing Arts" , and Part 9, "Radiation Safety Requirements for Particle Accelerators Not Used in the Healing Arts"):

2A.1.1 Has current Department approval as a Qualified Expert, or

2A.1.2 Has current Department approval as a registered medical physicist, or

2A.1.2 Has satisfactorily completed a baccalaureate or higher degree in natural or physical science, health physics, radiological sciences, nuclear medicine, nuclear engineering, or

2A.1.3 Has completed a structured educational program that included classroom training in the responsibilities of an RSO, including but not limited to:

2A.1.3.1 Establishing and overseeing operating and safety procedures that maintain radiation exposures as low as reasonably achievable (ALARA), and to review them regularly to ensure that the procedures are current and conform with these regulations;

2A.1.3.2 Ensuring that individual monitoring devices are properly used by occupationally exposed personnel, that records are kept of the monitoring results, and that timely notifications are made as required by Part 4;

2A.1.3.3 Investigating and reporting to the agency each known or suspected case of radiation exposure to an individual or radiation level detected in excess of limits established by these regulations and each theft or loss of source(s) of radiation, determining the cause, and taking steps to prevent its recurrence;

2A.1.3.4 Having a thorough knowledge of management policies and administrative procedures of the registrant and keeping management informed on a periodic basis of the performance of the registrant's radiation protection program, if applicable;

2A.1.3.5 Assuming control and having the authority to institute corrective actions including shutdown of operations when necessary in emergency situations or unsafe conditions;

2A.1.3.6 Maintaining records as required by these regulations; and

2A.1.3.7 Ensuring that personnel are adequately trained and complying with these regulations, the conditions of the certificate of registration, and the operating and safety procedures of the registrant; or

2A.2 For a healing arts facility not using fluoroscopy, computed tomography, or radiation therapy machines, unless otherwise provided or prohibited by these regulations:

2A.2.1 Has department approval as a registered medical physicist; or

2A.2.2 Is a physician, chiropractor , dentist, podiatrist or veterinarian with a current active license from the appropriate State of Colorado professional licensure board and is performing RSO duties within their scope of practice;

(1) For dental facilities using a Volumetric Dental Imaging System, a dentist with a current active license from the Colorado Board of Dental Examiners may perform the duties of a Radiation Safety Officer;

or

2A.2.3 Meets the applicable operator requirements of 2.6.1.3 through 2.6.1.14; and has completed a structured educational program that includes ionizing radiation safety; or

2A.3 For a healing arts facility using fluoroscopic or computed tomography machines, unless otherwise provided or prohibited by these regulations:

2A.3.1 Has department approval as a registered medical physicist; or

2A.3.2 Is a physician or veterinarian who has a current active license from the appropriate State of Colorado professional licensure board; or

2A.4 For a healing arts facility using radiation therapy machines, unless otherwise provided or prohibited by these regulations:

2A.4.1 Has department approval as a radiation therapy registered medical physicist, or

2A.4.2 Is a physician or veterinarian who has a current active license from the appropriate State of Colorado professional licensure board and is performing RSO duties within their scope of practice, or

2A.5 Has prior Department approval pursuant to another part of these regulations as an authorized RSO

PART 2, APPENDIX 2B: REGISTERED MEDICAL PHYSICIST, QE(R) AND QE(T) ADEQUATE TRAINING AND EXPERIENCE

2B.1 Each Registered Medical Physicist for a healing arts facility other than those using radiation therapy machines shall be an individual who meets the requirements of 21.3.

2B.2 Each Registered Medical Physicist for a healing arts facility using radiation therapy machines regulated by Part 24 shall be an individual who meets the requirements of 21.5.

2B.3 Each Qualified Expert who designs or evaluates shielding for a radiation machine used in the healing arts as regulated by Part 6, but not used in radiation therapy, and is designated as a QE(R), or each Qualified Expert who designs or evaluates shielding for a radiation machine used in radiation therapy, and is designated as a QE(T) shall:

2B.3.1 Have current certification in health physics or a subfield of medical physics by:

2B.3.1.1 The American Board of Medical Physics; or

2B.3.1.2 The American Board of Health Physics; or

2B.3.1.3 The Canadian College of Medical Physics; or

2B.3.1.4 The American Board of Radiology in a radiological physics category; or

2B.1.3.5 American Board of Nuclear Medicine Science; or

2B.3.2 Has current certification in an equivalent specialty board recognized by the Department, and;

2B.3.2.1 Has provided written documentation that the individual:

(1) Holds a master or doctorate degree from an accredited college or university in physics, biophysics, radiological physics, health physics, or medical physics; and

(2) Has satisfactorily completed 2 years of training and work experience acceptable to the Department that includes one year of documented, full-time training in the appropriate field under the supervision of a qualified expert.

PART 2, APPENDIX 2C: QE(S) – ADEQUATE TRAINING AND EXPERIENCE

2C.1 Each Qualified Expert who designs or evaluates shielding for a radiation machine not used in the healing arts, designated as QE(S), shall:

2C.1 Have current certification in health physics or a subfield of medical physics by:

2C.1.1 The American Board of Medical Physics; or

2C.1.2 The American Board of Health Physics; or

2C.1.3 The Canadian College of Medical Physics; or

2C.1.4 The American Board of Radiology in a radiological physics category; or

2C.1.5 American Board of Nuclear Medicine Science; or

2C.2 Has current certification in an equivalent specialty board recognized by the Department, and;

2C.2.1 Has provided written documentation that the individual:

2C.2.1.1 Holds a master or doctorate degree from an accredited college or university in physics, biophysics, radiological physics, health physics, or medical physics; and

2C.2.1.2 Has satisfactorily completed 2 years of training and work experience acceptable to the Department that includes one year of documented, full-time training in the appropriate field under the supervision of a qualified expert;

PART 2, APPENDIX 2D: X-RAY SYSTEM OPERATOR ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE, INCLUDING LIMITED SCOPE X RAY MACHINE OPERATOR (LSO)

Each operator of a radiation machine used for healing arts purposes on living humans other than in dentistry, chiropractic or podiatry, shall meet the following education and experience requirements:

2D.1 Is certified or registered by:

2D.1.1 The American Registry of Radiologic Technologists as a Radiologic Technologist; or

2D.1.2 A specialty board determined by the department to have substantially equivalent requirements for certification as the American Registry of Radiologic Technologists,

Or

2D.2 Is certified by the Department as a State of Colorado-registered limited scope operator , to conduct only those radiographic examinations specified in Section 2.6.1.4 and having satisfactorily completed:

2D.2.1 At least 80 hours of didactic training providing the minimum hours of instruction in the specific subjects listed in 2D.2.1.1 through 2D.2.1.6:

2D.2.1.1 Basic X-Ray Physics—20 hours

- (1) Structure of matter and the atom
- (2) General description of production of x-rays
- (3) X-ray emission, quantity and quality
- (4) Function of filtration and effects it has on x-ray beam collimation
- (5) Types of function of beam limiting devices
- (6) Design, features and functions of x-ray tubes
- (7) Circuitry of the x-ray machine

2D.2.1.2 Radiobiology—3 hours

- (1) Effects of ionizing radiation on the human body
- (2) Molecular and cellular radiobiology
- (3) Factors that cause somatic and genetic damage

2D.2.1.3 Radiation Protection—6 hours

- (1) ALARA
- (2) Shielding materials
- (3) Radiation quantity and units of measurement
- (4) Basic interactions of x-rays with matter

- (5) Primary and secondary scatter
- (6) Importance of time, distance, shielding
- (7) Maximum permissible doses: occupational and public
- (8) Patient protection

2D.2.1.4. Principles of Exposure—15 hours

- (1) Factors that control and influence radiographic quality
- (2) Properties of x-rays
- (3) Size distortion
- (4) Shape distortion
- (5) kVp, mAs, time
- (6) AEC and manual
- (7) Grids
- (8) Collimation
- (9) Intensifying screens
- (10) X-ray films and holders
- (11) Artifacts
- (12) Inverse square law

2D.2.1.5 Procedures and Processing—4 hours

- (1) Film storage and handling
- (2) Manual, automatic processing film processing and troubleshooting
- (3) Computed Radiography (CR)
- (4) Digital Radiography (DR)
- (5) PACs
- (6) Quality assurance / quality control

2D.2.1.6 Anatomy and Positioning—32 hours

- (1) Chest—4 hours
- (2) Extremity—12 hours
- (3) Spine—8 hours

(4) Skull—8 hours;

and

2D.2.2 At least 480 hours of clinical training during which time the individual may perform x-ray examinations only under personal supervision of a qualified trainer, including:

2D.2.2.1 At least 320 hours experiential training at a clinic; and

2D.2.2.2 No more than 160 hours of laboratory training (exclusive of the didactic hours required by 2D.2.1.1 through 2D.2.1.6);

and

2D.2.3 Performance of the following imaging procedures (at least 80 examinations in total, with record of each examination kept on file):

2D.2.3.1 Ribs—4 examinations;

2D.2.3.2 Hand—4 examinations;

2D.2.3.3 Wrist—4 examinations;

2D.2.3.4 Forearm—4 examinations;

2D.2.3.5 Elbow—4 examinations;

2D.2.3.6 Humerus—4 examinations;

2D.2.3.7 Shoulder—4 examinations;

2D.2.3.8 Clavicle—4 examinations;

2D.2.3.9 Femur—4 examinations;

2D.2.3.10 Tibia – Fibula—4 examinations;

2D.2.3.11 Ankle—4 examinations;

2D.2.3.12 Foot—4 examinations;

2D.2.3.13 Sinuses—4 examinations;

2D.2.3.14 Skull—4 examinations;

2D.2.3.15 Facial Bones—4 examinations;

2D.2.3.16 C-Spine—4 examinations;

2D.2.3.17 Thoracic Spine—4 examinations;

2D.2.3.18 Lumbar Spine—4 examinations;

2D.2.3.19 Chest—4 examinations;

2D.2.3.20 Hip / Pelvis—4 examinations;

and

2D.2.4 A passing score on the American Registry of Radiologic Technologists (ARRT) examination for the Limited Scope of Practice in Radiography. A passing score is:

2D.2.4.1 A score of at least 75% correct on the Core Module, and

2D.2.4.2 An average score of at least 75% correct on the Radiographic Procedures Modules for Chest, Extremities, Skull/Sinuses, and Spine.

2D.2.5 And, has maintained a minimum of twenty-four (24) hours of continuing education every two years in the areas of radiology, radiation safety, radiography and similar fields. This education shall:

2D.2.5.1 Conform to guidelines equivalent to the most current revision of the ARRT *Continuing Education Requirements for Renewal of Registration* ;

PART 2, APPENDIX 2E: COMPUTED TOMOGRAPHY (CT) ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

Each operator of a computed tomography system shall meet the following experience and education requirements:

2E.1 Is certified:

2E.1.1 As ARRT(R) and also certified in computed tomography by ARRT;

or 2E.1.2 As ARRT(N) or ARRT(T);

or

2E.1.3 As CNMT by the Nuclear Medicine Technology Certification Board;

or 2E.1.4 By a specialty board determined by the department to have substantially equivalent requirements for certification in computed tomography as the American Registry of Radiologic Technologists.

or

2E.2 Prior to July 30, 2015, is certified as ARRT(R) and also has satisfactorily completed:

2E.2.1 At least 60 hours of didactic training providing the minimum hours of instruction in the specific subjects listed in 2E.2.1.1 through E.2.1.12:

2E.2.1.1 Intravascular (IV) Procedures—2 hours

(1) Venipuncture

(a) Site selection

(b) Aseptic and sterile techniques

(2) Injection techniques

(a) Manual

(b) Automatic

(i) Single phase

(ii) Multi-phase

(iii) Flow rate

2E.2.1.2 Contrast Agent—6 hours

(1) Types

(a) Ionic

- (b) Non-ionic
- (c) Water soluble
- (d) Air
- (e) Water

(2) Administration route and dose calculations

- (a) IV (angiocatheter or butterfly)
- (b) Oral
- (c) Rectal
- (d) Intrathecal
- (e) Catheters

(3) Special considerations

- (a) Allergy preparation
- (b) Pathologic processes
- (c) Contraindications
- (d) Indicators

(4) Adverse reactions

- (a) Recognition and assessment of symptoms
- (b) Treatment (e.g., compresses, medications)
- (c) Documentations

2E.2.1.3 Radiation Safety and Dosimetry—6 hours

- (1) Technical factors affecting patient dose
- (2) Radiation protection
- (3) Dose Measurement
- (4) Pediatric dose reduction

2E.2.1.4 Type of Study

- (1) Head
- (2) Neck
- (3) Chest

- (4) Abdomen
- (5) Pelvis
- (6) Musculo-skeletal

2E.2.1.5. Sectional Anatomy (for each type of study listed in 2E.2.1.4)

- (1) Sagittal plane
- (2) Transverse plane (axial)
- (3) Coronal plane
- (4) Off-axis (oblique)
- (5) Landmarks
- (6) Pathology recognition

2E.2.1.6 Contrast Media (for each type of study listed in 2E.2.1.4)

- (1) Types of agents
- (2) Indications
- (3) Contraindications
- (4) Dose calculation
- (5) Administration route
- (6) Scan/prep delay

2E.2.1.7 Scanning Procedures (for each type of study listed in 2E.2.1.4)

- (1) Positioning
- (2) Scout
- (3) Acquisition methods (e.g., spiral, non spiral, dynamic, multi-row detector)
- (4) Parameter selection (e.g., slice thickness, mA, time, algorithm, pitch)
- (5) Protocol modification for pathology or trauma
- (6) Cardiac gating

2E.2.1.8 Special Procedures (for each type of study listed in 2E.2.1.4)

- (1) 3-D studies
- (2) Biopsies
- (3) Radiation therapy planning

- (4) Drainage and aspiration
- (5) Post-myelography
- (6) CT arthrography and angiography
- (7) Cardiac gating

2E.2.1.9 Systems Operation and Components—4 hours

- (1) Tube
- (2) Generator and transformers
- (3) Detector configuration
- (4) Data Acquisition Systems (DAS)
- (5) Collimation
- (6) Computer and array processor
- (7) Equipment maintenance

2E.2.1.10 Image Processing & Display—10 hours

- (1) Image reconstruction
 - (a) Filtered back projection reconstruction
 - (b) Reconstruction filters (algorithms)
 - (c) Raw data vs. image data
 - (d) Prospective / retrospective reconstruction (single and multi-row)
 - (e) Effective slice thickness
 - (f) Reconstruction interval
- (2) Image display
 - (a) Pixel, voxel
 - (b) Matrix
 - (c) Image magnification
 - (d) Field of view (scan, reconstruction and display)
 - (e) Attenuation coefficient
 - (f) Window level, window width
 - (g) Plane specification (X, Y, Z coordinates)

- (h) Cine
- (i) ROI (single and multiple image)
- (3) Post-processing
 - (a) Multiplanar reformation
 - (b) 3-dimensional rendering (MIP, SSD, VR)
 - (c) Quantitative measurements (volume, distance, diameter)
- (4) Data management
 - (a) Hard/soft copy
 - (b) Storage / archive
 - (c) PACS
 - (d) Security and confidentiality
 - (e) Networking

2E.2.1.11 Image Quality—4 hours

- (1) Spatial resolution
- (2) Contrast resolution
- (3) Temporal resolution
- (4) Noise and uniformity
- (5) Quality assurance procedures
- (6) CT number
- (7) Linearity

2E.2.1.12 Artifact Recognition and Reduction—4 hours

- (1) Beam hardening
- (2) Partial volume averaging
- (3) Motion
- (4) Metallic
- (5) Edge gradient
- (6) Patient positioning
- (7) Equipment-induced

- (a) Rings
- (b) Streaks
- (c) Tube arcing
- (d) Cone beam; and

2E.2.2 At least 480 hours of clinical training during which time computed tomography examinations are performed only under direct supervision of an ARRT(N), ARRT(R), ARRT(T) or CNMT computed tomography operator or other qualified trainer.

2E.2.3 Documented performance under direct supervision of the following imaging procedures (at least 60 examinations in total, with record of each examination kept on file):

2E.2.3.1 Head—10 examinations;

2E.2.3.2 Neck—10 examinations;

2E.2.3.3 Chest—10 examinations;

2E.2.3.4 Abdomen—10 examinations;

2E.2.3.5 Pelvis—10 examinations; and

2E.2.3.6 Musculo-skeletal—10 examinations; and

2E.2.4 Or, meeting all requirements of 2E.2.1 and 2E.2.2, is allowed to be a computed tomography operator at a facility that performs only the particular procedure(s) for which record(s) document prior completion of the full number of examinations required in 2E.2.3;

2E.2.5 Or, having completed didactic training in accord with Section 2E.2.1, is allowed under general supervision during the clinical training required by 2E.2.2 to be a computed tomography operator only for the particular procedure(s) for which record(s) document prior completion of the full number of examinations required in 2E.2.3.

PART 2, APPENDIX 2F: BONE DENSITOMETRY (BD) ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

Each operator of a dual-energy x-ray absorptiometry system used on a living human shall meet the following education and experience requirements:

2F.1 Is certified or registered by:

- 2F.1.1 ARRT(R), ARRT(M), ARRT(N), ARRT(T), or CNMT; or
- 2F.1.2 The International Society for Clinical Densitometry (ISCD), combined with or including the didactic radiation safety training in 2F.2A, 2F.2B and 2F.2C; or
- 2F.1.3 A specialty board determined by the department to have substantially equivalent requirements for certification,;

Or

2F.2 Is accepted by the Department as having satisfactorily completed:

- 2F.2.1 At least 30 hours of didactic training recognized by the Department that provided the minimum hours of instruction (as part of, or in addition to, specialty certificate and equipment operation training) in the specific subjects listed in 2F.2.1.1 through 2F.2.1.9:

RADIATION SAFETY:

2F.2.1.1 Basic X-Ray Physics—2 hours

- (1) Structure of matter and the atom
- (2) General description of production of x-rays
- (3) X-ray emission, quantity and quality
- (4) Function of filtration and effects it has on x-ray beam collimation
- (5) Types of function of beam limiting devices
- (6) Design, features and functions of x-ray tubes
- (7) Circuitry of the x-ray machine

2F.2.1.2 Radiobiology—2 hours

- (1) Effects of ionizing radiation to the human body
- (2) Molecular and cellular radiobiology
- (3) Factors that cause somatic and genetic damage

2F.2.1.3 Radiation Protection—5 hours

- (1) ALARA

- (2) Shielding materials
- (3) Radiation quantity and units of measurement
- (4) Basic interactions of x-ray with matter
- (5) Primary and secondary scatter
- (6) Importance of time, distance, shielding
- (7) Maximum permissible dose: occupational and public
- (8) Patient protection
 - (a) Patient instruction
 - (b) Comparison levels of radiation
 - (i) Natural background radiation
 - (ii) Central DXA
 - (iii) Peripheral DXA

2F.2.1.4 Basic Concepts—8 hours

- (1) Osteoporosis
 - (a) World Health Organization definition and diagnostic criteria
 - (b) Primary vs. secondary
 - (c) Type I (postmenopausal) vs. Type II (senile)
 - (d) Risk factors
 - (i) Controllable (smoking, calcium intake, estrogen, medications)
 - (ii) Uncontrollable (heredity, race, gender, age, medical conditions)
- (2) Bone physiology
 - (a) Functions of bone
 - (i) Structural support and protection
 - (ii) Storage of essential minerals
 - (b) Types of bone
 - (i) Cortical

- (ii) Trabecular
- (c) Bone remodeling cycle
 - (i) Resorption / formation
 - (ii) Osteoblasts/osteoclasts
- (d) Bone health
 - (i) Nutrition
 - (ii) Exercise
- (3) BMD testing methods (anatomical sites scanned, key advantages and disadvantages)
 - (a) Dual-energy X-ray Absorptiometry (DXA)
 - (b) Single X-ray Absorptiometry (SXA)
 - (c) Quantitative Ultrasound (QUS)
 - (d) Radiographic Absorptiometry (RA)
- (4) Measuring BMD
 - (a) Basic statistical concepts
 - (i) Mean
 - (ii) Standard deviation
 - (iii) Coefficient of variation
 - (b) Reporting patient results
 - (i) BMD formula
 - (ii) Z-score
 - (iii) T-score

2F.2.1.5 Equipment Operation & Quality Control—6 hours

- (1) Computer console
 - (a) Major components
 - (b) File management
- (2) Fundamentals of x-ray energy production
 - (a) Properties of x-ray beam: quality (kVp), quantity (mA), duration/time (s)

- (b) Filters and collimators
- (c) X-ray energy production: single; dual
- (3) Types of DXA systems
 - (a) Pencil beam systems
 - (b) Fan beam systems
 - (c) Cone beam systems
- (4) Quality control
 - (a) Equipment safety (electrical, pinch points, emergency stop)
 - (b) Use of phantoms and/or calibration
 - (c) Troubleshooting
 - (i) Shift or drift
 - (ii) Pass / fail
 - (d) Record maintenance
- (5) Determining quality in BMD
 - (a) Precision (definition)
 - (b) Accuracy (definition)
 - (c) Factors affecting accuracy and precision
 - (i) Scanner
 - (ii) Operator
 - (iii) Patient

2F.2.1.6 DXA Scanning of Finger and Heel (OS CALCIS)—1 hour

- (1) Anatomy
 - (a) Regions of interest
 - (b) Bony landmarks
 - (c) Radiographic appearance
- (2) Scan acquisition
 - (a) Patient instructions
 - (b) Patient positioning

- (c) Evaluating pre-set scan parameters
- (3) Scan analysis: BMD, T score, Z score
- (4) Common problems
 - (a) Nonremovable artifacts
 - (b) Fractures or pathology

2F.2.1.7 DXA Scanning of Forearm—2 hours

- (1) Anatomy
 - (a) Regions of interest
 - (b) Bony landmarks
 - (c) Radiographic appearance
 - (d) Adjacent structures
- (2) Scan acquisition
 - (a) Patient instructions
 - (b) Patient positioning
 - (c) Evaluating pre-set scan parameters
- (3) Scan analysis
 - (a) Accurate ROI placement
 - (b) BMC, area, and BMD
 - (c) T-score, Z-score
- (4) Common problems
 - (a) Poor bone edge detection
 - (b) Nonremovable artifacts
 - (c) Variant anatomy
 - (d) Fractures or pathology
- (5) Follow-up scans
 - (a) Unit of comparison: BMD, T-score
 - (b) Reproduce baseline study

2F.2.1.8 DXA Scanning of Lumbar Spine—2 hours

- (1) Anatomy
 - (a) Regions of interest
 - (b) Bony landmarks
 - (c) Radiographic appearance
 - (d) Adjacent structures
- (2) Scan acquisition
 - (a) Patient instructions
 - (b) Patient positioning
 - (c) Evaluating pre-set scan parameters
- (3) Scan analysis
 - (a) Accurate ROI placement
 - (b) BMC, area, and BMD
 - (c) T-score, Z-score
- (4) Common problems
 - (a) Poor bone edge detection
 - (b) Nonremovable artifacts
 - (c) Variant anatomy
 - (d) Fractures or pathology
- (5) Follow-up scans
 - (a) Unit of comparison: BMD, T score
 - (b) Reproduce baseline study

2F.2.1.9 DXA Scanning of Proximal Femur—2 hours

- (1) Anatomy
 - (a) Regions of interest
 - (b) Bony landmarks
 - (c) Radiographic appearance
 - (d) Adjacent structures
- (2) Scan acquisition

- (a) Patient instructions
- (b) Patient positioning
- (c) Evaluating pre-set scan parameters

(3) Scan analysis

- (a) Accurate ROI placement
- (b) BMC, area, and BMD
- (c) T-score, Z-score

(4) Common problems

- (a) Poor bone edge detection
- (b) Nonremovable artifacts
- (c) Variant anatomy
- (d) Fractures or pathology

(5) Follow-up scans

- (a) Unit of comparison: BMD, T-score
- (b) Reproduce baseline study;

and

2F.2.2 At least 480 hours of clinical training during which time DXA examinations are performed only under direct supervision of a Colorado qualified bone densitometry equipment operator or other qualified trainer:

2F.2.3 Performance of the following imaging procedures (at least 30 examinations in total, with record of each examination kept on file):

2F.2.3.1 DXA scanning of the forearm—10 examinations;

2F.2.3.2 DXA scanning of the lumbar spine—10 examinations;

2F.2.3.3 DXA scanning of the proximal femur—10 examinations;

and

2F.2.4 A passing score on the American Registry of Radiologic Technologists (ARRT) Bone Densitometry Equipment Operator Examination. A passing score is a score of at least 75% correct.

and

2F.2.5 Has maintained a minimum of eighteen (18) hours continuing education every three years, documented by certificate(s) or other attestation(s) of satisfactory completion.

PART 2, APPENDIX 2G: RADIOLOGIST ASSISTANT (RA) ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

Any person who acts as a Radiologist Assistant or Radiologist Practitioner Assistant to be an individual who is 18 years of age and has provided written documentation as evidence of:

2G.1 Current certification as both ARRT(R) and a

2G.1.1 Registered Radiologist Assistant (RRA); or

2G.1.2 Radiology Practitioner Assistant (RPA) prior to January 1, 2008;

Or

2G.2 Having:

2G.2.1 Met the specific qualifications in education recognized by the ARRT, ASRT, ACR, or equivalent nationally recognized entity; and

2G.2.2 Been trained and worked under the direction of a radiologist.

PART 2, APPENDIX 2H: ADEQUATE EDUCATION AND TRAINING TO PERFORM RADIATION MACHINE ASSEMBLY, INSTALLATION AND/OR REPAIR

Any individual who performs radiation machine assembly, installation or service shall meet the following educational and experience requirements:

2H.1 Completion of a structured educational program that includes training in radiation machine safety, assembly, installation and service, including, but not limited to:

2H.1.1 A baccalaureate degree in electrical engineering with specialized training in radiation producing devices; or

2H.1.2 A one-year associate degree in biomedical equipment repair; or

2H.1.3 Equivalent manufacturer, military or other technical school training;

and 2H.2 For each service category requested:

2H.2.1 At least six (6) months of supervised, documented training on assembly, installation and service of the applicable radiation machine.

PART 2, APPENDIX 2I: QUALIFIED INSPECTOR (QI) ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

As provided by 2.4.4, approval of registration as a qualified inspector shall be given to an individual who:

2I.1 Has provided written documentation that the individual:

2I.1.1 Holds an associates or higher degree in physics, applied physics, biophysics, biophysical engineering, medical physics, radiologic physics, health physics, or equivalent, from an accredited college or university; and

2I.1.2 Has experience with each category of radiation machine for which approval is requested, including, but not limited to:

2I.1.2.1 Measuring ionizing radiation;

2I.1.2.2 Evaluating radiation machines and components;

2I.1.2.3 Evaluating facility radiation safety programs;

2I.1.2.4 Image processing;

2I.1.2.5 The applicable requirements of these regulations; and

2I.1.2.6 digital imaging and image processing system software and hardware, when applicable and available; and

2I.1.3 The experience duration required by 2I.1.2 will be in combination with the education requirements from 2I.1.1 as follows:

2I.1.3.1 One year with a masters or doctorate degree; or

2I.1.3.2 Two years with an arts or sciences baccalaureate degree; or

2I.1.3.3 Three years with an Associate Degree; and

2I.1.4 The experience required by 2I.1.2 shall be acquired:

2I.1.4.1 Within the 7 years preceding the date of application; or

2I.1.4.2 Through documented subsequent continuing education and experience within 7 years preceding the date of the application.

2I.2 Approval for registration as a Provisional Qualified Inspector shall be given to an individual who has met the requirements of 2I.1.1 and has:

2I.2.1 Provided training program documentation describing how the Provisional Qualified Inspector will meet the requirements of 2I.1.2, 2I.1.3 and 2I.1.4. The training program documentation shall:

2I.2.1.1 Require direct supervision of the Provisional Qualified Inspector during the evaluation of at least the initial five (5) radiation machines for each category inspected by the Provisional Qualified Inspector; and

2I.2.1.2 Identification of the Qualified Inspector(s) who will provide the Provisional Qualified Inspector with general supervision until the requirements of 2I.1.2, 2I.1.3 and 2I.1.4 are met.

2I.2.2 At the time when the requirements of 2I.1.2, 2I.1.3 and 2I.1.4 are met, the Provisional Qualified Inspectors must apply for registration as a Qualified Inspector.

21.2.3 Registered Qualified Inspectors may apply for approval as a Provisional Qualified Inspector for new categories that are being requested.

21.3 In addition to the requirements of 21.1, approval for registration in the Registered Medical Physicist category shall be given to an individual who:

21.3.1 Is certified by:

21.3.1.1 The American Board of Radiology in Radiological Physics, Diagnostic Medical Physics, Diagnostic Radiological Physics, Nuclear Medical Physics, or Medical Nuclear Physics; or

21.3.1.2 The American Board of Medical Physics in Diagnostic Radiological Physics or Nuclear Medicine Physics; or

21.3.1.3 The Canadian College of Physicists in Medicine in Radiological Physics; or

21.3.1.4 American Board of Science in Nuclear Medicine in Nuclear Medicine Physics and Instrumentation; or

21.3.1.5 A equivalent specialty board or certification approved by the department.

21.3.2 Approval for registration as a Provisional Registered Medical Physicist shall be given to an individual who is in the process of certification to meet 21.3.1 and has:

21.3.2.1 Passed the initial testing requirements of the respective certifying organization; and

21.3.2.2 Provided training program documentation describing how the Provisional Registered Medical Physicist will be supervised. The training program documentation will include:

(a) The names of the Registered Medical Physicist(s) who will provide general, direct or personal supervision as the individual works to meet the requirements of their certifying organization; and

(b) A list of specific duties, and the level of supervision for each duty, that the Provisional Registered Medical Physicist will perform.

21.4 In addition to the requirements of 21.1 and 21.3, approval for registration in the Mammography category shall be approved for a Registered Medical Physicist who:

21.4.1 Has the following combination of initial training and experience:

21.4.1.1 A master's degree or higher in a physical science from an accredited institution with no less than 20 semester hours in physics; and

21.4.1.2 Have 20 contact hours of specialized training in conducting mammography facility evaluations; and

21.4.1.3 Experience of conducting evaluations of at least one mammography facility and a total of at least ten (10) mammography units under the following conditions;

(a) No more than one evaluation of a specific unit within a period of sixty (60) calendar days can be counted towards the total mammography unit survey requirement; and

(b) This experience must be accomplished under the direct supervision of a Registered Medical Physicist with approval in the Mammography category;

21.4.2 And the following continuing education and experience:

21.4.2.1 At least fifteen (15) documented hours of continuing education in mammography which are no more than thirty-six months old;

- (a) Medical physicists failing to maintain the continuing education requirements of 21.4.2.1 must meet 21.4.2.1 requirements prior to independently conducting evaluations of mammography facilities.

21.4.2.2 Surveys of at least six (6) mammography units operated in at least two (2) mammography facilities within the immediately previous twenty-four (24) months;

- (a) Medical physicists failing to maintain the continuing experience requirements of 21.4.2.2 must meet 21.4.2.2 requirements while under the direct supervision of a Registered Medical Physicist with approval in the Mammography category.

21.4.2.3 Before a medical physicist may begin independently performing mammographic evaluations of a new mammographic modality, that is, a mammographic modality other than one for which the physicist received training to qualify under 21.4.1, the physicist must receive at least 8 hours of training in evaluating units of the new mammographic modality.

21.5 In addition to the requirements of 21.1, approval for registration as a Registered Medical Physicist for the Therapeutic Radiation Machines category shall be given to an individual who:

21.5.1 Is certified by:

21.5.1.1 The American Board of Radiology in Therapeutic Medical Physics, Therapeutic Radiological Physics or Radiological Physics; or

21.5.1.2 The American Board of Medical Physics in Radiation Oncology Physics; or

21.5.1.3 The Canadian College of Physicists in Medicine in Radiation Oncology Physics; or

21.5.1.4 A equivalent specialty board or certification approved by the department.

PART 2, APPENDIX 2J: QUALIFIED TRAINER (QT) ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

Any person who acts as a qualified trainer shall be an individual who:

- 2J.1 Has training and experience commensurate with criteria and standards for the radiation machine application(s) that adequately prepare the individual to carry out the specified training assignment(s).
 - 2J.1.1 An interpreting physician, radiologic technologist or medical physicist who is approved under MQSA program requirements is considered a qualified trainer for the respective competency.
 - 2J.1.2 A physician, radiologic technologist, or operator who is approved pursuant to 2.6.1 is considered a qualified trainer for the respective competency.
 - 2J.1.3 Other examples of an individual who might be considered by the Department to be a qualified trainer for the purpose of providing training to meet the requirements of this part include, but are not limited to, a trainer in a post-secondary-school training institution or a manufacturer's representative.

**PART 2, APPENDIX 2K: AUTHORIZED USER (24.3.3) FOR RADIATION THERAPY (24.7 OR 24.8)
ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE**

Any person who acts as an Authorized User for any therapeutic radiation machine subject to Part 24 shall be a physician who has a current active State of Colorado license and:

2K.1 Has provided evidence of current certification in:

2K.1.1 Radiology or therapeutic radiology by the American Board of Radiology; or

2K.1.2 Radiation oncology by the American Osteopathic Board of Radiology; or

2K.1.3 Therapeutic radiology by the Royal College of Physicians and Surgeons of Canada; or

2K.1.4 Radiology, with specialization in radiotherapy, by the British Royal College of Radiology, as a British "Fellow of the Faculty of Radiology" or "Fellow of the Royal College of Radiology" ; or

2K.1.5 Radiation therapy by a recognized specialty board that requires each candidate for certification to:

2K.1.5.1 Satisfactorily complete a certification process that includes training equivalent to that required in 2K.2.1 and supervised practical experience equivalent to that required by 2K.2.2; and

2K.1.5.2 Pass an examination, administered by diplomates of the specialty board, that tests knowledge and competence in radiation safety, treatment planning, quality assurance, and human use of therapeutic radiation machines; or

2K.2 Has satisfied the following criteria:

2K.2.1 Satisfactory completion of 700 hours in basic techniques applicable to the use of a therapeutic radiation machine unit, including:

2K.2.1.1 At least 200 hours of classroom and laboratory training in the following areas:

- (1) Radiation physics and instrumentation;
- (2) Radiation protection;
- (3) Mathematics pertaining to the use and measurement of radioactivity; and
- (4) Radiation biology; and

2K.2.1.2 At least 500 hours of work experience, involving:

- (1) Reviewing full calibration measurements and periodic quality assurance checks;
- (2) Evaluating prepared treatment plans, calculation of treatment times, and patient treatment settings;
- (3) Using administrative controls to prevent reportable medical events;

(4) Implementing emergency procedures to be followed in the event of the abnormal operation of a therapeutic radiation machine unit or console; and

(5) Checking and using of radiation survey meters; and

2K.2.2 Completion of 3 years of supervised clinical experience in radiation therapy, including:

2K.2.2.1 An approved formal training program, approved by the Residency Review Committee of the Accreditation Council for Graduate Medical Education or Committee on Post Graduate Training of the American Osteopathic Association; and

2K.2.2.2 Supervised clinical experience, under the supervision of an authorized user who meets the requirements of this Appendix 2K, or equivalent requirements, to include:

(1) Examining individuals and reviewing their case histories to determine their suitability for therapeutic radiation machine treatment, and any limitations and/or contraindications;

(2) Selecting proper dose and how it is to be administered;

(3) Calculating the therapeutic radiation machine doses and collaborating with the authorized user in the review of patients' progress and consideration of the need to modify originally prescribed doses and/or treatment plans as warranted by patients' reactions to radiation; and

(4) Post-administration follow-up and review of case histories.

2K.3 Training and experience required by Appendix 2K shall have been obtained:

2K.3.1 Within the 7 years preceding the date of license application; or

2K.3.2 Through documented subsequent continuing education and experience.

PART 2, APPENDIX 2L: RADIATION THERAPIST (24.3.5) ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

Any person who operates a radiation therapy machine on living humans shall be an individual who:

2L.1 Has provided evidence of:

2L.1.1 Successful completion of a training program in radiation therapy which has resulted in a certificate, associate degree, or baccalaureate degree in a radiologic technology program that complies with the requirements of:

2L.1.1.1 The Joint Review Committee on Education in Radiologic Technology (consult the 1988 Essentials and Guidelines of an Accredited Educational Program for the Radiation Therapy Technologist or the 2001 Standard for an Accredited Educational Program in Radiological Sciences); or

2L.1.1.2 An accreditation organization recognized by the Council for Higher Education Accreditation as an accrediting agency, other organizations recognized by the United States Department of Education (USDE) or the Council For Higher Education Accreditation (CHEA) to accredit educational programs in radiation therapy; and

2L.1.2 Accreditation as a radiation therapist by, and having continued to maintain registration by meeting the requirements of, The American Registry of Radiologic Technologists (ARRT), or

2L.1.3 Accreditation by a specialty board recognized by the Department as equivalent to ARRT.

2L.2 Has maintained a minimum of twenty-four (24) hours of continuing education every two years in the areas of radiology, radiation safety, radiography and similar fields. This education shall be documented by certificate(s) or other attestation(s) of satisfactory completion.

PART 2, APPENDIX 2M: QUALIFIED MAMMOGRAPHER ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

Any individual who performs mammography shall meet the following educational and experience requirements:

2M.1 Is certified by the American Registry of Radiologic Technologists in Mammography and meets the following initial requirements;

2M.1.1 Forty (40) hours or more documented training including breast anatomy and physiology, positioning and compression, quality assurance/quality control techniques, and imaging of patients with breast implants; and

2M.1.2 Eight (8) hours or more documented training in each mammography modality to be used by the technologist in performing mammography examinations; and

2M.1.3 Performance of at least 25 mammograms under the direct supervision of a qualified mammographer.

;

2M.2 Or, is a provisional mammographer working under the direct supervision of a qualified mammographer, who:

2M.2.1 Is enrolled in or has completed a structured and documented training program that meets the requirements of 2M.1.1 and 2M.1.2; and

2M.2.2 Has been approved as a Provisional Mammographer prior to performing mammograms to meet the requirements of 2M.1.3.

2M.3 Continuing education and continuing experience:

2M.3.1 Continuing education:

2M.3.1.1 A mammographer shall complete fifteen (15) hours of continuing education within the immediate prior 36 months.

(1) A mammographer who fails to meet the continuing education requirement of 2M.3.1.1 shall obtain a sufficient number of continuing education units in mammography to bring their total up to at least fifteen (15) in the previous 36 months.

(2) A mammographer who fails to meet the continuing education requirement of 2M.3.1.1 shall work only under direct supervision of a qualified mammographer until the requirement is met.

2M.3.2 Continuing Experience

2M.3.2.1 A mammographer shall have performed a minimum of 200 mammography examinations within the immediate prior 24 months.

- (1) A mammographer who fails to meet this continuing experience requirement shall perform a minimum of 25 mammography examinations under the direct supervision of a qualified mammographer before resuming the performance of unsupervised mammography examinations.

PART 2, APPENDIX 2N: INDUSTRIAL RADIATION MACHINE OPERATOR ADEQUATE RADIATION SAFETY TRAINING AND EXPERIENCE

Any person who operates an analytical, industrial or other non-healing-arts radiation generating machine shall be an individual who:

2N.1 For industrial radiography, has complied with all applicable training and experience requirements of Part 5 and these regulations.

2N.2 For all non-healing-arts applications (including but not limited to analytical, forensic, morgue, and homeland security uses) not subject to Part 5, has provided written documentation as evidence of:

2N.2.1 At least eight (8) hours of general training and experience in radiation safety acceptable to the Department, except as follows:

2N.2.1.1 One (1) hour for any hand-held non-healing-arts radiation generating machine;
or

2N.2.1.2 One (1) hour for any cabinet or self-contained airport or port-of-entry x ray machine or system; or

2N.2.1.3 Sufficient training and experience acceptable to the Department.

2N.2.2 The training required by 2N.2.1 shall include radiation safety training specific for each radiation machine used, and demonstration of an understanding thereof, including instruction in the:

2N.2.2.1 Proper operating procedures for the equipment, having read the operating manual;

2N.2.2.2 Identification of radiation hazards associated with the use of the equipment;

2N.2.2.3 Significance of the various radiation warning, safety devices, and interlocks incorporated into the equipment, or the reasons they have not been installed on certain pieces of equipment, and the extra precautions required in such cases;

2N.2.2.4 Recognition of symptoms of an acute localized exposure; and

2N.2.2.5 Proper procedures for reporting an actual or suspected exposure; and

2N.2.3 Has subsequent documented annual training.

EDITOR'S NOTES

6 CCR 1007-1 has been divided into smaller sections for ease of use. Versions prior to 4/1/07 and rule history are located in the first section, 6 CCR 1007-1. Prior versions can be accessed from the History link that appears above the text in 6 CCR 1007-1. To view versions effective on or after 4/1/07, Select the desired part of the rule, for example 6 CCR 1007-1 Part 1 or 6 CCR 1007-1 Parts 8 - 10.

History

[For history of this section, see Editor's Notes in the first section, 6 CCR 1007-1]

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00464

Opinion of the Attorney General rendered in connection with the rules adopted by the
Hazardous Materials and Waste Management Division

on 06/18/2014

6 CCR 1007-1 Part 02

RADIATION CONTROL - REGISTRATION OF RADIATION MACHINES, FACILITIES AND
SERVICES

The above-referenced rules were submitted to this office on 06/23/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 01, 2014 14:43:27

A handwritten signature in black ink, appearing to read "DD", is written over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Hazardous Materials and Waste Management Division

CCR number

6 CCR 1007-1 Parts16-20

Rule title

6 CCR 1007-1 Parts16-20 RADIATION CONTROL - WIRELINE SERV OPS & SUBSURFACE TRACER STUDIES; TRANSPORT- RAD MATERIAL; LICENSING- URANIUM & THORIUM PROCESSING; IRRADIATORS; PARTICLE ACCELERATORS & THERAPEUTIC RAD- HEALING ARTS 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Hazardous Materials and Waste Management Division

RADIATION CONTROL – TRANSPORTATION OF RADIOACTIVE MATERIALS

6 CCR 1007-1 Part 17

PART 17: TRANSPORTATION OF RADIOACTIVE MATERIALS

Adopted by the Board of Health on June 18, 2014

* * *

[* * * = Indicates omission of unaffected rules]

* * *

[Publication Instructions: Replace current existing text for "Certificate of Compliance" in Section 17.2.2 with the following revised text which updates the date.]

"Certificate of Compliance" (COC) means the certificate issued by the NRC under subpart D of 10 CFR 71 (January 1, 2014) which approves the design of a package for the transportation of radioactive material.

* * *

[Publication Instructions: In Section 17.2.2 following the definition for "Graphite", insert the following new definition/text for "Indian tribe".]

"Indian tribe" means an Indian or Alaska native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

* * *

[Publication Instructions: In Section 17.2.2 within the definition for "Low specific activity material", and after subsection "(1) LSA-I", insert the following revised and renumbered subsections.]

- (a) Uranium and thorium ores, concentrates of uranium and thorium ores, and other ores containing naturally occurring radionuclides which are not intended to be processed for the use of these radionuclides; or
- (b) Solid unirradiated natural uranium or depleted uranium or natural thorium or their solid or liquid compounds or mixtures.

- (c) Radioactive material, other than fissile material, for which the A_2 value in Appendix 17A is unlimited; or
- (d) Other radioactive material in which the activity is distributed throughout and the estimated average specific activity does not exceed 30 times the value for exempt material activity concentration determined in accordance with Appendix 17A.

* * *

[Publication Instructions: Replace current definition for "Regulations of the NRC" in the existing text of Section 17.2.2 and replace with the following revised text/definition.]

"Regulations of the NRC" means the regulations in 10 CFR 71 (January 1, 2014) for purposes of Part 17.

* * *

[Publication Instructions: Following the definition of "Transport index" in Section 17.2.2, insert the following new text/definition.]

"Tribal official" means the highest ranking individual that represents Tribal leadership, such as the Chief, President, or Tribal Council leadership.

* * *

[Publication Instructions: Following 17.4.3, insert the following new section 17.4.4.]

17.4.4 Any physician licensed by a state to dispense drugs in the practice of medicine is exempt from 17.5 with respect to transport by the physician of licensed material for use in the practice of medicine. However, any physician operating under this exemption must be licensed under Part 7 or equivalent requirements of another Agreement State or NRC.

* * *

[Publication Instructions: Replace current existing text in Section 17.8.1.2(4) and replace with the following revised subsection (4).]

- (4) Complies with the applicable requirements of Part 17, sections 17.1 through 17.5, 17.10 through 17.17, and 10 CFR 71 Subparts A, G, and H. With respect to the quality assurance provisions of 10 CFR 71 Subpart H, the licensee is exempt from design, construction, and fabrication considerations.

* * *

[Publication Instructions: Delete Section 17.8.2 and subsections 17.8.2.1, and 17.8.2.2 in its entirety.]

* * *

[Publication Instructions: Replace the current existing text in Section 17.11 with the following revised section and subsections.]

17.11 Advance Notification of Shipment of Nuclear Waste.

17.11.1 As specified in 17.11.3, 17.11.4, and 17.11.5, each licensee shall provide advance notification to the governor of a state, or the governor's designee, of the shipment of licensed material (nuclear waste), within or across the boundary of the state, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

17.11.2 As specified in 17.11.3, 17.11.4, and 17.11.5 of this section, after June 11, 2013, each licensee shall provide advance notification to the Tribal official of participating Tribes referenced in 17.11.4.3(3), or the official's designee, of the shipment of licensed material, within or across the boundary of the Tribe's reservation, before the transport, or delivery to a carrier, for transport, of licensed material outside the confines of the licensee's plant or other place of use or storage.

17.11.3 Advance notification is also required under this section for the shipment of licensed material, other than irradiated fuel, meeting the following three conditions:

17.11.3.1 The licensed material is required by this part to be in Type B packaging for transportation;

17.11.3.2 The licensed material is being transported to or across a state boundary en route to a disposal facility or to a collection point for transport to a disposal facility; and

17.11.3.3 The quantity of licensed material in a single package exceeds the least of the following:

- (1) 3000 times the A_1 value of the radionuclides as specified in Appendix 17A, Table A1 for special form radioactive material; or
- (2) 3000 times the A_2 value of the radionuclides as specified in Appendix 17A, Table A1 for normal form radioactive material; or
- (3) 1000 TBq (27,000 Ci).

17.11.4 Procedures for submitting advance notification

17.11.4.1 The notification must be made in writing to:

- (1) The office of each appropriate governor or governor's designee;
- (2) The office of each appropriate Tribal official or Tribal official's designee;
- (3) The Department.

17.11.4.2 A notification delivered by mail must be postmarked at least 7 days before the beginning of the 7 day period during which departure of the shipment is estimated to occur.

17.11.4.3 A notification delivered by any other means than mail must reach the office of the governor or of the governor's designee or the Tribal official, or Tribal official's designee at least 4 days before the beginning of the 7-day period during which departure of the shipment is estimated to occur.

(1) A list of the names and mailing addresses of the governors' designees receiving advance notification of transportation of nuclear waste was published in the Federal Register on June 30, 1995 (60 FR 34306)

(2) The list of governor's designees and Tribal official's designees of participating Tribes will be published annually in the Federal Register on or about June 30th to reflect any changes in information.

(3) A list of the names and mailing addresses of the governor's designees and Tribal official's designees of participating Tribes is available on request from the Director, Division of Intergovernmental Liaison and Rulemaking, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

17.11.4.4 The licensee shall retain a copy of the notification as a record for 3 years.

17.11.5 Information to be furnished in advance notification of shipment.

17.11.5.1 Each advance notification of nuclear waste shall contain the following information:

- (1) The name, address, and telephone number of the shipper, carrier, and receiver of the nuclear waste shipment;
- (2) A description of the nuclear waste contained in the shipment, as required by 49 CFR 172.202 and 172.203(d);
- (3) The point of origin of the shipment and the 7-day period during which departure of the shipment is estimated to occur;
- (4) The 7-day period during which arrival of the shipment at state boundaries or Tribal reservation boundaries is estimated to occur;
- (5) The destination of the shipment, and the 7-day period during which arrival of the shipment is estimated to occur; and
- (6) A point of contact with a telephone number for current shipment information.

17.11.6 Revision notice

17.11.6.1 A licensee who finds that schedule information previously furnished to a governor or governor's designee or a Tribal official or Tribal official's designee, in accordance with this section, will not be met, shall:

- (1) Telephone a responsible individual in the office of the governor of the state or of the governor's designee or the Tribal official or Tribal official's designee and inform that individual of the extent of the delay beyond the schedule originally reported; and
- (2) Maintain a record of the name of the individual contacted for 3 years.

17.11.7 Cancellation notice

17.11.7.1 Each licensee who cancels a nuclear waste shipment, for which advance notification has been sent, shall:

- (1) Send a cancellation notice to the governor of each state, or governor's designee previously notified, each Tribal official or Tribal official's designee previously notified and to the Department;
- (2) State in the notice that it is a cancellation and identify the advance notification that is being cancelled; and
- (3) Retain a copy of the notice for 3 years.

* * *

[Publication Instructions: Replace current existing text from Section 17.15.11 with the following revised section/text.]

17.15.11 For shipments made under the provisions of Section 17.15.10, the shipper shall provide specific written instructions to the carrier for maintenance of the exclusive use shipment controls. The instructions must be included with the shipping paper information.

* * *

[Publication Instructions: Following Section 17.11.15, insert the following revised text/sections/section numbering and text.]

17.15.12 The written instructions required for exclusive use shipments must be sufficient so that, when followed, they will cause the carrier to avoid actions that will:

17.15.12.1 Unnecessarily delay delivery; or

17.15.12.2 Unnecessarily result in increased radiation levels or radiation exposures to transport workers or members of the general public.

17.15.13 A package must be prepared for transport so that in still air at 100 degrees Fahrenheit (38 degrees Celsius) and in the shade, no accessible surface of a package would have a temperature exceeding 50 degrees Celsius (122 degrees Fahrenheit) in a nonexclusive use shipment or 82 degrees Celsius (185 degrees Fahrenheit) in an exclusive use shipment. Accessible package surface temperatures shall not exceed these limits at any time during transportation.

17.15.14 A package may not incorporate a feature intended to allow continuous venting during transport.

17.15.15 Before delivery of a package to a carrier for transport, the licensee shall ensure that any special instructions needed to safely open the package have been sent to the consignee, or otherwise made available to the consignee, for the consignee's use in accordance with 4.32.5.2.

* * *

[Publication Instructions: After Section 17.17.8, insert a page break such that Appendix 17A begins at the top of the page.]

* * *

[Publication Instructions: In Appendix 17A, subsection 17A4.1, replace the current equation with the following corrected equation/graphic.]

$$\sum_i \frac{B(i)}{A_1(i)} \leq 1$$

* * *

[Publication Instructions: After Section 17A5 insert a page break such that Table 17A1 begins at the top of the next page. No text change.]

* * *

[Publication Instructions: Replace current existing text/tables from Appendix 17A, Tables 17A1 through Table 17A4 with the following revised tables and text. EDITORIAL NOTE: TABLE 17A1, WHICH SPANS MULTIPLE PAGES, SHOULD CONTINUE TO DISPLAY THE HEADER INFORMATION ON EACH INDIVIDUAL PAGE AS SHOWN IN THE CURRENT RULE. THE HEADER INFORMATION DID NOT DISPLAY IN THIS MANNER WHEN THE INITIAL DOCUMENT WAS RECEIVED FROM SECRETARY OF STATE WEBSITE FOR EDITING.]

TABLE 17A1: A₁ AND A₂ VALUES FOR RADIONUCLIDES – Part 1 of 4

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci)b	A ₂ (TBq)	A ₂ (Ci)b	Specific activity (TBq/g)	Specific activity (Ci/g)
Ac-225 (a)	Actinium (89)	8.0X10 ⁻¹	2.2X10 ¹	6.0X10 ⁻³	1.6X10 ⁻¹	2.1X10 ³	5.8X10 ⁴
Ac-227 (a)	.	9.0X10 ⁻¹	2.4X10 ¹	9.0X10 ⁻⁵	2.4X10 ⁻³	2.7	7.2X10 ¹
Ac-228	.	6.0X10 ⁻¹	1.6X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	8.4X10 ⁴	2.2X10 ⁶
Ag-105	Silver (47)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	1.1X10 ³	3.0X10 ⁴
Ag-108m (a)	.	7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	9.7X10 ⁻¹	2.6X10 ¹
Ag-110m (a)	.	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.8X10 ²	4.7X10 ³
Ag-111	.	2.0	5.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	5.8X10 ³	1.6X10 ⁵
Al-26	Aluminum (13)	1.0X10 ⁻¹	2.7	1.0X10 ⁻¹	2.7	7.0X10 ⁻⁴	1.9X10 ⁻²
Am-241	Americium (95)	1.0X10 ¹	2.7X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	1.3X10 ⁻¹	3.4
Am-242m (a)	.	1.0X10 ¹	2.7X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	3.6X10 ⁻¹	1.0X10 ¹
Am-243 (a)	.	5.0	1.4X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	7.4X10 ⁻³	2.0X10 ⁻¹
Ar-37	Argon (18)	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	3.7X10 ³	9.9X10 ⁴
Ar-39	.	4.0X10 ¹	1.1X10 ³	2.0X10 ¹	5.4X10 ²	1.3	3.4X10 ¹
Ar-41	.	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.5X10 ⁶	4.2X10 ⁷

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

As-72	Arsenic (33)	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	6.2×10^4	1.7×10^6
As-73	.	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	8.2×10^2	2.2×10^4
As-74	.	1.0	2.7×10^1	9.0×10^{-1}	2.4×10^1	3.7×10^3	9.9×10^4
As-76	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	5.8×10^4	1.6×10^6
As-77	.	2.0×10^1	5.4×10^2	7.0×10^{-1}	1.9×10^1	3.9×10^4	1.0×10^6
At-211 (a)	Astatine (85)	2.0×10^1	5.4×10^2	5.0×10^{-1}	1.4×10^1	7.6×10^4	2.1×10^6
Au-193	Gold (79)	7.0	1.9×10^2	2.0	5.4×10^1	3.4×10^4	9.2×10^5
Au-194	.	1.0	2.7×10^1	1.0	2.7×10^1	1.5×10^4	4.1×10^5
Au-195	.	1.0×10^1	2.7×10^2	6.0	1.6×10^2	1.4×10^2	3.7×10^3
Au-198	.	1.0	2.7×10^1	6.0×10^{-1}	1.6×10^1	9.0×10^3	2.4×10^5
Au-199	.	1.0×10^1	2.7×10^2	6.0×10^{-1}	1.6×10^1	7.7×10^3	2.1×10^5
Ba-131 (a)	Barium (56)	2.0	5.4×10^1	2.0	5.4×10^1	3.1×10^3	8.4×10^4
Ba-133	.	3.0	8.1×10^1	3.0	8.1×10^1	9.4	2.6×10^2
Ba-133m	.	2.0×10^1	5.4×10^2	6.0×10^{-1}	1.6×10^1	2.2×10^4	6.1×10^5
Ba-140 (a)	.	5.0×10^{-1}	1.4×10^1	3.0×10^{-1}	8.1	2.7×10^3	7.3×10^4
Be-7	Beryllium (4)	2.0×10^1	5.4×10^2	2.0×10^1	5.4×10^2	1.3×10^4	3.5×10^5
Be-10	.	4.0×10^1	1.1×10^3	6.0×10^{-1}	1.6×10^1	8.3×10^{-4}	2.2×10^{-2}
Bi-205	Bismuth (83)	7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	1.5×10^3	4.2×10^4
Bi-206	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	3.8×10^3	1.0×10^5
Bi-207	.	7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	1.9	5.2×10^1
Bi-210	.	1.0	2.7×10^1	6.0×10^{-1}	1.6×10^1	4.6×10^3	1.2×10^5
Bi-210m (a)	.	6.0×10^{-1}	1.6×10^1	2.0×10^{-2}	5.4×10^{-1}	2.1×10^{-5}	5.7×10^{-4}
Bi-212 (a)	.	7.0×10^{-1}	1.9×10^1	6.0×10^{-1}	1.6×10^1	5.4×10^5	1.5×10^7
Bk-247	Berkelium (97)	8.0	2.2×10^2	8.0×10^{-4}	2.2×10^{-2}	3.8×10^{-2}	1.0
Bk-249 (a)	.	4.0×10^1	1.1×10^3	3.0×10^{-1}	8.1	6.1×10^1	1.6×10^3
Br-76	Bromine (35)	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	9.4×10^4	2.5×10^6
Br-77	.	3.0	8.1×10^1	3.0	8.1×10^1	2.6×10^4	7.1×10^5
Br-82	.	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	4.0×10^4	1.1×10^6
C-11	Carbon (6)	1.0	2.7×10^1	6.0×10^{-1}	1.6×10^1	3.1×10^7	8.4×10^8
C-14	.	4.0×10^1	1.1×10^3	3.0	8.1×10^1	1.6×10^{-1}	4.5
Ca-41	Calcium (20)	Unlimited	Unlimited	Unlimited	Unlimited	3.1×10^{-3}	8.5×10^{-2}
Ca-45	.	4.0×10^1	1.1×10^3	1.0	2.7×10^1	6.6×10^2	1.8×10^4

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Ca-47 (a)	.	3.0	8.1X10 ¹	3.0X10 ⁻¹	8.1	2.3X10 ⁴	6.1X10 ⁵
Cd-109	Cadmium (48)	3.0X10 ¹	8.1X10 ²	2.0	5.4X10 ¹	9.6X10 ¹	2.6X10 ³
Cd-113m	.	4.0X10 ¹	1.1X10 ³	5.0X10 ⁻¹	1.4X10 ¹	8.3	2.2X10 ²
Cd-115 (a)	.	3.0	8.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.9X10 ⁴	5.1X10 ⁵
Cd-115m	.	5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	9.4X10 ²	2.5X10 ⁴
Ce-139	Cerium (58)	7.0	1.9X10 ²	2.0	5.4X10 ¹	2.5X10 ²	6.8X10 ³
Ce-141	.	2.0X10 ¹	5.4X10 ²	6.0X10 ⁻¹	1.6X10 ¹	1.1X10 ³	2.8X10 ⁴
Ce-143	.	9.0X10 ⁻¹	2.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	2.5X10 ⁴	6.6X10 ⁵
Ce-144 (a)	.	2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	1.2X10 ²	3.2X10 ³
Cf-248	Californium (98)	4.0X10 ¹	1.1X10 ³	6.0X10 ⁻³	1.6X10 ⁻¹	5.8X10 ¹	1.6X10 ³
Cf-249	.	3.0	8.1X10 ¹	8.0X10 ⁻⁴	2.2X10 ⁻²	1.5X10 ⁻¹	4.1
Cf-250	.	2.0X10 ¹	5.4X10 ²	2.0X10 ⁻³	5.4X10 ⁻²	4.0	1.1X10 ²
Cf-251	.	7.0	1.9X10 ²	7.0X10 ⁻⁴	1.9X10 ⁻²	5.9X10 ⁻²	1.6
Cf-252 (h)	.	5.0X10 ⁻²	1.4	3.0X10 ⁻³	8.1X10 ⁻²	2.0X10 ¹	5.4X10 ²
Cf-253 (a)	.	4.0X10 ¹	1.1X10 ³	4.0X10 ⁻²	1.1	1.1X10 ³	2.9X10 ⁴
Cf-254	.	1.0X10 ⁻³	2.7X10 ⁻²	1.0X10 ⁻³	2.7X10 ⁻²	3.1X10 ²	8.5X10 ³
Cl-36	Chlorine (17)	1.0X10 ¹	2.7X10 ²	6.0X10 ⁻¹	1.6X10 ¹	1.2X10 ⁻³	3.3X10 ⁻²
Cl-38	.	2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	4.9X10 ⁶	1.3X10 ⁸
Cm-240	Curium (96)	4.0X10 ¹	1.1X10 ³	2.0X10 ⁻²	5.4X10 ⁻¹	7.5X10 ²	2.0X10 ⁴
Cm-241	.	2.0	5.4X10 ¹	1.0	2.7X10 ¹	6.1X10 ²	1.7X10 ⁴
Cm-242	.	4.0X10 ¹	1.1X10 ³	1.0X10 ⁻²	2.7X10 ⁻¹	1.2X10 ²	3.3X10 ³
Cm-243	.	9.0	2.4X10 ²	1.0X10 ⁻³	2.7X10 ⁻²	1.9X10 ⁻³	5.2X10 ¹
Cm-244	.	2.0X10 ¹	5.4X10 ²	2.0X10 ⁻³	5.4X10 ⁻²	3.0	8.1X10 ¹
Cm-245	.	9.0	2.4X10 ²	9.0X10 ⁻⁴	2.4X10 ⁻²	6.4X10 ⁻³	1.7X10 ⁻¹
Cm-246	.	9.0	2.4X10 ²	9.0X10 ⁻⁴	2.4X10 ⁻²	1.1X10 ⁻²	3.1X10 ⁻¹
Cm-247 (a)	.	3.0	8.1X10 ¹	1.0X10 ⁻³	2.7X10 ⁻²	3.4X10 ⁻⁶	9.3X10 ⁻⁵
Cm-248	.	2.0X10 ⁻²	5.4X10 ⁻¹	3.0X10 ⁻⁴	8.1X10 ⁻³	1.6X10 ⁻⁴	4.2X10 ⁻³
Co-55	Cobalt (27)	5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	1.1X10 ⁵	3.1X10 ⁶
Co-56	.	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.1X10 ³	3.0X10 ⁴
Co-57	.	1.0X10 ¹	2.7X10 ²	1.0X10 ¹	2.7X10 ²	3.1X10 ²	8.4X10 ³
Co-58	.	1.0	2.7X10 ¹	1.0	2.7X10 ¹	1.2X10 ³	3.2X10 ⁴
Co-58m	.	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	2.2X10 ⁵	5.9X10 ⁶
Co-60	.	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	4.2X10 ¹	1.1X10 ³
Cr-51	Chromium (24)	3.0X10 ¹	8.1X10 ²	3.0X10 ¹	8.1X10 ²	3.4X10 ³	9.2X10 ⁴
Cs-129	Cesium	4.0	1.1X10 ²	4.0	1.1X10 ²	2.8X10 ⁴	7.6X10 ⁵

	(55)						
Cs-131	.	3.0×10^1	8.1×10^2	3.0×10^1	8.1×10^2	3.8×10^3	1.0×10^5
Cs-132	.	1.0	2.7×10^1	1.0	2.7×10^1	5.7×10^3	1.5×10^5
Cs-134	.	7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	4.8×10^1	1.3×10^3
Cs-134m	.	4.0×10^1	1.1×10^3	6.0×10^{-1}	1.6×10^1	3.0×10^5	8.0×10^6
Cs-135	.	4.0×10^1	1.1×10^3	1.0	2.7×10^1	4.3×10^{-5}	1.2×10^{-3}
Cs-136	.	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	2.7×10^3	7.3×10^4
Cs-137 (a)	.	2.0	5.4×10^1	6.0×10^{-1}	1.6×10^1	3.2	8.7×10^1
Cu-64	Copper (29)	6.0	1.6×10^2	1.0	2.7×10^1	1.4×10^5	3.9×10^6
Cu-67	.	1.0×10^1	2.7×10^2	7.0×10^{-1}	1.9×10^1	2.8×10^4	7.6×10^5
Dy-159	Dysprosium (66)	2.0×10^1	5.4×10^2	2.0×10^1	5.4×10^2	2.1×10^2	5.7×10^3
Dy-165	.	9.0×10^{-1}	2.4×10^1	6.0×10^{-1}	1.6×10^1	3.0×10^5	8.2×10^6
Dy-166 (a)	.	9.0×10^{-1}	2.4×10^1	3.0×10^{-1}	8.1	8.6×10^3	2.3×10^5
Er-169	Erbium (68)	4.0×10^1	1.1×10^3	1.0	2.7×10^1	3.1×10^3	8.3×10^4
Er-171	.	8.0×10^{-1}	2.2×10^1	5.0×10^{-1}	1.4×10^1	9.0×10^4	2.4×10^6
Eu-147	Europium (63)	2.0	5.4×10^1	2.0	5.4×10^1	1.4×10^3	3.7×10^4

TABLE 17A1: A₁ AND A₂ VALUES FOR RADIONUCLIDES – Part 2 of 4

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci) ^b	A ₂ (TBq)	A ₂ (Ci) ^b	Specific activity (TBq/g)	Specific activity (Ci/g)
.	(TBq/g)	(Ci/g)
Eu-148	.	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	6.0×10^2	1.6×10^4
Eu-149	.	2.0×10^1	5.4×10^2	2.0×10^1	5.4×10^2	3.5×10^2	9.4×10^3
Eu-150. (short.lived)	.	2.0	5.4×10^1	7.0×10^{-1}	1.9×10^1	6.1×10^4	1.6×10^6
Eu-150. (long.lived)	.	7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	6.1×10^4	1.6×10^6
Eu-152	.	1.0	2.7×10^1	1.0	2.7×10^1	6.5	1.8×10^2
Eu-152m	.	8.0×10^{-1}	2.2×10^1	8.0×10^{-1}	2.2×10^1	8.2×10^4	2.2×10^6
Eu-154	.	9.0×10^{-1}	2.4×10^1	6.0×10^{-1}	1.6×10^1	9.8	2.6×10^2
Eu-155	.	2.0×10^1	5.4×10^2	3.0	8.1×10^1	1.8×10^1	4.9×10^2
Eu-156	.	7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	2.0×10^3	5.5×10^4
F-18	Fluorine.(9)	1.0	2.7×10^1	6.0×10^{-1}	1.6×10^1	3.5×10^6	9.5×10^7
Fe-52.(a)	Iron.(26)	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	2.7×10^5	7.3×10^6
Fe-55	.	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	8.8×10^1	2.4×10^3

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Fe-59	.	9.0×10^{-1}	2.4×10^1	9.0×10^{-1}	2.4×10^1	1.8×10^3	5.0×10^4
Fe-60 (a)	.	4.0×10^1	1.1×10^3	2.0×10^{-1}	5.4	7.4×10^{-4}	2.0×10^{-2}
Ga-67	Gallium (31)	7.0	1.9×10^2	3.0	8.1×10^1	2.2×10^4	6.0×10^5
Ga-68	.	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	1.5×10^6	4.1×10^7
Ga-72	.	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	1.1×10^5	3.1×10^6
Gd-146.(a)	Gadolinium (64)	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	6.9×10^2	1.9×10^4
Gd-148	.	2.0×10^1	5.4×10^2	2.0×10^{-3}	5.4×10^{-2}	1.2	3.2×10^1
Gd-153	.	1.0×10^1	2.7×10^2	9.0	2.4×10^2	1.3×10^2	3.5×10^3
Gd-159	.	3.0	8.1×10^1	6.0×10^{-1}	1.6×10^1	3.9×10^4	1.1×10^6
Ge-68.(a)	Germanium (32)	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	2.6×10^2	7.1×10^3
Ge-71	.	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	5.8×10^3	1.6×10^5
Ge-77	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	1.3×10^5	3.6×10^6
Hf-172 (a)	Hafnium (72)	6.0×10^{-1}	1.6×10^1	6.0×10^{-1}	1.6×10^1	4.1×10^1	1.1×10^3
Hf-175	.	3.0	8.1×10^1	3.0	8.1×10^1	3.9×10^2	1.1×10^4
Hf-181	.	2.0	5.4×10^1	5.0×10^{-1}	1.4×10^1	6.3×10^2	1.7×10^4
Hf-182	.	Unlimited	Unlimited	Unlimited	Unlimited	8.1×10^{-6}	2.2×10^{-4}
Hg-194 (a)	Mercury (80)	1.0	2.7×10^1	1.0	2.7×10^1	1.3×10^{-1}	3.5
Hg-195m (a)	.	3.0	8.1×10^1	7.0×10^{-1}	1.9×10^1	1.5×10^4	4.0×10^5
Hg-197	.	2.0×10^1	5.4×10^2	1.0×10^1	2.7×10^2	9.2×10^3	2.5×10^5
Hg-197m	.	1.0×10^1	2.7×10^2	4.0×10^{-1}	1.1×10^1	2.5×10^4	6.7×10^5
Hg-203	.	5.0	1.4×10^2	1.0	2.7×10^1	5.1×10^2	1.4×10^4
Ho-166	Holmium (67)	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	2.6×10^4	7.0×10^5
Ho-166m	.	6.0×10^{-1}	1.6×10^1	5.0×10^{-1}	1.4×10^1	6.6×10^{-2}	1.8
I-123	Iodine (53)	6.0	1.6×10^2	3.0	8.1×10^1	7.1×10^4	1.9×10^6
I-124	.	1.0	2.7×10^1	1.0	2.7×10^1	9.3×10^3	2.5×10^5
I-125	.	2.0×10^1	5.4×10^2	3.0	8.1×10^1	6.4×10^2	1.7×10^4
I-126	.	2.0	5.4×10^1	1.0	2.7×10^1	2.9×10^3	8.0×10^4
I-129	.	Unlimited	Unlimited	Unlimited	Unlimited	6.5×10^{-6}	1.8×10^{-4}
I-131	.	3.0	8.1×10^1	7.0×10^{-1}	1.9×10^1	4.6×10^3	1.2×10^5
I-132	.	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	3.8×10^5	1.0×10^7
I-133	.	7.0×10^{-1}	1.9×10^1	6.0×10^{-1}	1.6×10^1	4.2×10^4	1.1×10^6
I-134	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	9.9×10^5	2.7×10^7
I-135.(a)	.	6.0×10^{-1}	1.6×10^1	6.0×10^{-1}	1.6×10^1	1.3×10^5	3.5×10^6
In-111	Indium (49)	3.0	8.1×10^1	3.0	8.1×10^1	1.5×10^4	4.2×10^5

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

In-113m	.	4.0	1.1X10 ²	2.0	5.4X10 ¹	6.2X10 ⁵	1.7X10 ⁷
In-114m.(a)	.	1.0X10 ¹	2.7X10 ²	5.0X10 ⁻¹	1.4X10 ¹	8.6X10 ²	2.3X10 ⁴
In-115m	.	7.0	1.9X10 ²	1.0	2.7X10 ¹	2.2X10 ⁵	6.1X10 ⁶
Ir-189.(a)	Iridium (77)	1.0X10 ¹	2.7X10 ²	1.0X10 ¹	2.7X10 ²	1.9X10 ³	5.2X10 ⁴
Ir-190	.	7.0X10 ⁻¹	1.9X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	2.3X10 ³	6.2X10 ⁴
Ir-192.(c)	.	1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	3.4X10 ²	9.2X10 ³
Ir-194	.	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	3.1X10 ⁴	8.4X10 ⁵
K-40	Potassium (19)	9.0X10 ⁻¹	2.4X10 ¹	9.0X10 ⁻¹	2.4X10 ¹	2.4X10 ⁻⁷	6.4X10 ⁻⁶
K-42	.	2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	2.2X10 ⁵	6.0X10 ⁶
K-43	.	7.0X10 ⁻¹	1.9X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	1.2X10 ⁵	3.3X10 ⁶
Kr-81	Krypton (36)	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	7.8X10 ⁻⁴	2.1X10 ⁻²
Kr-85	.	1.0X10 ¹	2.7X10 ²	1.0X10 ¹	2.7X10 ²	1.5X10 ¹	3.9X10 ²
Kr-85m	.	8.0	2.2X10 ²	3.0	8.1X10 ¹	3.0X10 ⁵	8.2X10 ⁶
Kr-87	.	2.0X10 ⁻¹	5.4	2.0X10 ⁻¹	5.4	1.0X10 ⁶	2.8X10 ⁷
La-137	Lanthanum (57)	3.0X10 ¹	8.1X10 ²	6.0	1.6X10 ²	1.6X10 ⁻³	4.4X10 ⁻²
La-140	.	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	2.1X10 ⁴	5.6X10 ⁵
Lu-172	Lutetium (71)	6.0X10 ⁻¹	1.6X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	4.2X10 ³	1.1X10 ⁵
Lu-173	.	8.0	2.2X10 ²	8.0	2.2X10 ²	5.6X10 ¹	1.5X10 ³
Lu-174	.	9.0	2.4X10 ²	9.0	2.4X10 ²	2.3X10 ¹	6.2X10 ²
Lu-174m	.	2.0X10 ¹	5.4X10 ²	1.0X10 ¹	2.7X10 ²	2.0X10 ²	5.3X10 ³
Lu-177	.	3.0X10 ¹	8.1X10 ²	7.0X10 ⁻¹	1.9X10 ¹	4.1X10 ³	1.1X10 ⁵
Mg-28.(a)	Magnesium (12)	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	2.0X10 ⁵	5.4X10 ⁶
Mn-52	Manganese (25)	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.6X10 ⁴	4.4X10 ⁵
Mn-53	.	Unlimited	Unlimited	Unlimited	Unlimited	6.8X10 ⁻⁵	1.8X10 ⁻³
Mn-54	.	1.0	2.7X10 ¹	1.0	2.7X10 ¹	2.9X10 ²	7.7X10 ³
Mn-56	.	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	8.0X10 ⁵	2.2X10 ⁷
Mo-93	Molybdenum (42)	4.0X10 ¹	1.1X10 ³	2.0X10 ¹	5.4X10 ²	4.1X10 ⁻²	1.1
Mo-99 (a) (i)	.	1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	1.8X10 ⁴	4.8X10 ⁵
N-13	Nitrogen (7)	9.0X10 ⁻¹	2.4X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	5.4X10 ⁷	1.5X10 ⁹
Na-22	Sodium (11)	5.0X10 ⁻¹	1.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	2.3X10 ²	6.3X10 ³

Na-24	.	2.0×10^{-1}	5.4	2.0×10^{-1}	5.4	3.2×10^5	8.7×10^6
Nb-93m	Niobium (41)	4.0×10^1	1.1×10^3	3.0×10^1	8.1×10^2	8.8	2.4×10^2
Nb-94	.	7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	6.9×10^{-3}	1.9×10^{-1}
Nb-95	.	1.0	2.7×10^1	1.0	2.7×10^1	1.5×10^3	3.9×10^4
Nb-97	.	9.0×10^{-1}	2.4×10^1	6.0×10^{-1}	1.6×10^1	9.9×10^5	2.7×10^7
Nd-147	Neodymium (60)	6.0	1.6×10^2	6.0×10^{-1}	1.6×10^1	3.0×10^3	8.1×10^4
Nd-149	.	6.0×10^{-1}	1.6×10^1	5.0×10^{-1}	1.4×10^1	4.5×10^5	1.2×10^7
Ni-59	Nickel (28)	Unlimited	Unlimited	Unlimited	Unlimited	3.0×10^{-3}	8.0×10^{-2}
Ni-63	.	4.0×10^1	1.1×10^3	3.0×10^1	8.1×10^2	2.1	5.7×10^1
Ni-65	.	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	7.1×10^5	1.9×10^7
Np-235	Neptunium (93)	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	5.2×10^1	1.4×10^3
Np-236 (short-lived)	.	2.0×10^1	5.4×10^2	2.0	5.4×10^1	4.7×10^{-4}	1.3×10^{-2}
Np-236 (long-lived)	.	9.0×10^0	2.4×10^2	2.0×10^{-2}	5.4×10^{-1}	4.7×10^{-4}	1.3×10^{-2}
Np-237	.	2.0×10^1	5.4×10^2	2.0×10^{-3}	5.4×10^{-2}	2.6×10^{-5}	7.1×10^{-4}
Np-239	.	7.0	1.9×10^2	4.0×10^{-1}	1.1×10^1	8.6×10^3	2.3×10^5
Os-185	Osmium (76)	1.0	2.7×10^1	1.0	2.7×10^1	2.8×10^2	7.5×10^3
Os-191	.	1.0×10^1	2.7×10^2	2.0	5.4×10^1	1.6×10^3	4.4×10^4
Os-191m	.	4.0×10^1	1.1×10^3	3.0×10^1	8.1×10^2	4.6×10^4	1.3×10^6
Os-193	.	2.0	5.4×10^1	6.0×10^{-1}	1.6×10^1	2.0×10^4	5.3×10^5
Os-194 (a)	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	1.1×10^1	3.1×10^2

TABLE 17A1: A₁ AND A₂ VALUES FOR RADIONUCLIDES – Part 3 of 4

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci)b	A ₂ (TBq)	A ₂ (Ci)b	Specific activity (TBq/g)	Specific activity (Ci/g)
.	(TBq/g)	(Ci/g)
P-32	Phosphorus (15)	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	1.1×10^4	2.9×10^5
P-33	.	4.0×10^1	1.1×10^3	1.0	2.7×10^1	5.8×10^3	1.6×10^5
Pa-230 (a)	Protactinium (91)	2.0	5.4×10^1	7.0×10^{-2}	1.9	1.2×10^3	3.3×10^4
Pa-231	.	4.0	1.1×10^2	4.0×10^{-4}	1.1×10^{-2}	1.7×10^{-3}	4.7×10^{-2}
Pa-233	.	5.0	1.4×10^2	7.0×10^{-1}	1.9×10^1	7.7×10^2	2.1×10^4
Pb-201	Lead (82)	1.0	2.7×10^1	1.0	2.7×10^1	6.2×10^4	1.7×10^6

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Pb-202	.	4.0×10^1	1.1×10^3	2.0×10^1	5.4×10^2	1.2×10^{-4}	3.4×10^{-3}
Pb-203	.	4.0	1.1×10^2	3.0	8.1×10^1	1.1×10^4	3.0×10^5
Pb-205	.	Unlimited	Unlimited	Unlimited	Unlimited	4.5×10^{-6}	1.2×10^{-4}
Pb-210 . (a)	.	1.0	2.7×10^1	5.0×10^{-2}	1.4	2.8	7.6×10^1
Pb-212 . (a)	.	7.0×10^{-1}	1.9×10^1	2.0×10^{-1}	5.4	5.1×10^4	1.4×10^6
Pd-103 . (a)	Palladium . (46)	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	2.8×10^3	7.5×10^4
Pd-107	.	Unlimited	Unlimited	Unlimited	Unlimited	1.9×10^{-5}	5.1×10^{-4}
Pd-109	.	2.0	5.4×10^1	5.0×10^{-1}	1.4×10^1	7.9×10^4	2.1×10^6
Pm-143	Promethiu m . (61)	3.0	8.1×10^1	3.0	8.1×10^1	1.3×10^2	3.4×10^3
Pm-144	.	7.0×10^{-1}	1.9×10^1	7.0×10^{-1}	1.9×10^1	9.2×10^1	2.5×10^3
Pm-145	.	3.0×10^1	8.1×10^2	1.0×10^1	2.7×10^2	5.2	1.4×10^2
Pm-147	.	4.0×10^1	1.1×10^3	2.0	5.4×10^1	3.4×10^1	9.3×10^2
Pm-148m . (a)	.	8.0×10^{-1}	2.2×10^1	7.0×10^{-1}	1.9×10^1	7.9×10^2	2.1×10^4
Pm-149	.	2.0	5.4×10^1	6.0×10^{-1}	1.6×10^1	1.5×10^4	4.0×10^5
Pm-151	.	2.0	5.4×10^1	6.0×10^{-1}	1.6×10^1	2.7×10^4	7.3×10^5
Po-210	Polonium . (84)	4.0×10^1	1.1×10^3	2.0×10^{-2}	5.4×10^{-1}	1.7×10^2	4.5×10^3
Pr-142	Praseodymi um . (59)	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	4.3×10^4	1.2×10^6
Pr-143	.	3.0	8.1×10^1	6.0×10^{-1}	1.6×10^1	2.5×10^3	6.7×10^4
Pt-188 . (a)	Platinum . (78)	1.0	2.7×10^1	8.0×10^{-1}	2.2×10^1	2.5×10^3	6.8×10^4
Pt-191	.	4.0	1.1×10^2	3.0	8.1×10^1	8.7×10^3	2.4×10^5
Pt-193	.	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	1.4	3.7×10^1
Pt-193m	.	4.0×10^1	1.1×10^3	5.0×10^{-1}	1.4×10^1	5.8×10^3	1.6×10^5
Pt-195m	.	1.0×10^1	2.7×10^2	5.0×10^{-1}	1.4×10^1	6.2×10^3	1.7×10^5
Pt-197	.	2.0×10^1	5.4×10^2	6.0×10^{-1}	1.6×10^1	3.2×10^4	8.7×10^5
Pt-197m	.	1.0×10^1	2.7×10^2	6.0×10^{-1}	1.6×10^1	3.7×10^5	1.0×10^7
Pu-236	Plutonium . (94)	3.0×10^1	8.1×10^2	3.0×10^{-3}	8.1×10^{-2}	2.0×10^1	5.3×10^2
Pu-237	.	2.0×10^1	5.4×10^2	2.0×10^1	5.4×10^2	4.5×10^2	1.2×10^4
Pu-238	.	1.0×10^1	2.7×10^2	1.0×10^{-3}	2.7×10^{-2}	6.3×10^{-1}	1.7×10^1
Pu-239	.	1.0×10^1	2.7×10^2	1.0×10^{-3}	2.7×10^{-2}	2.3×10^{-3}	6.2×10^{-2}
Pu-240	.	1.0×10^1	2.7×10^2	1.0×10^{-3}	2.7×10^{-2}	8.4×10^{-3}	2.3×10^{-1}
Pu-241 . (a)	.	4.0×10^1	1.1×10^3	6.0×10^{-2}	1.6	3.8	1.0×10^2

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Pu-242	.	1.0×10^{-1}	2.7×10^{-2}	1.0×10^{-3}	2.7×10^{-2}	1.5×10^{-4}	3.9×10^{-3}
Pu-244 . (a)	.	4.0×10^{-1}	1.1×10^{-1}	1.0×10^{-3}	2.7×10^{-2}	6.7×10^{-7}	1.8×10^{-5}
Ra-223 . (a)	Radium . (88)	4.0×10^{-1}	1.1×10^{-1}	7.0×10^{-3}	1.9×10^{-1}	1.9×10^{-3}	5.1×10^{-4}
Ra-224 . (a)	.	4.0×10^{-1}	1.1×10^{-1}	2.0×10^{-2}	5.4×10^{-1}	5.9×10^{-3}	1.6×10^{-5}
Ra-225 . (a)	.	2.0×10^{-1}	5.4	4.0×10^{-3}	1.1×10^{-1}	1.5×10^{-3}	3.9×10^{-4}
Ra-226 . (a)	.	2.0×10^{-1}	5.4	3.0×10^{-3}	8.1×10^{-2}	3.7×10^{-2}	1.0
Ra-228 . (a)	.	6.0×10^{-1}	1.6×10^{-1}	2.0×10^{-2}	5.4×10^{-1}	1.0×10^{-1}	2.7×10^{-2}
Rb-81	Rubidium (37)	2.0	5.4×10^{-1}	8.0×10^{-1}	2.2×10^{-1}	3.1×10^{-5}	8.4×10^{-6}
Rb-83 . (a)	.	2.0	5.4×10^{-1}	2.0	5.4×10^{-1}	6.8×10^{-2}	1.8×10^{-4}
Rb-84	.	1.0	2.7×10^{-1}	1.0	2.7×10^{-1}	1.8×10^{-3}	4.7×10^{-4}
Rb-86	.	5.0×10^{-1}	1.4×10^{-1}	5.0×10^{-1}	1.4×10^{-1}	3.0×10^{-3}	8.1×10^{-4}
Rb-87	.	Unlimited	Unlimited	Unlimited	Unlimited	3.2×10^{-9}	8.6×10^{-8}
Rb(nat)	.	Unlimited	Unlimited	Unlimited	Unlimited	6.7×10^{-6}	1.8×10^{-8}
Re-184	Rhenium (75)	1.0	2.7×10^{-1}	1.0	2.7×10^{-1}	6.9×10^{-2}	1.9×10^{-4}
Re-184m	.	3.0	8.1×10^{-1}	1.0	2.7×10^{-1}	1.6×10^{-2}	4.3×10^{-3}
Re-186	.	2.0	5.4×10^{-1}	6.0×10^{-1}	1.6×10^{-1}	6.9×10^{-3}	1.9×10^{-5}
Re-187	.	Unlimited	Unlimited	Unlimited	Unlimited	1.4×10^{-9}	3.8×10^{-8}
Re-188	.	4.0×10^{-1}	1.1×10^{-1}	4.0×10^{-1}	1.1×10^{-1}	3.6×10^{-4}	9.8×10^{-5}
Re-189 . (a)	.	3.0	8.1×10^{-1}	6.0×10^{-1}	1.6×10^{-1}	2.5×10^{-4}	6.8×10^{-5}
Re(nat)	.	Unlimited	Unlimited	Unlimited	Unlimited	0.0	2.4×10^{-8}
Rh-99	Rhodium (45)	2.0	5.4×10^{-1}	2.0	5.4×10^{-1}	3.0×10^{-3}	8.2×10^{-4}
Rh-101	.	4.0	1.1×10^{-2}	3.0	8.1×10^{-1}	4.1×10^{-1}	1.1×10^{-3}
Rh-102	.	5.0×10^{-1}	1.4×10^{-1}	5.0×10^{-1}	1.4×10^{-1}	4.5×10^{-1}	1.2×10^{-3}
Rh-102m	.	2.0	5.4×10^{-1}	2.0	5.4×10^{-1}	2.3×10^{-2}	6.2×10^{-3}
Rh-103m	.	4.0×10^{-1}	1.1×10^{-3}	4.0×10^{-1}	1.1×10^{-3}	1.2×10^{-6}	3.3×10^{-7}
Rh-105	.	1.0×10^{-1}	2.7×10^{-2}	8.0×10^{-1}	2.2×10^{-1}	3.1×10^{-4}	8.4×10^{-5}
Rn-222 . (a)	Radon (86)	3.0×10^{-1}	8.1	4.0×10^{-3}	1.1×10^{-1}	5.7×10^{-3}	1.5×10^{-5}
Ru-97	Ruthenium (44)	5.0	1.4×10^{-2}	5.0	1.4×10^{-2}	1.7×10^{-4}	4.6×10^{-5}
Ru-103 .	.	2.0	5.4×10^{-1}	2.0	5.4×10^{-1}	1.2×10^{-3}	3.2×10^{-4}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

(a)							
Ru-105	.	1.0	2.7×10^1	6.0×10^{-1}	1.6×10^1	2.5×10^5	6.7×10^6
Ru-106 . (a)	.	2.0×10^{-1}	5.4	2.0×10^{-1}	5.4	1.2×10^2	3.3×10^3
S-35	Sulphur (16)	4.0×10^1	1.1×10^3	3.0	8.1×10^1	1.6×10^3	4.3×10^4
Sb-122	Antimony (51)	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	1.5×10^4	4.0×10^5
Sb-124	.	6.0×10^{-1}	1.6×10^1	6.0×10^{-1}	1.6×10^1	6.5×10^2	1.7×10^4
Sb-125	.	2.0	5.4×10^1	1.0	2.7×10^1	3.9×10^1	1.0×10^3
Sb-126	.	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	3.1×10^3	8.4×10^4
Sc-44	Scandium (21)	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	6.7×10^5	1.8×10^7
Sc-46	.	5.0×10^{-1}	1.4×10^1	5.0×10^{-1}	1.4×10^1	1.3×10^3	3.4×10^4
Sc-47	.	1.0×10^1	2.7×10^2	7.0×10^{-1}	1.9×10^1	3.1×10^4	8.3×10^5
Sc-48	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	5.5×10^4	1.5×10^6
Se-75	Selenium (34)	3.0	8.1×10^1	3.0	8.1×10^1	5.4×10^2	1.5×10^4
Se-79	.	4.0×10^1	1.1×10^3	2.0	5.4×10^1	2.6×10^{-3}	7.0×10^{-2}
Si-31	Silicon (14)	6.0×10^{-1}	1.6×10^1	6.0×10^{-1}	1.6×10^1	1.4×10^6	3.9×10^7
Si-32	.	4.0×10^1	1.1×10^3	5.0×10^{-1}	1.4×10^1	3.9	1.1×10^2
Sm-145	Samarium (62)	1.0×10^1	2.7×10^2	1.0×10^1	2.7×10^2	9.8×10^1	2.6×10^3
Sm-147	.	Unlimited	Unlimited	Unlimited	Unlimited	8.5×10^{-1}	2.3×10^{-8}
Sm-151	.	4.0×10^1	1.1×10^3	1.0×10^1	2.7×10^2	9.7×10^{-1}	2.6×10^1
Sm-153	.	9.0	2.4×10^2	6.0×10^{-1}	1.6×10^1	1.6×10^4	4.4×10^5
Sn-113 . (a)	Tin (50)	4.0	1.1×10^2	2.0	5.4×10^1	3.7×10^2	1.0×10^4
Sn-117m	.	7.0	1.9×10^2	4.0×10^{-1}	1.1×10^1	3.0×10^3	8.2×10^4
Sn-119m	.	4.0×10^1	1.1×10^3	3.0×10^1	8.1×10^2	1.4×10^2	3.7×10^3
Sn-121m . (a)	.	4.0×10^1	1.1×10^3	9.0×10^{-1}	2.4×10^1	2.0	5.4×10^1
Sn-123	.	8.0×10^{-1}	2.2×10^1	6.0×10^{-1}	1.6×10^1	3.0×10^2	8.2×10^3
Sn-125	.	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	4.0×10^3	1.1×10^5
Sn-126 . (a)	.	6.0×10^{-1}	1.6×10^1	4.0×10^{-1}	1.1×10^1	1.0×10^{-3}	2.8×10^{-2}
Sr-82 . (a)	Strontium (38)	2.0×10^{-1}	5.4	2.0×10^{-1}	5.4	2.3×10^3	6.2×10^4
Sr-85	.	2.0	5.4×10^1	2.0	5.4×10^1	8.8×10^2	2.4×10^4
Sr-85m	.	5.0	1.4×10^2	5.0	1.4×10^2	1.2×10^6	3.3×10^7

Sr-87m	.	3.0	8.1X10 ¹	3.0	8.1X10 ¹	4.8X10 ⁵	1.3X10 ⁷
--------	---	-----	---------------------	-----	---------------------	---------------------	---------------------

TABLE 17A1: A₁ AND A₂ VALUES FOR RADIONUCLIDES – Part 4 of 4

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci) ^b	A ₂ (TBq)	A ₂ (Ci) ^b	Specific activity (TBq/g)	Specific activity (Ci/g)
.	(TBq/g)	(Ci/g)
Sr-89	.	6.0X10 ⁻¹	1.6X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	1.1X10 ³	2.9X10 ⁴
Sr-90 (a)	.	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	5.1	1.4X10 ²
Sr-91 (a)	.	3.0X10 ⁻¹	8.1	3.0X10 ⁻¹	8.1	1.3X10 ⁵	3.6X10 ⁶
Sr-92 (a)	.	1.0	2.7X10 ¹	3.0X10 ⁻¹	8.1	4.7X10 ⁵	1.3X10 ⁷
T(H-3)	Tritium (1)	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	3.6X10 ²	9.7X10 ³
Ta-178 (long)	Tantalum (73)	1.0	2.7X10 ¹	8.0X10 ⁻¹	2.2X10 ¹	4.2X10 ⁶	1.1X10 ⁸
Ta-179	.	3.0X10 ¹	8.1X10 ²	3.0X10 ¹	8.1X10 ²	4.1X10 ¹	1.1X10 ³
Ta-182	.	9.0X10 ⁻¹	2.4X10 ¹	5.0X10 ⁻¹	1.4X10 ¹	2.3X10 ²	6.2X10 ³
Tb-157	Terbium (65)	4.0X10 ¹	1.1X10 ³	4.0X10 ¹	1.1X10 ³	5.6X10 ⁻¹	1.5X10 ¹
Tb-158	.	1.0	2.7X10 ¹	1.0	2.7X10 ¹	5.6X10 ⁻¹	1.5X10 ¹
Tb-160	.	1.0	2.7X10 ¹	6.0X10 ⁻¹	1.6X10 ¹	4.2X10 ²	1.1X10 ⁴
Tc-95m (a)	Technetium (43)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	8.3X10 ²	2.2X10 ⁴
Tc-96	.	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.2X10 ⁴	3.2X10 ⁵
Tc-96m (a)	.	4.0X10 ⁻¹	1.1X10 ¹	4.0X10 ⁻¹	1.1X10 ¹	1.4X10 ⁶	3.8X10 ⁷
Tc-97	.	Unlimited	Unlimited	Unlimited	Unlimited	5.2X10 ⁻⁵	1.4X10 ⁻³
Tc-97m	.	4.0X10 ¹	1.1X10 ³	1.0	2.7X10 ¹	5.6X10 ²	1.5X10 ⁴
Tc-98	.	8.0X10 ⁻¹	2.2X10 ¹	7.0X10 ⁻¹	1.9X10 ¹	3.2X10 ⁻⁵	8.7X10 ⁻⁴
Tc-99	.	4.0X10 ¹	1.1X10 ³	9.0X10 ⁻¹	2.4X10 ¹	6.3X10 ⁻⁴	1.7X10 ⁻²
Tc-99m	.	1.0X10 ¹	2.7X10 ²	4.0	1.1X10 ²	1.9X10 ⁵	5.3X10 ⁶
Te-121	Tellurium (52)	2.0	5.4X10 ¹	2.0	5.4X10 ¹	2.4X10 ³	6.4X10 ⁴
Te-121m	.	5.0	1.4X10 ²	3.0	8.1X10 ¹	2.6X10 ²	7.0X10 ³
Te-123m	.	8.0	2.2X10 ²	1.0	2.7X10 ¹	3.3X10 ²	8.9X10 ³
Te-125m	.	2.0X10 ¹	5.4X10 ²	9.0X10 ⁻¹	2.4X10 ¹	6.7X10 ²	1.8X10 ⁴
Te-127	.	2.0X10 ¹	5.4X10 ²	7.0X10 ⁻¹	1.9X10 ¹	9.8X10 ⁴	2.6X10 ⁶

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Te-127m (a)	.	2.0×10^{-1}	5.4×10^{-2}	5.0×10^{-1}	1.4×10^{-1}	3.5×10^{-2}	9.4×10^{-3}
Te-129	.	7.0×10^{-1}	1.9×10^{-1}	6.0×10^{-1}	1.6×10^{-1}	7.7×10^{-5}	2.1×10^{-7}
Te-129m (a)	.	8.0×10^{-1}	2.2×10^{-1}	4.0×10^{-1}	1.1×10^{-1}	1.1×10^{-3}	3.0×10^{-4}
Te-131m (a)	.	7.0×10^{-1}	1.9×10^{-1}	5.0×10^{-1}	1.4×10^{-1}	3.0×10^{-4}	8.0×10^{-5}
Te-132 (a)	.	5.0×10^{-1}	1.4×10^{-1}	4.0×10^{-1}	1.1×10^{-1}	1.1×10^{-4}	3.0×10^{-5}
Th-227	Thorium (90)	1.0×10^{-1}	2.7×10^{-2}	5.0×10^{-3}	1.4×10^{-1}	1.1×10^{-3}	3.1×10^{-4}
Th-228 (a)	.	5.0×10^{-1}	1.4×10^{-1}	1.0×10^{-3}	2.7×10^{-2}	3.0×10^{-1}	8.2×10^{-2}
Th-229	.	5.0	1.4×10^{-2}	5.0×10^{-4}	1.4×10^{-2}	7.9×10^{-3}	2.1×10^{-1}
Th-230	.	1.0×10^{-1}	2.7×10^{-2}	1.0×10^{-3}	2.7×10^{-2}	7.6×10^{-4}	2.1×10^{-2}
Th-231	.	4.0×10^{-1}	1.1×10^{-3}	2.0×10^{-2}	5.4×10^{-1}	2.0×10^{-4}	5.3×10^{-5}
Th-232	.	Unlimited	Unlimited	Unlimited	Unlimited	4.0×10^{-9}	1.1×10^{-7}
Th-234 (a)	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	8.6×10^{-2}	2.3×10^{-4}
Th(nat)	.	Unlimited	Unlimited	Unlimited	Unlimited	8.1×10^{-9}	2.2×10^{-7}
Ti-44 (a)	Titanium (22)	5.0×10^{-1}	1.4×10^{-1}	4.0×10^{-1}	1.1×10^{-1}	6.4	1.7×10^{-2}
Tl-200	Thallium (81)	9.0×10^{-1}	2.4×10^{-1}	9.0×10^{-1}	2.4×10^{-1}	2.2×10^{-4}	6.0×10^{-5}
Tl-201	.	1.0×10^{-1}	2.7×10^{-2}	4.0	1.1×10^{-2}	7.9×10^{-3}	2.1×10^{-5}
Tl-202	.	2.0	5.4×10^{-1}	2.0	5.4×10^{-1}	2.0×10^{-3}	5.3×10^{-4}
Tl-204	.	1.0×10^{-1}	2.7×10^{-2}	7.0×10^{-1}	1.9×10^{-1}	1.7×10^{-1}	4.6×10^{-2}
Tm-167	Thulium (69)	7.0	1.9×10^{-2}	8.0×10^{-1}	2.2×10^{-1}	3.1×10^{-3}	8.5×10^{-4}
Tm-170	.	3.0	8.1×10^{-1}	6.0×10^{-1}	1.6×10^{-1}	2.2×10^{-2}	6.0×10^{-3}
Tm-171	.	4.0×10^{-1}	1.1×10^{-3}	4.0×10^{-1}	1.1×10^{-3}	4.0×10^{-1}	1.1×10^{-3}
U-230 (fast lung absorption) (a)(d)	Uranium (92)	4.0×10^{-1}	1.1×10^{-3}	1.0×10^{-1}	2.7	1.0×10^{-3}	2.7×10^{-4}
U-230 (medium lung absorption) (a)(e)	.	4.0×10^{-1}	1.1×10^{-3}	4.0×10^{-3}	1.1×10^{-1}	1.0×10^{-3}	2.7×10^{-4}
U-230 (slow lung	.	3.0×10^{-1}	8.1×10^{-2}	3.0×10^{-3}	8.1×10^{-2}	1.0×10^{-3}	2.7×10^{-4}

absorption) (a)(f)							
U-232 (fast lung absorption) (d)	.	4.0×10^1	1.1×10^3	1.0×10^{-2}	2.7×10^{-1}	8.3×10^{-1}	2.2×10^1
U-232 (medium lung absorption) (e)	.	4.0×10^1	1.1×10^3	7.0×10^{-3}	1.9×10^{-1}	8.3×10^{-1}	2.2×10^1
U-232. (slow lung absorption) (f)	.	1.0×10^1	2.7×10^2	1.0×10^{-3}	2.7×10^{-2}	8.3×10^{-1}	2.2×10^1
U-233 (fast lung absorption) (d)	.	4.0×10^1	1.1×10^3	9.0×10^{-2}	2.4	3.6×10^{-4}	9.7×10^{-3}
U-233 (medium. lung absorption) (e)	.	4.0×10^1	1.1×10^3	2.0×10^{-2}	5.4×10^{-1}	3.6×10^{-4}	9.7×10^{-3}
U-233 (slow lung absorption) (f)	.	4.0×10^1	1.1×10^3	6.0×10^{-3}	1.6×10^{-1}	3.6×10^{-4}	9.7×10^{-3}
U-234 (fast lung absorption) (d)	.	4.0×10^1	1.1×10^3	9.0×10^{-2}	2.4	2.3×10^{-4}	6.2×10^{-3}
U-234 (medium lung absorption) (e)	.	4.0×10^1	1.1×10^3	2.0×10^{-2}	5.4×10^{-1}	2.3×10^{-4}	6.2×10^{-3}
U-234 (slow lung absorption) (f)	.	4.0×10^1	1.1×10^3	6.0×10^{-3}	1.6×10^{-1}	2.3×10^{-4}	6.2×10^{-3}
U-235 (all lung	.	Unlimited	Unlimited	Unlimited	Unlimited	8.0×10^{-8}	2.2×10^{-6}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

absorption types) (a), (d),(e), (f)							
U-236 (fast lung absorption) (d)	.	Unlimited	Unlimited	Unlimited	Unlimited	2.4×10^{-6}	6.5×10^{-5}
U-236 (medium lung absorption) (e)	.	4.0×10^1	1.1×10^3	2.0×10^{-2}	5.4×10^{-1}	2.4×10^{-6}	6.5×10^{-5}
U-236 (slow lung absorption) (f)	.	4.0×10^1	1.1×10^3	6.0×10^{-3}	1.6×10^{-1}	2.4×10^{-6}	6.5×10^{-5}
U-238 (all lung absorption types) (d), (e),(f)	.	Unlimited	Unlimited	Unlimited	Unlimited	1.2×10^{-8}	3.4×10^{-7}
U (nat)	.	Unlimited	Unlimited	Unlimited	Unlimited	2.6×10^{-8}	7.1×10^{-7}
U (enriched to 20% or less) (g)	.	Unlimited	Unlimited	Unlimited	Unlimited	See Table 17A	See Table 17A4
U (dep)	.	Unlimited	Unlimited	Unlimited	Unlimited	See Table 17A4	(See Table 17A3)
V-48	Vanadium (23)	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	6.3×10^3	1.7×10^5
V-49	.	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	3.0×10^2	8.1×10^3
W-178 (a)	Tungsten (74)	9.0	2.4×10^2	5.0	1.4×10^2	1.3×10^3	3.4×10^4
W-181	.	3.0×10^1	8.1×10^2	3.0×10^1	8.1×10^2	2.2×10^2	6.0×10^3
W-185	.	4.0×10^1	1.1×10^3	8.0×10^{-1}	2.2×10^1	3.5×10^2	9.4×10^3
W-187	.	2.0	5.4×10^1	6.0×10^{-1}	1.6×10^1	2.6×10^4	7.0×10^5
W-188 (a)	.	4.0×10^{-1}	1.1×10^1	3.0×10^{-1}	8.1	3.7×10^2	1.0×10^4
Xe-122 (a)	Xenon (54)	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	4.8×10^4	1.3×10^6
Xe-123	.	2.0	5.4×10^1	7.0×10^{-1}	1.9×10^1	4.4×10^5	1.2×10^7
Xe-127	.	4.0	1.1×10^2	2.0	5.4×10^1	1.0×10^3	2.8×10^4

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Xe-131m	.	4.0×10^1	1.1×10^3	4.0×10^1	1.1×10^3	3.1×10^3	8.4×10^4
Xe-133	.	2.0×10^1	5.4×10^2	1.0×10^1	2.7×10^2	6.9×10^3	1.9×10^5
Xe-135	.	3.0	8.1×10^1	2.0	5.4×10^1	9.5×10^4	2.6×10^6
Y-87 (a)	Yttrium (39)	1.0	2.7×10^1	1.0	2.7×10^1	1.7×10^4	4.5×10^5
Y-88	.	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	5.2×10^2	1.4×10^4
Y-90	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	2.0×10^4	5.4×10^5
Y-91	.	6.0×10^{-1}	1.6×10^1	6.0×10^{-1}	1.6×10^1	9.1×10^2	2.5×10^4
Y-91m	.	2.0	5.4×10^1	2.0	5.4×10^1	1.5×10^6	4.2×10^7
Y-92	.	2.0×10^{-1}	5.4	2.0×10^{-1}	5.4	3.6×10^5	9.6×10^6
Y-93	.	3.0×10^{-1}	8.1	3.0×10^{-1}	8.1	1.2×10^5	3.3×10^6
Yb-169	Ytterbium (70)	4.0	1.1×10^2	1.0	2.7×10^1	8.9×10^2	2.4×10^4
Yb-175	.	3.0×10^1	8.1×10^2	9.0×10^{-1}	2.4×10^1	6.6×10^3	1.8×10^5
Zn-65	Zinc (30)	2.0	5.4×10^1	2.0	5.4×10^1	3.0×10^2	8.2×10^3
Zn-69	.	3.0	8.1×10^1	6.0×10^{-1}	1.6×10^1	1.8×10^6	4.9×10^7
Zn-69m (a)	.	3.0	8.1×10^1	6.0×10^{-1}	1.6×10^1	1.2×10^5	3.3×10^6
Zr-88	Zirconium (40)	3.0	8.1×10^1	3.0	8.1×10^1	6.6×10^2	1.8×10^4
Zr-93	.	Unlimited	Unlimited	Unlimited	Unlimited	9.3×10^{-5}	2.5×10^{-3}
Zr-95 (a)	.	2.0	5.4×10^1	8.0×10^{-1}	2.2×10^1	7.9×10^2	2.1×10^4
Zr-97 (a)	.	4.0×10^{-1}	1.1×10^1	4.0×10^{-1}	1.1×10^1	7.1×10^4	1.9×10^6

Notes:

- a A1 and/or A2 values include contributions from daughter nuclides with half-lives less than 10 days.
- b The values of A₁ and A₂ in Curies (Ci) are approximate and for information only; the regulatory standard units are Terabecquerels (TBq) (see Appendix 17A – Determination of A₁ and A₂, Section 17A1)
- c The quantity may be determined from a measurement of the rate of decay or a measurement of the radiation level at a prescribed distance from the source.
- d These values apply only to compounds of uranium that take the chemical form of UF₆, UO₂F₂ and UO₂(NO₃)₂ in both normal and accident conditions of transport.
- e These values apply only to compounds of uranium that take the chemical form of UO₃, UF₄, UCl₄, and hexavalent compounds in both normal and accident conditions of transport.
- f These values apply to all compounds of uranium other than those specified in d and e, above.
- g These values apply to unirradiated uranium only.
- h These values apply to domestic transport only. For international transport, use the values in the table below.

TABLE 17A1 (SUPPLEMENT): A 1 AND A 2 VALUES FOR RADIONUCLIDES FOR INTERNATIONAL SHIPMENTS

Symbol of radionuclide	Element and atomic number	A ₁ (TBq)	A ₁ (Ci)	A ₂ (TBq)	A ₂ (Ci)	Specific activity (TBq/g)	Specific activity (Ci/g)
Cf-252	Californium (98)	5.0×10^{-2}	1.4	3.0×10^{-3}	8.1×10^{-2}	2.0×10^1	5.4×10^2

Mo-99 ^c	Molybdenum (42)	1.0	2.7x10 ¹	6.0x10 ⁻¹	1.6x10 ¹	1.8x10 ⁴	4.8x10 ⁵
--------------------	--------------------	-----	---------------------	----------------------	---------------------	---------------------	---------------------

[Publication Instructions: After Table 17A1 insert a page break such that Table 17A2 begins at the top of the page. EDITORIAL NOTE: TABLE 17A2, WHICH SPANS MULTIPLE PAGES, SHOULD CONTINUE TO DISPLAY THE HEADER INFORMATION ON EACH INDIVIDUAL PAGE AS SHOWN IN THE CURRENT RULE. THE HEADER INFORMATION DID NOT DISPLAY IN THIS MANNER WHEN THE INITIAL DOCUMENT WAS RECEIVED FROM SECRETARY OF STATE WEBSITE FOR EDITING.]

TABLE 17A2: EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES Part 1 of 4

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Ac-225 (a)	Actinium (89)	1.0 x 10 ¹	2.7 x 10 ⁻¹⁰	1.0 x 10 ⁴	2.7 x 10 ⁻⁷
Ac-227 (a)	.	1.0 x 10 ⁻¹	2.7 x 10 ⁻¹²	1.0 x 10 ³	2.7 x 10 ⁻⁸
Ac-228	.	1.0 x 10 ¹	2.7 x 10 ⁻¹⁰	1.0 x 10 ⁶	2.7 x 10 ⁻⁵
Ag-105	Silver (47)	1.0 x 10 ²	2.7 x 10 ⁻⁹	1.0 x 10 ⁶	2.7 x 10 ⁻⁵
Ag-108m (a)	.	1.0 x 10 ¹	2.7 x 10 ⁻¹⁰	1.0 x 10 ⁶	2.7 x 10 ⁻⁵
Ag-110m (a)	.	1.0 x 10 ¹	2.7 x 10 ⁻¹⁰	1.0 x 10 ⁶	2.7 x 10 ⁻⁵
Ag-111	.	1.0 x 10 ³	2.7 x 10 ⁻⁸	1.0 x 10 ⁶	2.7 x 10 ⁻⁵
Al-26	Aluminum (13)	1.0 x 10 ¹	2.7 x 10 ⁻¹⁰	1.0 x 10 ⁵	2.7 x 10 ⁻⁶
Am-241	Americium (95)	1.0	2.7 x 10 ⁻¹¹	1.0 x 10 ⁴	2.7 x 10 ⁻⁷
Am-242m (a)	.	1.0	2.7 x 10 ⁻¹¹	1.0 x 10 ⁴	2.7 x 10 ⁻⁷
Am-243 (a)	.	1.0	2.7 x 10 ⁻¹¹	1.0 x 10 ³	2.7 x 10 ⁻⁸
Ar-37	Argon (18)	1.0 x 10 ⁶	2.7 x 10 ⁻⁵	1.0 x 10 ⁸	2.7 x 10 ⁻³
Ar-39	.	1.0 x 10 ⁷	2.7 x 10 ⁻⁴	1.0 x 10 ⁴	2.7 x 10 ⁻⁷
Ar-41	.	1.0 x 10 ²	2.7 x 10 ⁻⁹	1.0 x 10 ⁹	2.7 x 10 ⁻²
As-72	Arsenic (33)	1.0 x 10 ¹	2.7 x 10 ⁻¹⁰	1.0 x 10 ⁵	2.7 x 10 ⁻⁶
As-73	.	1.0 x 10 ³	2.7 x 10 ⁻⁸	1.0 x 10 ⁷	2.7 x 10 ⁻⁴
As-74	.	1.0 x 10 ¹	2.7 x 10 ⁻¹⁰	1.0 x 10 ⁶	2.7 x 10 ⁻⁵

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

As-76	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
As-77	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
At-211 (a)	Astatine (85)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Au-193	Gold (79)	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Au-194	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Au-195	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Au-198	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Au-199	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ba-131 (a)	Barium (56)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ba-133	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ba-133m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ba-140 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Be-7	Beryllium (4)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Be-10	.	1.0×10^4	2.7×10^{-7}	1.0×10^6	2.7×10^{-5}
Bi-205	Bismuth (83)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Bi-206	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Bi-207	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Bi-210	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Bi-210m (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Bi-212 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Bk-247	Berkelium (97)	1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Bk-249 ⁵	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Br-76	Bromine (35)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Br-77	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Br-82	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
C-11	Carbon (6)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
C-14	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Ca-41	Calcium (20)	1.0×10^5	2.7×10^{-6}	1.0×10^7	2.7×10^{-4}
Ca-45	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Ca-47 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Cd-109	Cadmium (48)	1.0×10^4	2.7×10^{-7}	1.0×10^6	2.7×10^{-5}
Cd-113m	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Cd-115	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

(a)					
Cd-115m	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Ce-139	Cerium (58)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ce-141	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Ce-143	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ce-144	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
(a)					
Cf-248	Californium (98)	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Cf-249	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cf-250	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Cf-251	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cf-252	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Cf-253 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cf-254	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cl-36	Chlorine (17)	1.0×10^4	2.7×10^{-7}	1.0×10^6	2.7×10^{-5}
Cl-38	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Cm-240	Curium (96)	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cm-241	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Cm-242	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cm-243	.	1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Cm-244	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Cm-245	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cm-246	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Cm-247	.	1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
(a)					
Cm-248	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Co-55	Cobalt (27)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Co-56	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Co-57	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Co-58	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Co-58m	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Co-60	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Cr-51	Chromium (24)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Cs-129	Cesium (55)	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Cs-131	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Cs-132	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Cs-134	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}

Cs-134m	.	1.0×10^3	2.7×10^{-8}	1.0×10^5	2.7×10^{-6}
Cs-135	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Cs-136	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Cs-137	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
(a)					
Cu-64	Copper (29)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Cu-67	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Dy-159	Dysprosium (66)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Dy-165	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Dy-166	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
(a)					
Er-169	Erbium (68)	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Er-171	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}

TABLE 17A2: EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES Part 2 of 4

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Eu-147	Europium (63)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Eu-148	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Eu-149	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Eu-150 (short-lived)	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Eu-150 (long-lived)	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Eu-152	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Eu-152 m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Eu-154	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Eu-155	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Eu-156	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
F-18	Fluorine (9)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Fe-52 (a)	Iron (26)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Fe-55	.	1.0×10^4	2.7×10^{-7}	1.0×10^6	2.7×10^{-5}
Fe-59	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Fe-60 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Ga-67	Gallium	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

	(31)				
Ga-68	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Ga-72	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Gd-146	Gadolinium	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
(a)	(64)				
Gd-148	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Gd-153	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Gd-159	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Ge-68 (a)	Germanium	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
	(32)				
Ge-71	.	1.0×10^4	2.7×10^{-7}	1.0×10^8	2.7×10^{-3}
Ge-77	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Hf-172	Hafnium	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
(a)	(72)				
Hf-175	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Hf-181	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Hf-182	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Hg-194	Mercury	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
(a)	(80)				
Hg-195m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
(a)					
Hg-197	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Hg-197m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Hg-203	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Ho-166	Holmium	1.0×10^3	2.7×10^{-8}	1.0×10^5	2.7×10^{-6}
	(67)				
Ho-166m	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
I-123	Iodine (53)	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
I-124	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
I-125	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
I-126	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
I-129	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
I-131	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
I-132	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
I-133	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
I-134	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
I-135 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
In-111	Indium (49)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
In-113m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
In-114m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
(a)					
In-115m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ir-189 (a)	Iridium (77)	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Ir-190	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Ir-192	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Ir-194	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
K-40	Potassium (19)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
K-42	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
K-43	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Kr-81	Krypton (36)	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Kr-85	.	1.0×10^5	2.7×10^{-6}	1.0×10^4	2.7×10^{-7}
Kr-85m	.	1.0×10^3	2.7×10^{-8}	1.0×10^{10}	2.7×10^{-1}
Kr-87	.	1.0×10^2	2.7×10^{-9}	1.0×10^9	2.7×10^{-2}
La-137	Lanthanum (57)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
La-140	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Lu-172	Lutetium (71)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Lu-173	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Lu-174	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Lu-174m	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Lu-177	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Mg-28 (a)	Magnesium (12)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Mn-52	Manganese (25)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Mn-53	.	1.0×10^4	2.7×10^{-7}	1.0×10^9	2.7×10^{-2}
Mn-54	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Mn-56	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Mo-93	Molybdenum (42)	1.0×10^3	2.7×10^{-8}	1.0×10^8	2.7×10^{-3}
Mo-99 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
N-13	Nitrogen (7)	1.0×10^2	2.7×10^{-9}	1.0×10^9	2.7×10^{-2}
Na-22	Sodium (11)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Na-24	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Nb-93m	Niobium (41)	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Nb-94	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Nb-95	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Nb-97	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Nd-147	Neodymium (60)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Nd-149	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ni-59	Nickel (28)	1.0×10^4	2.7×10^{-7}	1.0×10^8	2.7×10^{-3}

Ni-63	.	1.0×10^5	2.7×10^{-6}	1.0×10^8	2.7×10^{-3}
Ni-65	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Np-235	Neptunium (93)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Np-236 (short-lived)	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Np-236 (long-lived)	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Np-237	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Np-239	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Os-185	Osmium (76)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Os-191	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Os-191m	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Os-193	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}

TABLE 17A2: EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES Part 3 of 4

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Os-194 (a)	Osmium (76)	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
P-32	Phosphorus (15)	1.0×10^3	2.7×10^{-8}	1.0×10^5	2.7×10^{-6}
P-33	.	1.0×10^5	2.7×10^{-6}	1.0×10^8	2.7×10^{-3}
Pa-230(a)	Protactinium (91)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pa-231	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Pa-233	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Pb-201	Lead (82)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pb-202	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Pb-203	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pb-205	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Pb-210 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Pb-212 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Pd-103 (a)	Palladium (46)	1.0×10^3	2.7×10^{-8}	1.0×10^8	2.7×10^{-3}
Pd-107	.	1.0×10^5	2.7×10^{-6}	1.0×10^8	2.7×10^{-3}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Pd-109	.		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Pm-143	Promethium (61)		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pm-144	.		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pm-145	.		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Pm-147	.		1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Pm-148m (a)	.		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pm-149	.		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Pm-151	.		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Po-210	Polonium (84)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Pr-142	Praseodymium (59)		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Pr-143	.		1.0×10^4	2.7×10^{-7}	1.0×10^6	2.7×10^{-5}
Pt-188 (a)	Platinum (78)		1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Pt-191	.		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pt-193	.		1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Pt-193m	.		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Pt-195m	.		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pt-197	.		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Pt-197m	.		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Pu-236	Plutonium (94)		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Pu-237	.		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Pu-238	.		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Pu-239	.		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Pu-240	.		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Pu-241 (a)	.		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Pu-242	.		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Pu-244 (a)	.		1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Ra-223 (a)	Radium (88)		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Ra-224 (a)	.		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Ra-225 (a)	.		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Ra-226 (a)	.		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Ra-228 (a)	.		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Rb-81	Rubidium (37)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Rb-83 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Rb-84	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Rb-86	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Rb-87	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Rb (natural)	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Re-184	Rhenium (75)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Re-184m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Re-186	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Re-187	.	1.0×10^6	2.7×10^{-5}	1.0×10^9	2.7×10^{-2}
Re-188	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Re-189	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Re (a) (natural)	.	1.0×10^6	2.7×10^{-5}	1.0×10^9	2.7×10^{-2}
Rh-99	Rhodium (45)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Rh-101	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Rh-102	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Rh-102m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Rh-103m	.	1.0×10^4	2.7×10^{-7}	1.0×10^8	2.7×10^{-3}
Rh-105	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Rn-222 (a)	Radon (86)	1.0×10^1	2.7×10^{-10}	1.0×10^8	2.7×10^{-3}
Ru-97	Ruthenium (44)	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Ru-103 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Ru-105	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Ru-106 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
S-35	Sulphur (16)	1.0×10^5	2.7×10^{-6}	1.0×10^8	2.7×10^{-3}
Sb-122	Antimony (51)	1.0×10^2	2.7×10^{-9}	1.0×10^4	2.7×10^{-7}
Sb-124	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Sb-125	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Sb-126	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Sc-44	Scandium (21)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Sc-46	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Sc-47	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}

Sc-48	.		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Se-75	Selenium	(34)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Se-79	.		1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Si-31	Silicon	(14)	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Si-32	.		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Sm-145	Samarium	(62)	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Sm-147	.		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Sm-151	.		1.0×10^4	2.7×10^{-7}	1.0×10^8	2.7×10^{-3}
Sm-153	.		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Sn-113	Tin	(50)	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
	(a)					
Sn-117m	.		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Sn-119m	.		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Sn-121m	.		1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
	(a)					
Sn-123	.		1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Sn-125	.		1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Sn-126	.		1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
	(a)					
Sr-82	(a) Strontium	(38)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Sr-85	.		1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Sr-85m	.		1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}

TABLE 17A2: EXEMPT MATERIAL ACTIVITY CONCENTRATIONS AND EXEMPT CONSIGNMENT ACTIVITY LIMITS FOR RADIONUCLIDES Part 4 of 4

Symbol of radionuclide	Element and atomic number	Activity concentration for exempt material (Bq/g)	Activity concentration for exempt material (Ci/g)	Activity limit for exempt consignment (Bq)	Activity limit for exempt consignment (Ci)
Sr-87m	Strontium (38)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Sr-89	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Sr-90 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^4	2.7×10^{-7}
Sr-91 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Sr-92 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
T(H-3)	Tritium (1)	1.0×10^6	2.7×10^{-5}	1.0×10^9	2.7×10^{-2}
Ta-178 (long-lived)	Tantalum (73)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Ta-179	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Ta-182	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Tb-157	Terbium (65)	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Tb-158	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Tb-160	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Tc-95m (a)	Technetium (43)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Tc-96	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Tc-96m (a)	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Tc-97	.	1.0×10^3	2.7×10^{-8}	1.0×10^8	2.7×10^{-3}
Tc-97m	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Tc-98	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Tc-99	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
Tc-99m	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Te-121	Tellurium (52)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Te-121m	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Te-123m	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Te-125m	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Te-127	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Te-127m (a)	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Te-129	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Te-129m (a)	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Te-131m (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Te-132 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Th-227	Thorium (90)	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Th-228 (a)	.	1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Th-229	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Th-230	.	1.0	2.7×10^{-11}	1.0×10^4	2.7×10^{-7}
Th-231	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Th-232	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
Th-234 (a)	.	1.0×10^3	2.7×10^{-8}	1.0×10^5	2.7×10^{-6}
Th (natural)	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
Ti-44 (a)	Titanium (22)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
Tl-200	Thallium (81)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Tl-201	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Tl-202	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Tl-204	.	1.0×10^4	2.7×10^{-7}	1.0×10^4	2.7×10^{-7}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Tm-167	Thulium (69)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Tm-170	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Tm-171	.	1.0×10^4	2.7×10^{-7}	1.0×10^8	2.7×10^{-3}
U-230 (fast lung absorption) (a),(b)	Uranium (92)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
U-230 (medium lung absorption) (a),(c)	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
U-230 (slow lung absorption) (a),(d)	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
U-232 (fast lung absorption) (b)	Uranium (92)	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
U-232 (medium lung absorption) (c)	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
U-232 (slow lung absorption) (d)	.	1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
U-233 (fast lung absorption) (b)	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-233 (medium lung absorption) (c)	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-233 (slow lung absorption) (d)	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-234 (fast	.	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}

lung absorption) (b) U-234 (medium lung absorption)	.		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
(c) U-234 (slow lung absorption)	.		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
(d) U-235 (all lung absorption types) (a), (b),(c),(d)	.		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U-236 (fast lung absorption) (b) U-236 (medium lung absorption)	.	Uranium (92)	1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
(c) U-236 (slow lung absorption)	.		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
(d) U-238 (all lung absorption types) (b), (c),(d)	.		1.0×10^1	2.7×10^{-10}	1.0×10^4	2.7×10^{-7}
U (natural)	.		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
U (enriched to 20% or less) (e) U (depleted)	.		1.0	2.7×10^{-11}	1.0×10^3	2.7×10^{-8}
V-48	.	Vanadium (23)	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}
V-49	.		1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
 PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

W-178 (a)	Tungsten (74)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
W-181	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
W-185	.	1.0×10^4	2.7×10^{-7}	1.0×10^7	2.7×10^{-4}
W-187	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
W-188 (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Xe-122 (a)	Xenon (54)	1.0×10^2	2.7×10^{-9}	1.0×10^9	2.7×10^{-2}
Xe-123	.	1.0×10^2	2.7×10^{-9}	1.0×10^9	2.7×10^{-2}
Xe-127	.	1.0×10^3	2.7×10^{-8}	1.0×10^5	2.7×10^{-6}
Xe-131m	.	1.0×10^4	2.7×10^{-7}	1.0×10^4	2.7×10^{-7}
Xe-133	.	1.0×10^3	2.7×10^{-8}	1.0×10^4	2.7×10^{-7}
Xe-135	.	1.0×10^3	2.7×10^{-8}	1.0×10^{10}	2.7×10^{-1}
Y-87 (a)	Yttrium (39)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Y-88	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Y-90	.	1.0×10^3	2.7×10^{-8}	1.0×10^5	2.7×10^{-6}
Y-91	.	1.0×10^3	2.7×10^{-8}	1.0×10^6	2.7×10^{-5}
Y-91m	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Y-92	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Y-93	.	1.0×10^2	2.7×10^{-9}	1.0×10^5	2.7×10^{-6}
Yb-169	Ytterbium (79)	1.0×10^2	2.7×10^{-9}	1.0×10^7	2.7×10^{-4}
Yb-175	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Zn-65	Zinc (30)	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Zn-69	.	1.0×10^4	2.7×10^{-7}	1.0×10^6	2.7×10^{-5}
Zn-69m (a)	.	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Zr-88	Zirconium (40)	1.0×10^2	2.7×10^{-9}	1.0×10^6	2.7×10^{-5}
Zr-93	.	1.0×10^3	2.7×10^{-8}	1.0×10^7	2.7×10^{-4}
Zr-95 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^6	2.7×10^{-5}
Zr-97 (a)	.	1.0×10^1	2.7×10^{-10}	1.0×10^5	2.7×10^{-6}

a Parent nuclides and their progeny included in secular equilibrium are listed in the following:

Sr-90 Y-90
 Zr-93 Nb-93m
 Zr-97 Nb-97
 Ru-106 Rh-106
 Cs-137 Ba-137m
 Ce-134 La-134
 Ce-144 Pr-144
 Ba-140 La-140
 Bi-212 Tl-208 0.36 , Po-212 0.64

PUBLICATION INSTRUCTIONS FOR 6 CCR 1007-1
PART 17, "TRANSPORTATION OF RADIOACTIVE MATERIALS"

Pb-210	Bi-210, Po-210
Pb-212	Bi-212, Tl-208 0.36 , Po-212 0.64
Rn-220	Po-216
Rn-222	Po-218, Pb-214, Bi-214, Po-214
Ra-223	Rn-219, Po-215, Pb-211, Bi-211, Tl-207
Ra-224	Rn-220, Po-216, Pb-212, Bi-212, Tl-208 0.36 , Po-212 0.64
Ra-226	Rn-222, Po-218, Pb-214, Bi-214, Po-214, Pb-210, Bi-210, Po-210
Ra-228	Ac-228
Th-226	Ra-222, Rn-218, Po-214
Th-228	Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 0.36 , Po-212 0.64
Th-229	Ra-225, Ac-225, Fr-221, At-217, Bi-213, Po-213, Pb-209
Th-nat	Ra-228, Ac-228, Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 0.36 , Po-212 0.64
Th-234	Pa-234m
U-230	Th-226, Ra-222, Rn-218, Po-214
U-232	Th-228, Ra-224, Rn-220, Po-216, Pb-212, Bi-212, Tl-208 0.36 , Po-212 0.64
U-235	Th-231
U-238	Th-234, Pa-234m
U-nat	Th-234, Pa-234m, U-234, Th-230, Ra-226, Rn-222, Po-218, Pb-214, Bi-214, Po-214,
U-240	Np-240m
Np-237	Pa-233
Am-242m	Am-242
Am-243	Np-239

b These values apply only to compounds of uranium that take the chemical form of UF₆, UO₂F₂ and UO₂(NO₃)₂ in both normal and accident conditions of transport.

c These values apply only to compounds of uranium that take the chemical form of UO₃, UF₄, UCl₄, and hexavalent compounds in both normal and accident conditions of transport.

d These values apply to all compounds of uranium other than those specified in d and e, above.

e These values apply to unirradiated uranium only.

[Publication Instructions: After the footnotes of Table 17A2 insert a page break such that Table 17A3 begins at the top of the page.]

TABLE 17A3: GENERAL VALUES FOR A 1 AND A 2

Contents	A ₁ (TBq)	A ₁ (Ci)	A ₂ (TBq)	A ₂ (Ci)	Activity concentration for exempt material(Bq/g)	Activity concentration for exempt material(Ci/g)	Activity limits for exempt consignments (Bq)	Activity limits for exempt consignments
Only beta or	1 x 10	2.7	2 x 10	5.4	1 x 10 ¹	2.7 x10 ⁻¹⁰	1 x 10 ⁴	2.7 x

gamma emitting radionuclides are known to be present	10^{-1}	10^0	10^{-2}	10^{-1}				
Only alpha emitting radionuclides are known to be present	2×10^{-1}	5.4×10^0	9×10^{-5}	2.4×10^{-3}	1×10^{-1}	2.7×10^{-12}	1×10^3	2.7×10^3
No relevant data are available	1×10^{-3}	2.7×10^{-2}	9×10^{-5}	2.4×10^{-3}	1×10^{-1}	2.7×10^{-12}	1×10^3	2.7×10^3

TABLE 17A4: ACTIVITY-MASS RELATIONSHIPS FOR URANIUM

Uranium Enrichment (i) weight % U-235 present	<u>Specific Activity</u>	
	TBq/g	Ci/g
.		
0.45	1.8×10^{-8}	5.0×10^{-7}
0.72	2.6×10^{-8}	7.1×10^{-7}
1.0	2.8×10^{-8}	7.6×10^{-7}
1.5	3.7×10^{-8}	1.0×10^{-6}
5.0	1.0×10^{-7}	2.7×10^{-6}
10.0	1.8×10^{-7}	4.8×10^{-6}
20.0	3.7×10^{-7}	1.0×10^{-5}
35.0	7.4×10^{-7}	2.0×10^{-5}
50.0	9.3×10^{-7}	2.5×10^{-5}
90.0	2.2×10^{-6}	5.8×10^{-5}
93.0	2.6×10^{-6}	7.0×10^{-5}
95.0	3.4×10^{-6}	9.1×10^{-5}

I The figures for uranium include representative values for the activity of the uranium-235 that is concentrated during the enrichment process.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00477

Opinion of the Attorney General rendered in connection with the rules adopted by the
Hazardous Materials and Waste Management Division

on 06/18/2014

6 CCR 1007-1 Parts 16-20

**RADIATION CONTROL - WIRELINE SERV OPS & SUBSURFACE TRACER STUDIES;
TRANSPORT- RAD MATERIAL; LICENSING- URANIUM & THORIUM PROCESSING;
IRRADIATORS; PARTICLE ACCELERATORS & THERAPEUTIC RAD- HEALING ARTS**

The above-referenced rules were submitted to this office on 06/23/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 01, 2014 14:48:26

A handwritten signature in black ink, appearing to read "DD", written over a light blue rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Disease Control and Environmental Epidemiology Division - promulgated by Colo Bd of Health

CCR number

6 CCR 1009-10

Rule title

6 CCR 1009-10 RULES FOR THE COLORADO HIV AND AIDS PREVENTION GRANT PROGRAM 1 - eff 08/14/2014

Effective date

08/14/2014

**Department of Public Health and Environment
Division of Disease Control and Environmental Epidemiology
6CCR 1009-10
Rules and Regulations Pertaining to the
COLORADO HIV AND AIDS PREVENTION GRANT PROGRAM
Adopted by the Board of Health on June 18, 2014**

1.1 Definitions

A. "Board" means the State Board of Health.

[Publication Instructions: Replace current existing text from Section 1.1 (B) with the following new text from Section 1.1(B)]

B. "Advisory Committee" means the seven member committee set forth in Section 25-4-1414 (1) (a), C.R.S. that is responsible for overseeing the Colorado Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) Prevention Program that shall fund medically accurate and evidence based HIV and AIDS prevention and education programs through a competitive grant process pursuant to Section 25-4-1413, C.R.S.

C. "Division" means the Disease Control and Environmental Epidemiology Division.

D. "Colorado HIV and AIDS Prevention Program" (CHAPP) means the grant program created to address local community needs in the areas of medically accurate HIV and AIDS prevention and education through a competitive grant process established pursuant to Section 25-4-1413 (1), C.R.S. administered by the Disease Control and Environmental Epidemiology Division at the Colorado Department of Public Health and Environment.

E. "Conflict of Interest" consists of one or more the following conditions:

1. If a member of the Advisory Committee has an immediate personal, private, or financial interest in any matter pending before the Advisory Committee;

2. If a member of the Advisory Committee has been an employee, consultant, officer, board member, advisor, grant writer, client, or volunteer for any of the agencies (whose grant applications are to be reviewed by the Advisory Committee) within the past twelve months, or has any other reasons that would prevent them from being an unbiased review panelist;

3. All other individuals: a personal or financial interest that could reasonably be perceived as an interest that may influence an individual in his or her official duties.

F. "Financial interest" means an interest held by an individual which is an ownership or vested interest in an entity or employment, or investment interests, or a prospective employment for which negotiations have begun, or a directorship or officership in an entity, or immediate family members.

[Publication Instructions: Replace current existing text from Section 1.1 (G)(1 – 5) with the following new text from Section 1.1 (G)(1-4)(a-e)]

G. "Medically accurate HIV and AIDS prevention and education program" means:

1. In accordance with credible medical publications, associations or agencies;
2. Verified or supported by research conducted in compliance with accepted scientific methods and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the federal centers for disease control and prevention, or the American Public Health Association;
3. Supported by peer-reviewed research which complies with accepted scientific methods, published in or by medical, scientific, psychological, sociological, government or public health publications, organizations or agencies – or information presented or provided by a reputable organization or agency which has expertise relating to sexual health, or;
4. Locally adapted evidence based interventions and methods which:
 - a. Pertain to the conscientious, explicit, and judicious use of current best evidence in making decisions.
 - b. Use scientific data to confirm that the proposed diagnostic or therapeutic procedures are appropriate in light of their high probability of producing the best and most favorable outcome.
 - c. Include activities that evaluation research has shown to be effective.
 - d. Are based on the best documented scientific evidence currently available.
 - e. Are based on systematic reviews of evidence, aimed at showing the relationship of the intervention to particular outcomes and an explicit process for translating the evidence into recommendations.

H. "Comorbidities secondary to HIV infections" includes, but is not limited to, the scope of sexually transmitted infections, hepatitis, tuberculosis, substance abuse and mental health issues.

I. "Urban" shall be a term applied to counties, having within the county boundaries, one or more population centers of 50,000 persons or more, and/or which according to

Colorado HIV surveillance data have a preponderance of HIV/AIDS cases that is 250 cases or more.

- J. "Rural" shall be a term applied to counties having fewer than 50,000 persons, or have less than 250 reported HIV/AIDS cases.

[Publication Instructions: Replace current existing text from Section 1.2 with the following new text from Section 1.2]

1.2 Program Goals

The grant program is created to address local community needs by funding medically accurate HIV and AIDS prevention and education programs through a competitive grant process. The Division shall administer the program with the goal of developing a comprehensive approach that will decrease the transmission and acquisition of HIV and AIDS in Colorado.

[Publication Instructions: Replace current existing text from Section 1.3.1(A)(1-2) with the following new text from Section 1.3(A)(1-8)]

1.3 Procedures for Grant Application

A. Grant Application Contents

Grant applicant organizations seeking resources to provide HIV/AIDS prevention and education programs will include the following information in their applications:

1. Applicants will submit documentation to verify that the grant applicant is a non-profit organization that is either:
 - a. Governed by a board of directors,
 - b. A tax-exempt organization 501 (c) (3) of the federal internal revenue code, or
 - c. A county, district, or multiple public health agency.
2. A description of how the applicant will provide medically accurate HIV and AIDS prevention and education programs, to meet local community needs. The application must document that the HIV and AIDS prevention and education program(s) is medically accurate.
3. A description of the local HIV/AIDS prevention or education issues(s) to be addressed, the geographic area and clients that shall be served and the history, experience, and cultural competence of the applicant to work with the targeted community or population, and provide services described in the application. The statement needs to include a description of the impact of HIV disease on the clients and community, the needs of

the clients and community that will be served, and how the clients and community will benefit from the grant.

4. Grant applications may also include activities related to conducting HIV prevention in conjunction with other comorbidities secondary to HIV infection.
5. A description of the goal and objectives and activities planned to meet the goals and objectives. The description will be in the form of a scope of work that includes timelines for implementing the activities.
6. A description of the roles and responsibilities of all staff funded through the application and partners or supporters.
7. A detailed operative budget and budget narrative.
8. A detailed evaluation plan with process and outcome measures. The evaluation plan will include:
 - a. A description of the applicant's capacity to comply with and monitor the implementation of the grant requirements,
 - b. A description of the measures, indicators and data that will be used to evaluate the grantee's ability to implement the scope of work and achieve the goals and objectives,
 - c. Process measures shall be include the number of clients to be reached, and when feasible, age, race, ethnicity, gender and behavioral risk factors,
 - d. Outcome measures, such as improved early detection of HIV, personal knowledge of HIV status, partner disclosure, or HIV-related knowledge, attitudes, beliefs, and behavior are required. Outcome measures will be targeted to identify the number of people served, the type and cost of services, and the level of benefit or improvement achieved,
 - e. Identifying the lessons the grantee learned from the implementation of the grant services, including discussion of the obstacles and how they were overcome as well as changes that would be made in the future,
 - f. How the results will be used, disseminated and communicated, and
 - g. A detailed sustainability plan and timeline for implementing the plan to support the goals and objectives after the grant ends.

[Publication Instructions: Replace current existing text from Section 1.3.1(B)(1) with the following new text from Section 1.3(B)

B. Timelines for Grant Application

Grant applications may be solicited up to two times each fiscal year, on dates determined by the Division and in consultation with the Advisory Committee.

[Publication Instructions: Replace current existing text from Section 1.4(A-F) with the following new text from Section 1.4(A-E).

1.4 Qualifications of an adequate proposal

For a proposal to be accepted and included in the review process, the proposal must:

- A. Be signed by an individual that is authorized by the applicant to submit grant proposals.
- B. Provide the requisite number of copies and/or electronic copies as required by the department.
- C. Conform to the grant application requirements in rule 1.3.
- D. Include an acknowledgement by the applicant that any grant funded HIV prevention messages, images, and materials will be reviewed and approved by the department prior to distribution.
- E. Include an acknowledgement by the applicant that all reports will be submitted electronically in a word processing software program compatible with Microsoft word 2007 (or higher) or excel 2007 (or higher) format.

[Publication Instructions: Replace current existing text from Section 1.5 through 1.5.3) with the following new text from Section 1.5(A-F)

1.5 Criteria for Selecting Entities

- A. The Division shall solicit competitive applications. The Advisory Committee shall review applications received pursuant to Section 25-4-1413 and Section 25-4-1414 C.R.S. and submit to the Board and the Executive Director of the Department recommended recipients, recommended grant amounts, and the duration of each recommended grant. In making recommendations for grants, the Advisory Committee shall follow the purpose of the program as outlined in section 25-4-1413.
- B. Funds will be distributed statewide and address the needs of both urban and rural residents of Colorado and populations disproportionately affected by the epidemiological impact of HIV/AIDS.
- C. In making recommendations for grants, the Advisory Committee shall also consider the distribution of federal funds in the areas of HIV and AIDS prevention, education, and treatment to ensure funds are distributed in the state where there is the greatest unmet need.

- D. In reviewing and approving grant applications, the Advisory Committee and the Board shall ensure that grants are distributed statewide and address the unmet needs of both urban and rural residents of Colorado.
- E. The following criteria will be used for selecting potential grantees:
1. Grantees must have the capacity to adequately administer and monitor the grant.
 2. Grantees will provide medically accurate HIV and AIDS prevention and education programs.
 3. Grantees may conduct HIV prevention in conjunction with other comorbidities secondary to HIV infection.
 4. Preference shall be given to applicants that have as one of their primary purposes HIV/AIDS prevention and education.
 5. Grantees must be nonprofit organizations that are governed by a board of directors, have the benefit of tax-exempt status pursuant section 501 (c) (3) of the federal "internal revenue code" or local health departments.
 6. Grantees shall not use funds to:
 - A. Contribute to existing scholarships, directly to endowments, debt reduction, or related activities,
 - B. Lobby or perform related activities, or
 - C. Supplant funding for existing programs.
 7. No grant shall be awarded for a period that exceeds three years.
- F. The Board shall have final authority to approve the grants administered under Section 25-4-1414 and Section 25-4-1413 C.R.S.
1. Within 30 days after receiving the Advisory Committee's recommendations, the executive director shall submit his or her recommendations to the Board.
 2. If the Board disapproves a recommendation for a grant recipient, the Advisory Committee may submit a replacement recommendation within 30 days after disapproval.
 3. The Board shall award grants to the entities selected by the Advisory Committee specifying the amount and duration of each grant award.

[Publication Instructions: Replace current existing text from Section 1.5 through 1.5.3 with the following new text from Section 1.6(A-B)(1-4)

1.6 Awarding of Program Grants

A. The Board shall award grants to the selected entities, specifying the amount of the grant.

B. Any actual or prospective applicant who is aggrieved in connection with the solicitation or award of a contract pursuant to Section 25-4-1413 may protest to the Executive Director of the department or his/her designee.

1. Such protests must be submitted in writing within seven working days after such aggrieved person knows, or should have known, of the facts giving rise thereto.

2. At the discretion of the Executive Director or his/her designee, protests may be placed on the agenda of the Advisory Committee for their consideration, and, if necessary, the Board.

3. At the discretion of the Executive Director or his/her designee, awards may proceed pending the final outcome of a Board decision regarding a protest.

4. At the discretion of the Board, a protest may result in changes in the final selection of entities receiving awards, the amount and duration of awards, and the termination of contracts or other agreements that were awarded pursuant to Section 25-4-1413.

[Publication Instructions: Replace existing text from Section 1.6 through Section 1.6.4 with the following new text from Section 1.7(A-B)]

1.7 Grantee Reporting Requirements

Grantees will develop and submit an annual report no later than 30 days after the end of the grant period and a final evaluation no later than 30 days after the conclusion of the grant.

A. Each annual report will include the goals, objectives, implementation steps, scope of work activities, and timeline for activities that were accomplished for in the grant year. Barriers to the timely achievement of the goals and objectives of the grant will be documented as part of the annual report. The report will include an evaluation of the work that conforms to the grantee's written evaluation plan. Continuation of the grant is contingent on submitting an annual report. Grantees who fail to submit the annual report may be terminated for nonperformance.

B. At the end of the grant period, the final report shall serve as that year's annual report. The final report will include the goals, objectives, implementation steps, scope of work activities, and timeline for activities that were accomplished during the entire duration of the grant. Barriers to the timely achievement of the goals and objectives of the grant will be documented as part of the final report. The report will include a final evaluation that conforms to the grantee's written evaluation plan.

[Publication Instructions: Replace Existing Text from Section 1.7 through Section 1.7.3 with the following new text from Section 1.8(A-C).

1.8 Conflict of Interest

A. This section applies to any person:

1. Who reviews submitted applications; or
2. Who makes recommendations to the Board regarding which applicants receive grants and the amounts of said grants; or
3. Who is a member of the Board or Advisory Committee.

B. Prohibited Behavior. No person may be involved in the activities specified in subsection A of this section if that person has a conflict of interest, as that term is defined in section 1.1 herein.

C. Responsibilities of Persons with a Potential Conflict of Interest. A person who believes that he or she may have a conflict of interest shall disclose the conflict as soon as he or she becomes aware of it. If the person is a member of the Advisory Committee, that person shall not vote on the matter for which the person has a conflict. Other activities of members of the Advisory Committee are subject to subparagraph 2 below.

1. If the person is a member of the Advisory Committee and acting in his or her capacity as an Advisory Committee member, the person shall publicly disclose the conflict of interest to the Advisory Committee. If the Advisory Committee determines there exists of a conflict of interest, the person shall recuse himself or herself from any of the activities specified in paragraph 1.7.A relating to the conflict.
2. Any other person shall disclose the conflict of interest in writing to the Advisory Committee. If the Advisory Committee determines that the person has a conflict of interest, the person shall recuse himself or herself from any of the activities specified in paragraph 1.7.A relating to the conflict.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00468

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Disease Control and Environmental Epidemiology Division - promulgated by Colo Bd of Health**

on 06/18/2014

6 CCR 1009-10

RULES FOR THE COLORADO HIV AND AIDS PREVENTION GRANT PROGRAM

The above-referenced rules were submitted to this office on 07/01/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 01, 2014 14:43:59

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 04

Rule title

6 CCR 1011-1 Chap 04 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER IV - GENERAL HOSPITALS 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XV - DIALYSIS TREATMENT CLINICS

6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility’s operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXI - HOSPICES

6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-00469

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 06/18/2014

6 CCR 1011-1 Chap 04

**STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER IV - GENERAL
HOSPITALS**

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 01, 2014 14:44:36

A handwritten signature in black ink, appearing to read "DD", written over a light blue rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 09

Rule title

6 CCR 1011-1 Chap 09 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND
EMERGENCY CENTERS 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XV - DIALYSIS TREATMENT CLINICS

6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility’s operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXI - HOSPICES

6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00470

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 06/18/2014

6 CCR 1011-1 Chap 09

**STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER IX - COMMUNITY
CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS**

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

July 01, 2014 14:45:05

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 10

Rule title

6 CCR 1011-1 Chap 10 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER X - REHABILITATION CENTERS 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XV - DIALYSIS TREATMENT CLINICS

6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility’s operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXI - HOSPICES

6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00471

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 06/18/2014

6 CCR 1011-1 Chap 10

**STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER X - REHABILITATION
CENTERS**

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

July 01, 2014 14:45:38

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 15

Rule title

6 CCR 1011-1 Chap 15 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER XV - DIALYSIS TREATMENT CLINICS 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XV - DIALYSIS TREATMENT CLINICS

6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility’s operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
 - (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXI - HOSPICES

6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00472

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 06/18/2014

6 CCR 1011-1 Chap 15

**STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER XV - DIALYSIS
TREATMENT CLINICS**

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 01, 2014 14:46:07

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 18

Rule title

6 CCR 1011-1 Chap 18 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER XVIII - PSYCHIATRIC HOSPITALS 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XV - DIALYSIS TREATMENT CLINICS
6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility's operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XXI - HOSPICES
6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00473

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 06/18/2014

6 CCR 1011-1 Chap 18

**STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER XVIII - PSYCHIATRIC
HOSPITALS**

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 20

Rule title

6 CCR 1011-1 Chap 20 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER XX - AMBULATORY SURGICAL CENTER 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XV - DIALYSIS TREATMENT CLINICS
6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility's operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
 - (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XXI - HOSPICES
6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XV - DIALYSIS TREATMENT CLINICS

6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility’s operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXI - HOSPICES

6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00474

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 06/18/2014

6 CCR 1011-1 Chap 20

**STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER XX - AMBULATORY
SURGICAL CENTER**

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 01, 2014 14:47:09

A handwritten signature in black ink, appearing to read 'DD', is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 21

Rule title

6 CCR 1011-1 Chap 21 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER XXI - HOSPICES 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XV - DIALYSIS TREATMENT CLINICS
6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility's operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXI - HOSPICES

6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00475

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 06/18/2014

6 CCR 1011-1 Chap 21

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER XXI - HOSPICES

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 01, 2014 14:47:35

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Permanent Rules Adopted

Department

Department of Public Health and Environment

Agency

Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health

CCR number

6 CCR 1011-1 Chap 26

Rule title

6 CCR 1011-1 Chap 26 STANDARDS FOR HOSPITALS AND HEALTH FACILITIES:
CHAPTER XXVI - HOME CARE AGENCIES 1 - eff 08/14/2014

Effective date

08/14/2014

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IV - GENERAL HOSPITALS

6 CCR 1011-1 Chap 04

Adopted by the Board of Health on June 18, 2014

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Number of Beds	Fee	Fee with Deeming Discount
1 - 50 beds	Base: \$900 Per bed: \$12	Base: \$810 Per bed: \$12
51 - 150 beds	Base: \$1,400 Per bed: \$12	Base: \$1,260 Per bed: \$12
151+ beds	Base: \$2,000 Per bed: \$12	Base: \$1,800 Per bed: \$12

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(7) with the following new text for Section 3.101(7)]

(7) Off-Campus Locations

- (a) Addition, Annual Renewal and Termination of Off- Campus Locations. A licensee shall submit a nonrefundable fee, as set forth below, for the requested license action.

- (i) \$1,000 for the addition of each location to the list of off-campus locations under the license, except that critical access hospitals shall submit a nonrefundable fee of \$500.
- (ii) \$500 for the annual renewal of each off-campus location listed under the license.
- (iii) \$450 for the annual renewal of licenses that expire on or after September 1, 2014, for each off-campus location that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.
- (iv) \$360 for the removal of each location from the list of off-campus locations under the license.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER IX - COMMUNITY CLINICS AND COMMUNITY CLINICS AND EMERGENCY CENTERS

6 CCR 1011-1 Chap 09

* * * * *

[Publication Instructions: Replace current existing text at Section 3.100 with the following new text for Section 3.100]

3.100 APPLICATION FEES.

- (1) For new license applications received or renewal licenses that expire on or after September 1, 2014, a non-refundable fee shall be submitted with the license application as follows:

License Category	Initial license	Renewal license	Change of ownership
Community emergency center	\$2,750	\$1,350	\$3,100
Clinic operating inpatient beds	\$2,750	\$1,350	\$3,100
Clinic operated under the auspices of the Department of Corrections	\$2,500	\$1,300	\$2,500
Optional licensure pursuant to Section 2.101 (3)(a)(iv).			
Clinic serving the uninsured or underinsured:	\$1,200	\$600	\$1,250
Other clinic:	\$2,400	\$1,200	\$2,500

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

6 CCR 1011-1 Chap 10

[Publication Instructions: Replace current existing text from the title of Chapter 10 with the following new text for the title of the Chapter]

CHAPTER X - REHABILITATION HOSPITALS

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

(2) Renewal License .

- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
- (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XV - DIALYSIS TREATMENT CLINICS
6 CCR 1011-1 Chap 15

* * * * *

[Publication Instructions: Replace current existing text at Section 3.1(b) with the following new text for Section 3.1(b)]

- (B) Renewal license fee - For licenses that expire on or after September 1, 2014, the fee shall be based upon the maximum number of a facility's operational procedure stations as set forth below.

1 – 12 stations	\$1,600 per facility
13 – 23 stations	\$2,520 per facility
24 or more stations	\$3,435 per facility

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XVIII - PSYCHIATRIC HOSPITALS
6 CCR 1011-1 Chap 18

* * * * *

[Publication Instructions: Replace current existing text at Section 3.101(2) with the following new text for Section 3.101(2)]

- (2) Renewal License.
 - (a) A license applicant shall submit an application for licensure with a nonrefundable fee as follows: Base fee of \$1,600 and a per bed fee of \$12. The total renewal fee shall not exceed \$8,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a \$160 discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
Health Facilities and Emergency Medical Services Division
STANDARDS FOR HOSPITALS AND HEALTH FACILITIES
CHAPTER XX - AMBULATORY SURGICAL CENTER
6 CCR 1011-1 Chap 20

* * * * *

[Publication Instructions: Replace current existing text at Section 25.A.2 with the following new text for Section 25.A.2]

2. Renewal license.
- (a) A license applicant shall submit an application for licensure with a nonrefundable fee as shown in the following table. The total renewal fee shall not exceed \$3,000.
 - (b) For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

Base Fee	Base Fee with Deeming Discount	Procedure Room Fee
\$1,440	\$1,295	\$200 per room

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities and Emergency Medical Services Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXI - HOSPICES

6 CCR 1011-1 Chap 21

* * * * *

[Publication Instructions: Replace current existing text at Section 14.3 with the following new text for Section 14.3]

14.3 Annual Renewal License

- (A) For licenses expiring on or after September 1, 2014, the base renewal fee shall be \$3,900 per hospice. The total renewal fee shall reflect all applicable adjustments as set forth below.
 - (1) For a hospice that is physically located in a county other than Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Pueblo or Weld; and that provides at least 75 percent of its services in counties other than those named in this paragraph, the fee shall be \$2,400 per hospice.
 - (2) For hospices with less than 2000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$1,500 per hospice.
 - (3) For hospices with less than 1000 annual patient days, as reported on the most recent Medicare cost report, the fee shall be \$750 per hospice.
 - (4) A discount of \$300 per hospice shall apply if the same business entity owns separately licensed hospices at more than one Colorado location.
 - (5) A discount of \$425 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.
 - (6) Upon request, the department may waive the fee for a hospice that demonstrates it is a not for profit organization that charges no fees and is staffed entirely by uncompensated volunteers.
 - (7) Hospices with the same ownership and governing body that provide both home and inpatient hospice care in the same geographic area shall be licensed as one entity. The fee shall be \$6,400 and no other discounts shall apply except as set forth in (7)(a).
 - (a) A discount of \$640 shall apply if the hospice is deemed by an accrediting organization recognized by the Centers for Medicare and Medicaid Services and remains in good standing with that organization. To be considered for this discount, the hospice shall authorize its accrediting organization to submit directly to the department copies of all the hospice's surveys and plan(s) of

correction for the previous license year, along with the most recent letter of accreditation showing the hospice has full accreditation status.

* * * * *

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Health Facilities Regulation Division

STANDARDS FOR HOSPITALS AND HEALTH FACILITIES

CHAPTER XXVI - HOME CARE AGENCIES

6 CCR 1011-1 Chap 26

* * * * *

[Publication Instructions: Replace current existing text from Section 5.4.3 with the following new text at Section 5.4.3]

5.4.3 Renewal licensure

(A) Base Fee

There shall be a base fee that is determined by the license category as defined in section 5.1 of this Chapter. The renewal license base fee shall be:

Class A - \$1,550

Class B - \$1,325

(B) Additional volume fee

Each agency shall report its annual admissions for the previous year on its license renewal application. If the number of annual admissions is 50 or more, the agency shall add the following amount to its base fee:

50 to 99 admissions - \$100

100 or more admissions - \$200

(C) Medicare or Medicaid service discount

Each agency that is currently certified to provide Medicaid or Medicare services shall deduct \$100 from its base fee.

(D) Deeming discount

For licenses that expire on or after September 1, 2014, a license applicant that is accredited by an accrediting organization recognized by the Centers for Medicare and Medicaid Services as having deeming authority may be eligible for a 10 percent discount off the base renewal license fee. In order to be eligible for this discount, the license applicant shall authorize its accrediting organization to submit directly to the Department copies of all surveys and plan(s) of correction for the previous license year, along with the most recent letter of accreditation showing the license applicant has full accreditation status.

* * * * *

John W. Suthers

Attorney General

Cynthia H. Coffman

Chief Deputy Attorney General

Daniel D. Domenico

Solicitor General



Ralph L. Carr

Colorado Judicial Center

1300 Broadway, 10th floor

Denver, CO 80203

Phone 720-508-6000

**State of Colorado
Department of Law
Office of the Attorney General**

Tracking number: 2014-00476

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Health Facilities and Emergency Medical Services Division (1011, 1015 Series) - by Colo Bd of Health**

on 06/18/2014

6 CCR 1011-1 Chap 26

**STANDARDS FOR HOSPITALS AND HEALTH FACILITIES: CHAPTER XXVI - HOME CARE
AGENCIES**

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers

Attorney General

by Daniel D. Domenico

Solicitor General

July 01, 2014 14:48:01

Permanent Rules Adopted

Department

Department of State

Agency

Secretary of State

CCR number

8 CCR 1505-2

Rule title

8 CCR 1505-2 BINGO AND RAFFLES GAMES 1 - eff 08/14/2014

Effective date

08/14/2014

COLORADO SECRETARY OF STATE

[8 CCR 1505-2]

RULES CONCERNING BINGO AND RAFFLES GAMES

Rules as Adopted - Clean

June 25, 2014

(Publication notes) may be included.

Amendments to Rule 1:

Rule 1. Definitions

[Current Rule 1.1 is repealed; Current Rules 1.2 through 1.7 are renumbered accordingly]

- 1.1 “Bucket raffle” means an event where a licensee conducts many small raffles at the same time. Ticket purchasers may deposit one or more of the purchased tickets into various receptacles from which a winner or winners will be drawn for a prize or prizes.
- 1.2 “Call-fulfillment center” means a registered company that employs telephone operators to answer calls and provide data-entry services.
- 1.3 “Concealed face card” means a non-reusable bingo card containing five rows of five squares with a free center space, one number preprinted on each of the remaining 24 spaces, and the letters “B I N G O” printed in order over the five columns. No part of the card’s face is detectable or discernible until the card is purchased and opened by the player.
- 1.4 “Double Action Game” means a bingo game that uses a bingo card containing the letters “B I N G O” placed horizontally over a five by five matrix of squares with the center square blank, where each of the other squares contains two numbers in the range of one to 75.
- 1.5 “Face” means a bingo card.
- 1.6 “Flare” means a piece of heavy paper stock or other material accompanying a pull tab deal that shows at minimum the following about the matching deal:
 - 1.6.1 The name and form number of the game;
 - 1.6.2 The manufacturer name or logo;
 - 1.6.3 The number of tickets in the deal and the cost per play; and
 - 1.6.4 The prize structure, including the number of winning tickets by denomination and

their respective winning symbol combinations.

New Rule 1.7:

- 1.7 “House rules” means the licensee’s rules governing the conduct of games, consistent with the Colorado constitution, the Bingo and Raffles Law, and these rules.
- 1.8 “Licensed Premises” means the premises owned, leased by, or controlled by a licensee and used for games of chance, and that are not leased to other licensees for the conduct of games of chance.
- 1.9 “Licensee” means, as used in these rules unless otherwise specified, a bingo-raffle licensee as defined in section 12-9-102(1.2), C.R.S.

[Current Rules 1.10 through 1.14 are retained unaltered]

[Amendments to Rule 1.15; New Rule 1.15.2:]

- 1.15 “Remuneration” means a payment given to a member of an organization in return for that member’s participation in the operation of charitable gaming.

1.15.1 “Remuneration” includes, but is not limited to:

- (a) Cash;
- (b) Reduced-price or free packs;
- (c) Reduced dues based on the number of volunteer hours that the member works in the operation of charitable gaming;
- (d) Meal vouchers;
- (e) Reimbursement of travel expenses when other members who do not participate in the operation of charitable gaming are not reimbursed for travel;
- (f) Non-competitive scholarships where the selection of the scholarship recipient is based on the amount of time volunteered in charitable gaming operations, whether by the recipient or a member of the organization related to the recipient; or
- (g) Tips received from a player as a result of the member’s participation in charitable gaming operations.

1.15.2 “Remuneration” does not include food offered to volunteers in accordance with section 12-9-107(6), C.R.S., when the retail value of the food does not exceed \$10.00 per volunteer-duty shift.

1.16 “Renewal Application” means an application for bingo-raffle license renewal filed by a currently licensed qualified organization.

[Current Rules 1.17 through 1.19 are retained unaltered]

Amendments to Rule 2.3.1(d):

- 2.3.1 A licensee may not conduct any bingo, raffle, or other game of chance unless one of its designated games managers holds a current, valid games manager certificate issued by the Secretary of State.
- (a) The Secretary of State may issue a games manager certificate to any individual who has successfully completed a games manager training program and passed a test.
 - (b) The Secretary of State may issue games manager certificates that are valid for the management of all licensed bingo-raffle activities or may issue a limited certificate valid only for licensed raffles.
 - (c) Each games manager must execute a games manager’s oath on a form prescribed by the Secretary of State.
 - (d) A games manager certificate is valid for a period of four years from the date of issuance.

Amendments to Rule 2.4.3:

- 2.4.3 Occasion Rules. Each licensee must post a sign, in a conspicuous location and in at least 12-point font, that includes the following information:
- (a) All house rules in effect during that occasion;
 - (b) That the games manager is the final authority in the event of a dispute; and
 - (c) The procedure for determining refunds and the amount of the refund in the event of a power failure.

Amendments to Rule 2.4.4(c) concerning prize information:

- (c) Merchandise prizes are not redeemable or convertible into cash directly or indirectly, in accordance with section 12-9-107.1(4), C.R.S.

Amendments to Rule 3.2.3(b) concerning progressive jackpot bingo games method of play:

- (b) If the game is not won within the drawing of the previously designated number of objects or balls, the licensee must replay the game at the same location using the previously designated arrangement of numbers or

spaces, until the game is won.

Current Rule 3.2.16 is repealed:

Amendments to Rule 4.1.1(a)(2) concerning player payment method:

- (2) Directly deposit all proceeds into the licensee's segregated checking or savings account. The licensee may not commingle proceeds with funds in a general account or other account. [Section 12-9-108(3), C.R.S.]

Current Rules 4.1.4 through 4.1.7 are renumbered as Rules 4.1.2 through Rule 4.1.5:

- 4.1.2 Premises only sales. All sales of cards, packs, and sheets must take place on the licensed premises during the bingo occasion.
- 4.1.3 Set price. A licensee:
 - (a) Must sell all cards, packs, and sheets at a set price.
 - (b) May offer discounts on the basis of criteria available to all players, such as quantity purchased.
 - (c) Must set a price for the purchase, lease, or use of an electronic bingo aid device and that price must not change throughout the bingo occasion.
 - (d) Must charge identical fees for electronic and non-electronic bingo card faces.
 - (e) Must post the price of each card, pack, or sheet, including discounts offered, and the charge, if any, for the purchase, lease, or use of each electronic bingo aid device, during the occasion, and before players may purchase items.
- 4.1.4 Sales of individual sheets and cards. At all bingo occasions where individual disposable cards or sheets are sold, the following procedures apply:
 - (a) The licensee must issue individual disposable cards or sheets and a change fund to the workers. The licensee must record the exact number of disposable cards or sheets issued using the form prescribed by the Secretary of State.
 - (b) After the cards or sheets for a game are sold, the games manager or other designated individual must count the amount on hand, subtract the change fund, and compare cards or sheets sold against the money received.
 - (c) The licensee must record and retain the exact number of cards or sheets

that are removed from inventory, sold, and returned to inventory using the form prescribed by the Secretary of State.

- (d) Sellers of individual disposable cards or sheets may not use proceeds from sales to pay prizes.

4.1.5 Progressive bingo cards and sheets. The following procedures and requirements, in addition to those for bingo operations generally, apply to the sale and use of progressive jackpot bingo cards and sheets:

- (a) The licensee must sell only disposable paper cards and must only lease electronic bingo aid devices where card faces are distinguishable by a color or design that the licensee does not use for any other game.
- (b) Each card or face sold for a progressive game must contain five rows of five squares with 24 preprinted numbers, or 48 preprinted numbers in the case of double action games, from the range of 1-75, a free center space, and the letters B I N G O printed in order over the five columns.

Amendments to current Rule 4.1.7(c); renumbered 4.1.5(c):

- (c) A licensee must determine a set card price before the first game in a progression. Discounts, free cards or faces, price changes, and variable pricing are prohibited.
- (d) A licensee must sell progressive bingo cards prior to the drawing of the first number for the game, except that, if the progressive game is a pre-draw concealed face game, the licensee may sell cards after the first drawing of numbers and before the game resumes.
- (e) A licensee must sell and account for progressive cards separately from other cards, sheets, or packs sold or used at a bingo occasion. A licensee may, by house rule, make purchase of a pack or door card a prerequisite for purchase of a progressive card.

Amendments to Rule 4.2.2:

4.2.2 Tally cards. A licensee must provide a tally card or cash receipt to anyone who purchases cards or packs at the door. At a minimum, the tally card or cash receipt must show the date of purchase and the total number of cards or packs purchased. A licensee must only award a prize when the purchaser provides the tally card or cash receipt.

Amendments to Rule 5.3.2:

5.3.2 If the licensee uses a mechanical pull tab dispensing device, the licensee must

post a conspicuous notice upon the machine indicating whether all unsold tickets in the deal are loaded in the machine.

Amendments to Rule 5.4.3:

- 5.4.3 Offered for play. Once a progressive pull tab game starts at a bingo occasion, a licensee must offer the game at each succeeding bingo occasion sponsored by the licensee until the jackpot is won. If a progressive pull tab game starts on the licensee's premises, the licensee must offer the game on each successive day that the premises are open.

Amendments to Rule 7.1.1:

- 7.1.1 Reporting requirements. A licensee that conducts a promotion must report awarded prize information to the licensing authority in accordance with section 12-9-102.5(4)(c), C.R.S.

Amendments to Rule 8.1.4:

- 8.1.4 If the total retail value of the raffle prize or prizes in a single raffle exceeds \$1,000, a licensee must satisfy the following requirements:

Total Retail Value of Prizes Over \$1,000			
Requirement Type	When Ticketholder's Presence is Required To Win	When Ticketholder's Presence is Not Required To Win	
		If licensee notifies winners by mail	If licensee notifies winners by online posting
Ticket Content	Print a paper ticket with the following: 1. License number; 2. Licensee name exactly as it appears on the license; 3. Date, time and place of the drawing; 4. Ticket cost; 5. Adequate description of the major prize(s) offered; 6. Date(s) when the ticket price will increase or decrease; 7. Cost if tickets purchased as a package; and 8. The word "RAFFLE."	Print a paper ticket with the following: 1. License number; 2. Licensee name exactly as it appears on the license; 3. Date, time and place of the drawing; 4. Ticket cost; 5. Adequate description of the major prize(s) offered; 6. Date(s) when the ticket price will increase or decrease; 7. Cost if tickets purchased as a package; and 8. The word "RAFFLE."	Print a paper ticket with the following: 1. License number; 2. Licensee name exactly as it appears on the license; 3. Date, time and place of the drawing; 4. Ticket cost; 5. Adequate description of the major prize(s) offered; 6. Date(s) when the ticket price will increase or decrease; 7. Cost if tickets purchased as a package; and 8. The word "RAFFLE."
	Print on each ticket a statement indicating that the ticketholder must be present to win prize.	Print on each ticket a statement indicating that the ticketholder need not be present to win prize.	Print on each ticket a statement indicating that the ticketholder need not be present to win prize.
	Print ticket stub providing for entry of ticketholder's name and mailing address if raffle tickets are sold on any day or at any location other than the day and location of the drawing.	Print ticket stub providing for entry of ticketholder's name and mailing address.	Print on each ticket the web address where the licensee will post the winning number, the period of time for which the winning number will be posted, and a phone number that ticketholders can call to verify the winning number.

Total Retail Value of Prizes Over \$1,000			
Requirement Type	When Ticketholder's Presence is Required To Win	When Ticketholder's Presence is Not Required To Win	
		If licensee notifies winners by mail	If licensee notifies winners by online posting
Pre-Raffle Filing	Before the sale of any tickets, file a voided ticket for the raffle with the Secretary of State.	Before the sale of any tickets, file a voided ticket for the raffle with the Secretary of State.	Before the sale of any tickets, file a voided ticket for the raffle with the Secretary of State.
			At least 14 calendar days before any ticket sale, submit to the Secretary of State the website address where winning ticket numbers will be posted. The website must indicate when the winning ticket numbers will be available.
Claiming Prize	<p>Provide a reasonable amount of time, not to exceed 30 minutes, for winner(s) to claim prize(s).</p> <p>If winner(s) fails to claim a prize, the licensee must continue drawing tickets until the prize is claimed.</p>	<p>Within 30 days of the drawing, notify all winners who have not claimed their prizes by U.S. postal service certified mail, return receipt requested.</p> <p>The notification must indicate the prize won, a contact person's telephone number, and the time and location where the winner may claim the prize(s).</p> <p>If a winner fails to claim a prize within 30 days of receiving notification, the licensee may retain the prize or offer it in another raffle.</p>	<p>Within 24 hours of the drawing, post all winning ticket numbers and a contact phone number to the website listed on raffle tickets. The winning ticket numbers and phone number must remain posted on the website for at least 30 days after the raffle drawing.</p>
	Retain all raffle ticket stubs and unsold tickets for six months following the quarter in which the raffle was held.	Retain all raffle ticket stubs and unsold tickets for six months following the quarter in which the raffle was held.	Retain all raffle ticket stubs and unsold tickets for six months following the quarter in which the raffle was held.

Amendments to Rule 8.1.5:

8.1.5 If the total retail value of the raffle prize or prizes in a single raffle is \$1,000 or less, a licensee must satisfy the following requirements:

Total Retail Value of Prizes \$1,000 and Under

Requirement Type	When Ticketholder's Presence is Required To Win	When Ticketholder's Presence is Not Required To Win	
		If licensee notifies winners by mail	If licensee notifies winners by online posting
Ticket Content		Print ticket stub providing for entry of ticketholder's name and mailing address.	Print on each ticket the web address where the licensee will post the winning number, the period of time for which the winning number will be posted, and a phone number that ticketholders can call to verify the winning number.
Pre-Raffle Filing			At least 14 calendar days before any ticket sale, submit to the Secretary of State the website address where winning ticket numbers will be posted. The website must indicate when the winning ticket numbers will be available.
Claiming Prize	<p>Provide a reasonable amount of time, not to exceed 30 minutes, for winner(s) to claim prize(s).</p> <p>If winner(s) fails to claim a prize, the license must continue drawing tickets until the prize is claimed.</p>	<p>Within 30 days of the drawing, notify all winners who have not claimed their prizes by U.S. postal service certified mail, return receipt requested.</p> <p>The notification must indicate the prize won, a contact person's telephone number, and the time and location where the winner may claim the prize(s).</p> <p>If a winner fails to claim a prize within 30 days of receiving notification, the licensee may retain the prize or offer it in another raffle.</p>	Within 24 hours of the drawing, post all winning ticket numbers and a contact phone number to the website listed on raffle tickets. The winning ticket numbers and phone number must remain posted on the website for at least 30 days after the raffle drawing.

	Retain all raffle ticket stubs and unsold tickets for six months following the quarter in which the raffle was held.	Retain all raffle ticket stubs and unsold tickets for six months following the quarter in which the raffle was held.	Retain all raffle ticket stubs and unsold tickets for six months following the quarter in which the raffle was held.
--	----------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------

Amendments to Rule 8.1.6:

- 8.1.6 Cancellation. A licensee may not cancel a raffle after the first raffle ticket is sold unless the licensee demonstrates to the Secretary of State that it will provide notice of cancellation to all ticket purchasers and refund the purchase amount to every purchaser.

New Rule 8.1.8:

- 8.1.8 A licensee may not conduct more than one regular (non-progressive) raffle drawing at a bingo occasion.

Amendments to Rule 8.4.1(b)(2) concerning playing card progressive raffles:

- (2) The licensee must place the cards from the deck in identical separate envelopes or other containers, one card per container, through which the card is not visible. The container must be sealed so that the licensee must tear, break, or rip a portion of the container in order to access the card.

Amendments to Rule 8.4.2:

8.4.2 Additional rules for playing card progressive raffles

- (a) Before sealing cards in the containers, the games manager and at least one other licensee member must verify that all cards are present.
- (b) The licensee must shuffle the envelopes containing the cards before putting them on public display.
- (c) Once the licensee places the envelopes on display, the licensee must keep them in a locked container at all times except during drawings. Only the games manager and licensee officers are allowed access to the keys for the container.

[Current Rule 8.4.4. is incorporated into Rule 8.4.2(d) as follows:]

- (d) A ticket holder must be present at the drawing in order to claim a progressive raffle prize. If the winning ticket purchaser is not present at the drawing, the licensee must continue to draw tickets until selecting a ticket purchaser who is present.
- (e) If the envelope selected by the drawing winner does not contain the Jackpot Prize Card, the licensee must display the selected card at all future drawings until the licensee awards the jackpot prize.

[Current Rule 8.4.6(a) is amended and recodified as New Rule 8.4.2(f) as follows:]

- (f) A licensee must determine the amount of the jackpot based on a percentage of gross raffle ticket sales from each raffle in the progressive sequence, not to exceed 70%.
- (g) The licensee may offer a cash consolation prize for a winning ticket purchaser that does not select the Jackpot Prize Card.
 - (1) Consolation prizes do not count against the \$15,000 maximum progressive raffle prize limit.
 - (2) Before conducting a progressive raffle offering a consolation prize, the licensee must designate the consolation prize as either a specified amount or a specified percentage of the gross proceeds collected from the sale of raffle tickets for a particular drawing.

Amendments to Rule 8.4.3:

- 8.4.3 The licensee may conduct a maximum of one playing card progressive raffle and one members-only progressive raffle simultaneously.

[Current Rule 8.4.4. is moved to Rule 8.4.2(d)]

Current Rule 8.4.5 is renumbered as New Rule 8.4.4:

- 8.4.4 Progressive Raffles Ticket Sales.
 - (a) If the licensee only sells progressive raffle tickets to licensee members, Rule 8.1.4 requirements do not apply.
 - (b) Tickets sold for a specific drawing are void and ineligible for future drawings.
 - (c) The licensee must determine ticket prices before selling progressive raffle tickets and must not change ticket prices for any drawing in that progressive sequence.

Amendments to Rules 8.4.6 through 8.4.8 (renumbered as Rules 8.4.5 through 8.4.7):

- 8.4.5 Progressive Jackpot Prizes.

[Current Rule 8.4.6(a) is amended and recodified as New Rule 8.4.2(f)]

- (a) A progressive raffle jackpot prize must not exceed \$15,000. When the jackpot prize reaches \$15,000, the licensee must award it in the following

manner:

- (1) In a members-only drawing, the licensee must continue to draw member names until a member who purchased a ticket is drawn. The licensee must award the progressive prize to that member.
 - (2) In a playing card progressive raffle, the licensee must either:
 - (i) Award the jackpot to the ticket purchaser whose ticket is first drawn after the prize limit is reached; or
 - (ii) Determine the winner by drawing raffle tickets and allow ticket holders to select envelopes until a drawing winner selects the jackpot prize card.
 - (3) The licensee may retain any proceeds from raffle tickets sold after the progressive prize reaches the \$15,000 prize limit.
 - (4) A licensee may impose a progressive raffle jackpot maximum below the \$15,000 maximum set by rule. Upon reaching the self-imposed maximum, the licensee must award the jackpot according to procedures listed in Rule 8.4.5(a). The licensee must post notice of self-imposed maximums in accordance with Rule 8.4.6.
- (b) A licensee may seed a single progressive raffle with an amount not to exceed \$500.

Amendments to Rule 8.4.6(c) (formerly Rule 8.4.7(c)):

8.4.6 Required Postings. In addition to any postings otherwise required by these rules, a licensee that conducts a progressive raffle must also post a sign in at least 12-point font stating:

- (a) The amount of the progressive raffle jackpot and any consolation prizes;
- (b) The percentage of gross sales of progressive raffle tickets that will be contributed to the jackpot;
- (c) If applicable, the maximum number of progressive raffle drawings without a jackpot winner or the maximum jackpot amount before the licensee will automatically award the prize according to procedures listed in Rule 8.4.5(a);
- (d) If the jackpot is not awarded, the date, time, and location of the occasion at which the next drawing will occur; and
- (e) In a playing card progressive raffle, the Jackpot Prize Card and the

number of envelopes to be selected per drawing.

- 8.4.7 If a licensee's license expires, is not renewed, is suspended, revoked, or surrendered, or if the licensee permanently terminates its operations or terminates its operations at a particular location before awarding a progressive raffle jackpot, the licensee must determine a winner and award the jackpot prize on the last posted drawing date at the location where the progression was started.

Amendments to Rule 9.3.2:

- 9.3.2 Time to redeem pull tab. If a ticket holder presents a pull tab ticket more than 21 days after the licensee closes the pull tab deal, the ticket is void and irredeemable except as otherwise provided in these rules and unless the licensee's house rules provide an alternative redemption deadline.

Amendments to Rule 14.1.1:

- 14.1.1 Application for approval. Any Colorado licensed manufacturer of an electronic bingo aid device and computer system may apply for a letter ruling in accordance with section 12-9-103(1)(d), C.R.S., by submitting a written request to the Secretary of State. The request must include the manufacturer's name, license number, address, telephone and fax numbers, and an email address; the make, model and description of the bingo aid device and computer system for which approval is sought; and the name and specific contact information of the manufacturer's representative who is an expert on the construction, programming, and operation of the device and system. All requests must also include:

- (a) A complete user's manual of the bingo aid device or system;
- (b) Either a working prototype or a location in Colorado where the manufacturer can demonstrate the prototype;
- (c) An affirmation from the manufacturer stating that the manual and prototype submitted to the Secretary of State do not differ materially from the manual, device and system that will be distributed in Colorado after approval of the prototype;
- (d) In the case of a bingo aid device, a verified certificate from the manufacturer stating that the device meets all the standards set forth in section 12-9-107.1(8)(a)(II)(A) through (D), C.R.S., and that the device can and will be restricted to allow the play of no more than 36 faces per bingo game;
- (e) In the case of a bingo aid computer system, a verified manufacturer's certificate stating that the system meets all the requirements set forth in section 12-9-107.1(9)(a) through (c), C.R.S., and that the system, if

constructed or intended for more than one licensee, is capable of segregating, securing, and restricting access to each licensee's data so that no other licensee can access the data; and

- (f) The manufacturer must verify that a bingo aid computer system that is designed for use by more than one user only allows users to access the system through a unique user identification and password, smart card, token, or other method. Identification and access must:
 - (1) Ensure that the licensee's data is accessible only to the bearer of the licensee's unique identifier, the Secretary of State and the personnel of the system's manufacturer; and
 - (2) Clearly identify all of the licensee's data and only the licensee's data.

Amendments to Rule 15.3.2:

15.3.2 Class 2 violations include:

- (a) Using bingo or pull tab equipment that is not owned or leased by a landlord licensee or owned or leased by a licensee.
- (b) Paying other than reasonable, bona fide, lawful expenses in connection with the conduct of licensed games of chance, purchasing games of chance prizes or equipment at prices exceeding reasonable and usual amounts, or other use of games of chance proceeds for other than the lawful purposes of the licensee.
- (c) Converting into or redeeming for cash any bingo merchandise prizes.
- (d) Offering or giving any alcoholic beverage as a prize in a licensed game of chance.
- (e) Giving, receiving, authorizing, or permitting the assistance in the conduct of games of chance of any person disqualified or prohibited by statute or rule from rendering such assistance.
- (f) Offering or giving any bingo door prizes or jackpot prizes exceeding the statutory maximum amounts set for prizes.
- (g) Reserving or setting aside bingo cards or pull tabs for use by players, except as authorized in section 12-9-107.1(3)(d), C.R.S., or, except as authorized by these rules, reserving or allowing to be reserved any seat or playing space for use by players.
- (h) Drawing a check on a bingo-raffle account payable to "cash" or to a

fictitious payee.

- (i) Authorizing or allowing the play of bingo by a person not present on the premises where the game is conducted, or the play of any game of chance on credit, or without collecting the consideration required in full and in advance.
- (j) Engaging in any act, practice or conduct described as a Class 1 violation in Rule 15.2, or that would otherwise be a Class 1 violation, when the act or conduct is not intended to and does not directly result in the profit, inurement or remuneration of the violator.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00478

Opinion of the Attorney General rendered in connection with the rules adopted by the
Secretary of State

on 06/25/2014

8 CCR 1505-2

BINGO AND RAFFLES GAMES

The above-referenced rules were submitted to this office on 06/25/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 14, 2014 13:46:04

A handwritten signature in black ink, appearing to read "DD", written over a light blue rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Emergency Rules Adopted

Department

Department of Regulatory Agencies

Agency

Public Utilities Commission

CCR number

4 CCR 723-6

Rule title

4 CCR 723-6 RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE 1 - eff
07/08/2014

Effective date

07/08/2014

COLORADO DEPARTMENT OF REGULATORY AGENCIES

Public Utilities Commission

4 CODE OF COLORADO REGULATIONS (CCR) 723-6

PART 6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

BASIS, PURPOSE, AND STATUTORY AUTHORITY

The basis for and purpose of these rules is to describe the manner of regulation over persons providing transportation services by motor vehicle in or through the state of Colorado. These rules address a wide variety of subject areas including, but not limited to, safety; civil penalties; the issuance, extension, transfer, and revocation of authority to operate as a motor carrier; insurance and permit requirements; tariff and time schedule requirements; the identification, condition, and leasing of motor vehicles; record keeping; and service standards. These rules cover an array of carriers, including common carriers, contract carriers, hazardous materials carriers, towing carriers, movers, limited regulation carriers (charter buses, children's activity buses, luxury limousines, off-road scenic charters, and fire crew transport), and transportation network companies. In addition, these rules cover persons required to register under the Unified Carrier Registration Agreement, pursuant to 49 U.S.C. § 14504a, including motor carriers, motor private carries, freight forwarders, brokers, leasing companies, and other persons.

The statutory authority for the promulgation of these rules can be found at §§ 40-2-108, 40-2-110.5(8), 40-3-101(1), 40-3-102, 40-3-103, 40-3-110, 40-4-101, 40-5-105, 40-7-113(2), 40-10.1-101 through 608; 42-4-235, 42-4-1809(2)(a), 42-4-2108(2)(a), and 42-20-202(1)(a), C.R.S.

* * * * *

[indicates omission of unaffected rules]

6612. – 6699. [Reserved].

TRANSPORTATION NETWORK COMPANY RULES

6700. Applicability of Transportation Network Company Rules.

Rules 6700 through 6703 apply to all transportation network companies (TNCs) and to all Commission proceedings and operations concerning TNCs including applicants, TNC employees, and TNC drivers.

6701. Application for Permit to Operate as Transportation Network Company.

- (a) Effective September 1, 2014 a person seeking to operate, or operating as a TNC must obtain a TNC permit. To obtain a TNC permit, a person must:
 - (I) complete and submit an application on a Commission-prescribed form;
 - (II) pay the permit fee set forth in § 40-10.1-606(2), C.R.S.; and

(III) cause to be filed with the Commission proof of insurance that complies with the requirements and their respective effective and filing dates found in these rules and § 40-10.1-604, C.R.S.

(b) TNC permits are valid for a period of one year from the date of issuance.

6702. Financial Responsibility.

(a) Effective September 3, 2014, every TNC shall obtain and keep in force at all times motor vehicle liability insurance coverage that conforms with the requirements of § 40-10.1-604(2), C.R.S. Every TNC shall cause to be filed a Form T: TNC Bodily Injury and Property Damage Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer that is authorized to do business in this state and filed by September 3, 2014, or, if the TNC is not operating as of September 3, 2014, prior to the TNC's initiation of operations.

(b) On or before January 15, 2015:

(I) If a TNC chooses to maintain primary automobile insurance coverage on behalf of its drivers that conforms with the requirements of § 40-10.1-604(3), C.R.S. , it shall cause to be filed with the Commission a Form P: TNC Primary Liability Certificate of Insurance. The form shall be executed by a duly authorized agent of the insurer that is authorized to do business in this state and filed by January 15, 2015, or, if the TNC is not operating as of January 15, 2015, prior to the TNC's initiation of operations.

(II) If a TNC chooses not to maintain primary automobile insurance on behalf of its drivers, it shall file a certification that each driver operating on its network is in compliance with the provisions of § 40-10.1-604(3), C.R.S., by January 15, 2015, or, if the TNC is not operating as of January 15, 2015, prior to the TNC's initiation of operations.

6703. Safety Rules.

(a) To the extent they are applicable to the statutory requirements set forth in § 40-10.1-605(1) and (2), C.R.S., the Commission incorporates by reference the Federal Motor Carrier Safety Regulations published in 49 C.F.R. 391, 393, and 396, as revised on October 1, 2010.

(b) A TNC shall require its drivers to comply with the following:

(I) at the end of the twelfth hour after logging in to the TNC's digital network, a driver shall not drive for any TNC or motor carrier and shall be logged out of any TNC's digital network for eight consecutive hours. Drivers may be logged out of the TNC's digital network for any period of time during the twelve-hour period, but the twelve-hour period may restart only after eight consecutive hours logged out of the TNC's digital network;

(II) a driver shall not be logged in to a TNC's digital network for a minimum period of eight consecutive hours after having been logged in to the TNC's digital network for 80 hours in any eight consecutive days. In no instance shall a driver's logged-in hours exceed 80 hours in any rolling eight consecutive day periods;

(III) a TNC that engages a driver shall maintain and retain true and accurate time records, including all supporting documents verifying such time records, for a period of six months showing:

(A) each time(s) the driver logs in to the TNC's digital network each day;

- (B) each time(s) the driver logs out of the TNC's digital network each day;
 - (C) the total number of hours the driver is logged in to the TNC's digital network each day; and
 - (D) an indication of when a driver is logged out of the TNC's digital network for an entire day.
- (c) Effective September 3, 2014, a TNC must require its drivers to comply with the medical certification standards set forth in the Federal Motor Carrier Safety Regulations published at 49 C.F.R. 391.41 and 391.43, as revised on October 1, 2010.
- (d) Vehicle inspections conducted pursuant § 40-10.1-605, C.R.S., shall meet the applicable inspection standards set forth in the Federal Motor Carrier Safety Regulations published at 49 C.F.R. 393, as revised on October 1, 2010.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00676

Opinion of the Attorney General rendered in connection with the rules adopted by the
Public Utilities Commission

on 07/08/2014

4 CCR 723-6

RULES REGULATING TRANSPORTATION BY MOTOR VEHICLE

The above-referenced rules were submitted to this office on 07/08/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

A handwritten signature in black ink, appearing to read "DD", is placed over a light gray rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

July 14, 2014 13:46:58

Emergency Rules Adopted

Department

Department of State

Agency

Secretary of State

CCR number

8 CCR 1505-1

Rule title

8 CCR 1505-1 ELECTIONS 1 - eff 06/24/2014

Effective date

06/24/2014

COLORADO SECRETARY OF STATE

[8 CCR 1505-1]

ELECTION RULES

Rules as Adopted - Clean

June 24, 2014

(Publication instructions/notes):

New Rule 7.13:

7.13 Ballot returned in unofficial envelope

7.13.1 If the county receives a mail ballot from an eligible elector in an envelope other than the official ballot return envelope for that particular election, the county must contact the elector in writing within three calendar days of receiving the ballot but no later than two calendar days after election day. The county must use the letter and affidavit prescribed by the Secretary of State and keep a copy as part of the official election record. If the county receives the completed affidavit no later than the eighth day after election day, the county must count the ballot.

John W. Suthers
Attorney General

Cynthia H. Coffman
Chief Deputy Attorney General

Daniel D. Domenico
Solicitor General



Ralph L. Carr
Colorado Judicial Center
1300 Broadway, 10th floor
Denver, CO 80203
Phone 720-508-6000

State of Colorado
Department of Law
Office of the Attorney General

Tracking number: 2014-00607

**Opinion of the Attorney General rendered in connection with the rules adopted by the
Secretary of State**

on 06/24/2014

8 CCR 1505-1

ELECTIONS

The above-referenced rules were submitted to this office on 06/24/2014 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

July 14, 2014 13:45:13

A handwritten signature in black ink, appearing to read "DD", written over a light blue rectangular background.

John W. Suthers
Attorney General
by Daniel D. Domenico
Solicitor General

Terminated Rulemaking

Department

Department of Regulatory Agencies

Agency

Division of Real Estate

CCR number

4 CCR 725-2

Tracking number

2014-00653

Termination date

07/02/2014

Reason for termination

Duplicate entry, see tracking number 2014-00651.

Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Department

Department of Health Care Policy and Financing

Agency

Medical Services Board (Volume 8; Medical Assistance, Children's Health Plan)



Department of Health Care Policy and Financing

PUBLIC NOTICE

July 25, 2014

State Plan Amendment Regarding Discontinuation of the Primary Care Physician Program (PCPP) - Effective August 1, 2014

Effective August 1, 2014, the Colorado Department of Health Care Policy and Financing plans to submit a State Plan Amendment to the Centers for Medicare & Medicaid Services to discontinue the Primary Care Physician Program (PCPP). The Department will no longer be enrolling clients into the PCPP and all current PCPP clients will be passively enrolled into the Accountable Care Collaborative program. For more information, please contact Marceil Case at marceil.case@state.co.us.

General Information

A link to this notice will be posted for 60 days on the Department's web site (www.colorado.gov/hcpf) starting on July 25, 2014. Written comments may be addressed to: Director, Medical and CHP+ Program Administration Office, Department of Health Care Policy and Financing, 1570 Grant Street, Denver, CO 80203.

Improving health care access and outcomes for the people we serve while demonstrating sound stewardship of financial resources.
Colorado.gov/hcpf

Nonrulemaking Public Notices and other Miscellaneous Rulemaking Notices

Department

Department of State

Agency

Secretary of State



Help Shape Colorado's Notary Program Rules

July 24, 2014

What is this about?

The Secretary of State is considering recodification of Colorado's Notary Program Rules (8 CCR 1505-11) in order to improve the administration and enforcement of and to answer questions arising under Colorado Notaries Public Act.¹ Colorado law permits agencies to informally solicit views from interested stakeholders concerning proposed draft rules before commencing the formal rulemaking process. We invite you to share your thoughts and recommendations as we develop a preliminary draft of proposed rules to regulate the Notary Program in Colorado.

Please see the attached working draft rules. The following highlights the primary aims of the proposed draft rules:

- Recodify the rules to improve organization and readability.
- Revise rules to be consistent with section 12-55-104(2), C.R.S., by:
 - Removing erroneous statutory citations and references to journals; and
 - Clarifying that the Secretary of State provides document authentication numbers to notaries for electronic notarizations.
- Amend rules to require vendors to report their students' names on a monthly basis.
- Harmonize enforcement provisions concerning vendors and course providers.
- Edit to repeal obsolete rules and to remove language duplicative of statute.
- Non-substantive revisions to simplify or clarify words and phrases and other technical revisions as is necessary for consistency with Department rulemaking format and style.

Why does the Secretary need my help?

This recodification is a big undertaking for the Department and we want to make sure we aren't missing anything. To this end, we are seeking input from notaries public, training vendors, course providers, and the general public. The Secretary values your feedback and we would very much like to hear your thoughts. We need your help to identify necessary revisions or additional guidance in order to propose a constructive and comprehensive draft rule for consideration during the formal rulemaking proceedings. Overall, your opinions and recommendations will help shape Colorado's Notary Program Rules.

¹ Article 16 of Title 6, C.R.S.

How do I submit my comments and what is the deadline?

You may email your written comments to SoS.Rulemaking@sos.state.co.us. To ensure consideration of your comments before the proposed draft is issued, we must receive your comments by 5:00 p.m. on July 31, 2014.

Will my comments become part of the official record for the anticipated rulemaking?

Yes, we will incorporate your comments into the official record when we commence with formal rulemaking. Our office will identify your comments as information received in anticipation of rulemaking to support the development of the proposed draft rule. Please note that you will have an additional opportunity to provide testimony and/or written comments regarding the proposed rule during the rulemaking proceeding.

To promote transparency and to help generate discussion, our office will post a copy of your comments on the Secretary of State's website. We appreciate privacy concerns and will redact personal contact information that may appear in your comments prior to posting (including your home address, personal email address, and telephone number). To view the comments that we receive, please visit: http://www.sos.state.co.us/pubs/rule_making/notaryRuleComments.html.

Working Draft of Proposed Rules

Office of the Colorado Secretary of State Notary Program Rules 8 CCR 1505-11

July 24, 2014

Disclaimer:

This is a proposed recodification of the Colorado Notary Program Rules. Current 8 CCR 1505-11, is stricken in its entirety and re-codified as follows. Some current rule language is retained either in full or as amended.

This is a working draft of the recodification. Please note that there may be technical errors, such as incorrect or missing citations. But we are involving you at this early stage because the Secretary values your feedback.

Please send your feedback by July 31, 2014. Please reference the specific page and line number in your comments. We will consider all comments submitted by this date for inclusion in the official rulemaking draft.

Please note the following formatting key:

Font effect	Meaning
Sentence case	Retained/modified current rule language
SMALL CAPS	New language
Strikethrough	Deletions
<i>[Italic blue font text]</i>	Annotations

1 *[Current 8 CCR 1505-11 is stricken in its entirety and re-codified as follows:]*

2 **Rule 1. Definitions**

3 *[Current Rules 7.1 A, B, and D are amended and recodified as New Rules 1.1, 1.2, and 1.3.*
4 *Under Current Rule 1, sub rules 1, 2, and 3 are amended and recodified as New Rules 1.4, 1.5,*
5 *and 1.6; however, current Rule 4 is repealed. Current Rule 7.1.E is amended and recodified as*
6 *New Rule 1.7]*

7 ~~7.1.A.1.1~~ **“Approved Course of Instruction”**“APPROVED COURSE OF INSTRUCTION” means
8 a live classroom or webcast course ~~that is approved by the secretary of state~~
9 SECRETARY OF STATE.

10 ~~7.1.B.1.2~~ **“Approved Vendor”**“APPROVED VENDOR” means a vendor approved by
11 the ~~secretary of state~~SECRETARY OF STATE who provides an approved course of
12 instruction to notaries and prospective notaries for a fee.

1 ~~7.1.D-1.3~~ **“Course Provider”**“COURSE PROVIDER” means a ~~corporation, company,~~
2 ~~commercial enterprise, association, or educational institution~~ AN ENTITY OTHER
3 THAN AN INDIVIDUAL that ~~provides a course of instruction for its employees or~~
4 ~~members, usually free of charge, by using a curriculum provided by the secretary~~
5 ~~of state~~ USES THE SECRETARY OF STATE’S CURRICULUM, IN ADDITION TO ANY
6 ENTITY-SPECIFIC PRACTICES, TO PROVIDE NOTARY TRAINING TO ITS EMPLOYEES OR
7 MEMBERS FREE OF CHARGE.

8 ~~1.1.4~~ **“Document authentication number”**“DAN” means a ~~THE UNIQUE DOCUMENT~~
9 AUTHENTICATION number issued by the Secretary of State ~~that includes the Secretary of~~
10 ~~State’s accounting system validation number issued to each notary upon commissioning~~
11 ~~and a randomly generated number that when used together may constitute the notary’s~~
12 ~~electronic signature and identify both the individual notary and the document to which~~
13 ~~the document authentication number has been affixed~~ AND REQUIRED BY SECTIONS 12-55-
14 106.5, 12-55-111(4), AND 12-55-112(4.5), C.R.S., FOR ELECTRONIC NOTARIZATIONS.

15 ~~2.1.5~~ **“Electronic notarization”** means the ~~performance of a notarial act that involves~~
16 NOTARIZING electronic records ~~and includes the notary’s electronic signature.~~

17 ~~3.1.6~~ **“Electronic notarization software”** means any software, coding, disk, card, certificate, or
18 program that ~~may be employed to create and affix~~ CREATES AND AFFIXES the notary’s
19 electronic signature.

20 ~~4.~~ **“Notary’s electronic signature”** means the ~~document authentication number(s) issued by~~
21 ~~the Secretary of State when accompanied by the information required in 12-55-106.5(1)~~
22 ~~or an electronic signature approved pursuant to Rule 2.~~

23 ~~7.1.E-1.7~~ **“New Applicant”** “NEW APPLICANT” means a person ~~who has never before been~~
24 ~~a commissioned~~ SEEKING A COMMISSION AS A COLORADO notary ~~in Colorado~~ FOR THE
25 FIRST TIME or a formerly commissioned notary in Colorado whose commission has BEEN
26 expired ~~by 31 days or more~~ FOR MORE THAN 30 DAYS.

27 *[Current Rule 2 is amended and recodified as New Rule 2.2]*

28 *New Rule 2:*

29 **Rule 2. Notary Commissions**

30 2.1 FILING AND TRAINING REQUIREMENTS

31 2.1.1 ALL NOTARY FILINGS MUST BE SUBMITTED VIA THE SECRETARY OF STATE’S
32 ELECTRONIC FILING SYSTEM.

33 *[Current Rules 7.2.1.A and 7.2.1.C are amended and recodified as New Rule 2.1.2.]*

34 ~~7.2.1 A.~~ **New Applicants.** Every new applicant for a notary commission shall
35 complete an approved course of instruction within six (6) months preceding his

1 application, and pass an examination administered by the secretary of state prior
2 to submitting an application for appointment.

3 ~~7.2.1.C. — Notary Misconduct.~~ If the secretary of state determines upon a full
4 investigation that a notary public has committed misconduct, the secretary of state
5 may require the notary public to successfully complete an approved course of
6 instruction and pass an examination administered by the secretary of state as
7 remediation for the disposition of the case. Misconduct within the meaning of
8 these rules shall be considered actions by the notary that require a letter of
9 admonition or commission suspension while holding the office of notary public.
10 A notary who is admonished and is required to complete an approved course of
11 instruction and pass an examination administered by the secretary of state may
12 appeal this determination as provided in article 4 of title 24, C.R.S.

13 *[The last sentence of current Rule 7.2.1.C is amended and recodified as part of*
14 *New Rule 2.1.2. The rest of Current Rule 7.2.1.C is repealed.]*

15 2.1.2 DURING THE SIX MONTHS BEFORE APPLYING FOR A COMMISSION, A NEW APPLICANT
16 MUST SUCCESSFULLY COMPLETE TRAINING AND PASS THE EXAM ADMINISTERED BY
17 THE SECRETARY OF STATE. THE SECRETARY OF STATE WILL GRANT CREDIT ONLY
18 FOR COMPLETION OF COURSES OFFERED BY AN APPROVED VENDOR OR COURSE
19 PROVIDER. THE SECRETARY OF STATE MAY REQUIRE A NOTARY WHO HAS
20 COMMITTED MISCONDUCT MERITING A DISCIPLINARY PROCEEDING TO
21 SUCCESSFULLY COMPLETE THE TRAINING AND EXAM.

22 *[Current Rule 7.4.A and part of Current Rule 7.4.B are amended and recodified as New Rule*
23 *1.2.3.]*

24 ~~7.4.2.1.3 Examination~~ EXAMINATION. ~~7.4.A. Form.~~ The SECRETARY OF STATE’S
25 OPEN BOOK examination will test the applicant’s ~~competency~~ UNDERSTANDING of
26 the Notaries Public Act. ~~The examination shall be comprised of no less than 25~~
27 ~~questions and shall be administered by the secretary of state.~~ NOTARY DUTIES
28 CONTAINED IN THE FOLLOWING:

- 29 (A) TITLE 12, ARTICLE 55 (THE NOTARIES PUBLIC ACT) OF THE COLORADO
30 REVISED STATUTES;
- 31 (B) TITLE 38, ARTICLE 30 (TITLES AND INTERESTS) OF THE COLORADO
32 REVISED STATUTES;
- 33 (C) TITLE 1, ARTICLE 40 (INITIATIVE AND REFERENDUM) OF THE COLORADO
34 REVISED STATUTES; AND
- 35 (D) THE OFFICIAL NOTARY HANDBOOK PUBLISHED BY THE SECRETARY OF
36 STATE.

37 ~~7.4.B. Content.~~ The examination shall be an open book examination of the laws and
38 duties of a notary contained in title 12, article 55 and title 38, article 30 of the

1 Colorado Revised Statutes and the official notary handbook published by the
2 secretary of state.

3 *[New Rule 2.2]*

4 **Rule 2. Electronic Signature Registration**

5 2.2 ELECTRONIC NOTARIZATION

6 *[Under Current Rule 2, sub rules 1, 2, and 3 are amended and recodified as New Rule 2.2.1*
7 *below.]*

8 1. ~~Before performing any electronic notarization, an applicant or a notary shall file with the~~
9 ~~Secretary of State a notification of intent to notarize documents electronically. This~~
10 ~~notification may be submitted at the time of application for a notary commission or at any~~
11 ~~subsequent time during the notary’s term of commission.~~

12 2. ~~A submitted notification shall not be deemed filed until it has been approved and an~~
13 ~~approval certificate has been issued by the Secretary of State. A notification submitted at~~
14 ~~the time of application for a commission shall not be deemed filed unless and until the~~
15 ~~application is accepted and the notary is commissioned by the Secretary of State and the~~
16 ~~approval certificate has been issued.~~

17 3. ~~Notification of intent to notarize electronically shall be on forms prescribed by the~~
18 ~~Secretary of State, and shall include a statement whether the applicant or notary will use~~
19 ~~only document authentication numbers as his or her electronic signature. If the applicant~~
20 ~~or notary indicates an intention to use a different electronic signature than document~~
21 ~~authentication numbers, then the notification of intent shall also be accompanied by an~~
22 ~~example of the electronic signature that will be used by the applicant or notary, and shall~~
23 ~~include the following information:~~

24 (a) ~~A description of the technology that will be used for the notary’s electronic~~
25 ~~notarizations, specifically for the creation of the notary’s electronic signature;~~

26 (b) ~~The name, address, telephone number, and web or e-mail address of the supplier~~
27 ~~or vendor of such technology; and~~

28 (c) ~~Such other information as the Secretary of State finds necessary to confirm that~~
29 ~~the technology complies with the requirements of the Colorado Notaries Public~~
30 ~~Act, article 55 of title 12 of the Colorado Revised Statutes.~~

31 2.2.1 A NOTARY MAY NOT ELECTRONICALLY NOTARIZE A DOCUMENT UNLESS HE OR SHE
32 SUBMITS NOTICE OF INTENT TO DO SO TO THE SECRETARY OF STATE ON THE
33 APPROVED FORM AND RECEIVES APPROVAL. A NEW APPLICANT MAY FILE THE
34 INTENT AT THE TIME OF APPLICATION BUT MAY NOT ELECTRONICALLY NOTARIZE A
35 DOCUMENT UNTIL HE OR SHE HAS BEEN COMMISSIONED AND APPROVED. IF THE
36 APPLICANT INTENDS TO USE A DIFFERENT ELECTRONIC SIGNATURE THAN DANs,
37 THE APPLICANT MUST ATTACH AN EXAMPLE OF THE ELECTRONIC SIGNATURE, A

1 DESCRIPTION OF THE ELECTRONIC SIGNATURE TECHNOLOGY, AND CONTACT
2 INFORMATION FOR THE TECHNOLOGY'S SUPPLIER OR VENDOR. A NOTARY MUST
3 NOTIFY THE SECRETARY OF STATE OF ALL ELECTRONIC SIGNATURE CHANGES.

4 *[Current Rule 2, subrule 4(a)(1) is repealed.]*

5 ~~4. If the notary is certified to notarize electronically:~~

6 ~~(a) The Secretary of State will:~~

7 ~~(1) Provide an electronic log to the notary that contains a series of document~~
8 ~~authentication numbers. Such log shall constitute the journal referenced in~~
9 ~~section 12-55-104(2) CRS.~~

10 *[Current Rule 2, subrule 4(a)(2) is amended and recodified as part of New Rule 1.4]*

11 ~~(2) Maintain a record of the series of numbers issued at the offices of the~~
12 ~~Secretary of State.~~

13 *[Current Rule 2, subrule 4(b) is amended and recodified as New Rule 2.2.2.]*

14 ~~2.4(b)-2.2.2 The notary may use the document authentication numbers provided in the~~
15 ~~electronic log as the notary's electronic signature, provided that the notary's~~
16 ~~name, the words "NOTARY PUBLIC" and "STATE OF COLORADO", and the~~
17 ~~words "my commission expires," followed by the expiration of the notary's~~
18 ~~commission, accompany each authentication number so used. A NOTARY MUST~~
19 ~~INCLUDE HIS OR HER NOTARY IDENTIFICATION NUMBER IN AN ELECTRONIC~~
20 ~~NOTARIZATION.~~

21 *[New Rule 2.2.3.]*

22 2.2.3 FOR PURPOSES OF SECTION 12-55-106.5(1), C.R.S., A NOTARY'S NAME MEANS THE
23 NOTARY'S PRINTED LEGAL NAME.

24 *[Current Rule 2, subrules 4(c) and (d) are amended and recodified as New Rules 2.2.4 (a) and*
25 *(b).]*

26 2.2.4 A NOTARY MUST:

27 ~~2.4(c)-(A) A USE A different document authentication number shall be used~~
28 ~~DAN for each electronic notarization that the notary performs.;~~

29 ~~2.4(d)-(B) A notary shall take TAKE reasonable measures to secure his or her~~
30 ~~journal of authentication numbers ASSIGNED DANS against OTHER~~
31 ~~PERSONS' access or use by other persons, and shall MUST not, under any~~
32 ~~circumstances, permit such access or use by another.;~~ AND

33 (C) REQUEST NEW DANS TO REPLACE LOST OR STOLEN DANS.

1 *[Current Rule is amended and recodified as New Rule 2.2.4(c) above.]*

2 *[Current Rule 2, subrule 5 is repealed.]*

3 2.5. — Any form of electronic signature must:

4 (a) — Be discrete to the individual submitting the electronic signature;

5 (b) — Be retrievable from the electronic document in perceivable form.

6 *[Current Rule 4 is amended and recodified as New Rule 2.2.5.]*

7 **Rule 4 Electronic Notarization of Signature**

8 A notary shall electronically notarize a document only if the notary can

9 2.2.5 A NOTARY MUST verify that the document signer is issuing a signature that the
10 signer has adopted AN ELECTRONIC SIGNATURE to function as his or her signature
11 BEFORE ELECTRONICALLY NOTARIZING A DOCUMENT.

12 *[Current Rule 3 is amended and recodified as New Rule 2.2.6:]*

13 **Rule 3 Expiration of Notice to Notarize Electronically**

14 2.2.6 EXPIRATION OF THE SECRETARY OF STATE'S APPROVAL TO NOTARIZE
15 ELECTRONICALLY

16 1. (A) The approval to electronically notarize shall expire when APPROVAL
17 AUTOMATICALLY EXPIRES:

18 (a) (1) The commission for which it was filed expires UPON REVOCATION,
19 EXPIRATION, OR RESIGNATION OF THE NOTARY'S COMMISSION;

20 (b) — The commission for which it was filed is revoked;

21 (c) (2) Thirty 30 days have elapsed after the notary's name changes;
22 unless the notary sooner submits PREVIOUSLY SUBMITTED a change
23 of name CHANGE pursuant to section 12-55-114 CRS, including
24 with the submission, if the notary uses a different signature than
25 the document authentication numbers issued by the Secretary of
26 State, a description and example of the notary's new electronic
27 signature, in accord with section 3 of Rule 2 of these Rules
28 Concerning Electronic Notarization.

29 (d) (3) The notary, during his or her commission term, resigns the
30 commission, is convicted UPON CONVICTION of a felony, ceases to
31 reside in Colorado, or dies;

32 (4) THE NOTARY MOVES OUT OF COLORADO; OR

1 **Rule 6 Effective Date**

2 These Rules Concerning Electronic Notarizations shall take effect November 30, 2004.

3 *[Current Rule 7 is amended and recodified as New Rule 3.]*

4 ~~RULE 7~~ **RULE 3. Notary Training**

5 ~~7.1~~ **Definitions**

6 *[Current Rule 7.1.A is amended and recodified as New Rule 1.1.]*

7 *[Current Rule 7.1.B is amended and recodified as New Rule 1.2.]*

8 *[Current Rule 7.1.C is repealed.]*

9 ~~7.1.C. “Best Practices” means notary practices that are not necessarily codified in~~
10 ~~statute or rule that encourage compliance with the notary law and promote proper~~
11 ~~notarization.~~

12 *[Current Rule 7.1.D is amended and recodified as New Rule 1.3.]*

13 *[Current Rule 7.1.E, concerning the definition of "New Applicant", is amended and recodified as*
14 *New Rule 1.4]*

15 *[Current Rule 7.1.F is repealed.]*

16 ~~7.1.F. “Renewing Applicant” means a notary who has submitted an application for a~~
17 ~~notary commission before a previous commission has expired or a notary whose~~
18 ~~commission has expired for no more than 30 days.~~

19 **7.2 Notary Public Training and Examination**

20 ~~7.2.1~~ **Applicant Status**

21 *[Current Rule 7.2.1.A, concerning new applicants, is recodified as New Rule 2.1.2.]*

22 *[Current Rule 7.2.1.B is repealed.]*

23 ~~B. **Renewing Applicants.** A renewing applicant is not required to successfully~~
24 ~~complete an approved course of instruction or pass an examination administered~~
25 ~~by the secretary of state.~~

26 *[The last sentence of current Rule 7.2.1.C, concerning notary misconduct, is amended and*
27 *recodified as part of New Rule 2.1.2. The rest of Current Rule 7.2.1.C is repealed.]*

28 *[Current Rule 7.2.2 is amended and renumbered as New Rule 3.1. Information from Current*
29 *Rule 7.3.A is integrated into New Rule 3.1:]*

1 ~~7.2.2-3.1 Course of Instruction – Required Elements from the Notaries Public Act.~~

2 ~~Content for any approved course of instruction—APPROVAL OF VENDOR CURRICULUM. THE~~
3 ~~SECRETARY OF STATE MUST APPROVE A VENDOR’S PROPOSED CURRICULUM BEFORE A~~
4 ~~VENDOR MAY OFFER A NOTARY TRAINING COURSE. CURRICULUM must be based upon ON~~
5 ~~the Colorado Notaries Public Act and draw upon widely accepted best practices. All~~
6 ~~training curricula shall include but are not limited to: THE physical presence requirement,~~
7 ~~duty not to notarize a BLANK document that is blank, duty to use a notarial certificate,~~
8 ~~disqualifying interest, application procedures, resignation requirements, duty to maintain~~
9 ~~a journal of notarial acts, revocation proceedings, liability, identification of signers, role~~
10 ~~of the notary, official misconduct, and notarizations for the elderly. It shall be at the~~
11 ~~discretion of the course provider or approved vendor to determine which best practices~~
12 ~~shall be included in its curricula.~~

13 ~~7.2.3 Vendors~~

14 ~~A. Vendors. A vendor shall be approved by the secretary of state before offering a~~
15 ~~course of instruction for which the secretary of state will give credit for successful~~
16 ~~completion. The office of the secretary of state shall permit approved vendors to~~
17 ~~conduct notary training courses so long as they comply with the provisions set~~
18 ~~forth in these rules.~~

19 *[The first sentence of Current Rule 7.2.3.A is amended and recodified as part of*
20 *New Rule 3.1. The second sentence of Current Rule 7.2.3.A is repealed.]*

21 *[Current Rule 7.2.3.B.1, concerning complaints against approved vendors, is amended and*
22 *recodified as 3.9.3.]*

23 *[Current Rule 7.2.3.B.2 is repealed.]*

24 ~~7.2.3.B.2 Whenever the secretary of state or the secretary of state’s designee~~
25 ~~believes that a violation of these rules has been committed by an approved~~
26 ~~vendor, the secretary of state or the secretary of state’s designee may~~
27 ~~investigate any such violation with or without the filing of a complaint.~~

28 *[The information provided in Current Rule 7.2.3.B.3 is amended and recodified as part of New*
29 *Rule 3.9.4 (e).]*

30 ~~7.2.3.B.3. Failure of an approved vendor to cooperate with a secretary of~~
31 ~~state investigation shall result in a termination of the approved vendor’s~~
32 ~~accreditation status, subject to the provisions of article 4 of title 24, C.R.S.~~

33 *[Current Rule 7.2.3.C is amended and recodified as New Rule 3.9.1.]*

34 *[Current Rule 7.2.3.D is amended and recodified as New Rule 3.7.1.]*

35 *[Current Rule 7.2.4.A is repealed.]*

36 ~~7.2.4 Vendors and Accreditation~~

1 ~~A. **Requirements for Curriculum Accreditation.** All curricula intended to provide~~
2 ~~an approved course of instruction to new or renewing applicants must conform to~~
3 ~~the requirements of these rules and shall be approved by the secretary of state~~
4 ~~prior to use.~~

5 *[Current Rule 7.2.4.B is amended and recodified as New Rule 3.2 and 3.2.1. Information from*
6 *Current Rule 7.3.B is integrated into New Rule 3.1.]*

7 ~~7.2.4.B.3.2 **Application.**~~ APPLICATION

8 3.2.1 ~~A vendor shall~~ VENDOR AND COURSE PROVIDER APPLICANTS MUST submit to the
9 secretary of state for approval a completed Notary Public Education Vendor
10 Application. ~~The curricula submitted for approval by the secretary of state shall~~
11 ~~include~~ AN APPLICATION THAT INCLUDES:

12 *[Current Rule 7.2.4.B.1 is amended and recodified as New Rule 3.2.1(e)]*

13 7.2.4.B.2.(A) Procedures to establish the identity of a person attending a live
14 course and ensure that the person is present for the required time.;

15 7.2.4.B.3.(B) Procedures to ensure that the person to whom a RECEIVING THE
16 SECRETARY OF STATE'S certificate of completion is issued for completing
17 the approved course of instruction is the same person who took
18 COMPLETED the course.;

19 7.2.4.B.4.(C) Copies of any COURSE handout materials, workbooks, ~~or~~ AND tests
20 used during the approved course of instruction.;

21 *[Current Rule 7.2.4.H.2 is amended and recodified as New Rule 3.2.1(d):]*

22 7.2.4.H.2.(D) A DRAFT COPY OF THE certificate of successful completion shall be
23 attached to the paper component of an application when submitted to the
24 secretary of state AS REQUIRED BY RULE 3.5.4.

25 *[Current Rules 7.2.4.B.1 and 7.2.4.C are amended and recodified as New Rule*
26 *3.2.1(e)]*

27 7.2.4.B.1.(E) ~~A description of the curriculum in sufficient detail to enable the~~
28 ~~secretary of state to evaluate whether the curriculum satisfies the~~
29 ~~requirements in Section 7.2.2 of these rules.~~ A DETAILED CURRICULUM
30 AND, IF A VENDOR, THE REQUIRED FEE.

31 7.2.4.C ~~**Application Fee.**~~ The secretary of state shall charge a fee to
32 review the application not to exceed \$250.

33 *[Current Rule 7.2.4.D is amended and recodified as New Rule 3.2.2:]*

1 ~~7.2.4.D Deficient Application or Curriculum.~~ If the secretary of state determines that a
2 Notary Public Education Vendor Application is incomplete or a curriculum does
3 not satisfy the requirements set forth in these rules, the secretary of state will issue
4 a deficiency notice containing an itemized description of the deficiencies
5 identified. The deficiency notice will be sent by the secretary of state to the
6 vendor by the email address listed on the Notary Public Education Vendor
7 Application.

8 1. ~~— A vendor shall have 30 days from the date on which the deficiency notice~~
9 ~~was mailed by the secretary of state to submit documentation to the~~
10 ~~secretary of state curing the deficiencies identified in the deficiency~~
11 ~~notice. If the deficiencies are not cured within 30 days, the curriculum~~
12 ~~shall be deemed rejected by the secretary of state.~~

13 2. ~~— If a curriculum is rejected, the affected vendor shall have the right to a~~
14 ~~hearing as provided in article 4 of title 24, C.R.S.~~

15 3.2.2 DEFICIENT APPLICATION. THE SECRETARY OF STATE WILL NOTIFY AN APPLICANT
16 OF ANY APPLICATION OR CURRICULUM DEFICIENCIES. IF THE APPLICANT FAILS TO
17 CURE THE DEFICIENCY WITHIN 30 DAYS AFTER THE NOTICE'S MAILING DATE, THE
18 SECRETARY WILL CONSIDER THE APPLICATION REJECTED. A REJECTED APPLICANT
19 MAY REQUEST A HEARING IN ACCORDANCE WITH THE STATE ADMINISTRATIVE
20 PROCEDURE ACT (ARTICLE 4 OF TITLE 24, C.R.S.).

21 *[Current Rule 7.2.4.E is amended and recodified as New Rule 3.3 and 3.3.1:]*

22 ~~7.2.4.E.3.3 Seal of Accreditation.~~ SEAL OF ACCREDITATION FOR VENDORS.

23 3.3.1 ~~The secretary of state shall~~ SECRETARY OF STATE WILL provide a seal of
24 accreditation ~~for vendors that meet the curriculum criteria~~ TO A VENDOR
25 APPLICANT within 60 days ~~of receipt of an~~ AFTER RECEIPT OF A SUBSEQUENTLY
26 APPROVED application ~~and curriculum that is subsequently approved by the~~
27 ~~secretary of state.~~

28 ~~7.2.4.E.1.3.3.2~~ ~~The~~ A VENDOR MUST PROMINENTLY DISPLAY THE seal of
29 accreditation ~~shall be displayed prominently and conspicuously on any~~ ALL
30 VENDOR materials provided by the approved vendor to the new or renewing
31 applicant TO A COURSE ATTENDEE. ~~The seal shall contain:~~

32 ~~7.2.4.E.1.a.~~ Each seal of accreditation shall contain a designation
33 number unique to the vendor as assigned by the secretary of state.

34 ~~7.2.4.E.1.b.~~ 3.3.3 ~~Seals~~ A SEAL of accreditation shall ~~expire~~ EXPIRES four years after
35 a Seal of Accreditation is granted ISSUANCE. ~~The expiration date shall appear of~~
36 ~~the seal of accreditation.~~ TO RENEW ACCREDITATION, A VENDOR MUST SUBMIT THE
37 REQUIRED FORM AND FEE.

1 ~~7.2.4.E.2.3.3.4~~ A seal of accreditation shall ~~VENDOR~~ MAY not be assigned or
2 ~~transferred~~ ASSIGN OR TRANSFER A SEAL OF ACCREDITATION to another vendor or
3 curriculum without the SECRETARY OF STATE'S approval ~~of the secretary of state.~~

4 ~~7.2.4.E.3.3.3.5~~ The seal of accreditation shall ~~DOES~~ not imply endorsement of any
5 A VENDOR'S products or services or other courses ~~offered by the provider.~~

6 *[Current Rules 7.2.4.F and 7.2.4.G are amended and recodified as New Rules 3.7 and 3.8.]*

7 *[Current Rule 7.3.C is amended and recodified as New Rule 3.4:]*

8 ~~7.3.C.3.4~~ **~~Train the Trainer Instruction Course.~~** The secretary of state shall provide a
9 ~~training seminar for course providers. A course provider~~ TRAINING OF COURSE
10 PROVIDERS. AN APPLICANT must attend the SECRETARY OF STATE'S training ~~seminar~~
11 ~~before becoming an approved course provider.~~

12 *[Current Rules 7.2.4.H and 7.2.4.H.1 are amended and recodified as New Rules 3.5, 3.5.1, and*
13 *3.5.2. Information from Current Rule 7.3.E is integrated into New Rule 3.5.]*

14 ~~7.2.4.H.3.5~~ **~~Certificate of Successful Completion of an Approved Course of Instruction.~~**
15 CERTIFICATE OF COMPLETION

16 3.5.1 ~~Approved vendors shall furnish graduates of their program with a certificate of~~
17 ~~successful completion.~~ WHEN A STUDENT SUCCESSFULLY COMPLETES A COURSE,
18 THE APPROVED VENDOR OR COURSE PROVIDER MUST ISSUE THE GRADUATE A
19 CERTIFICATE OF SUCCESSFUL COMPLETION.

20 ~~7.2.4.H.1.3.5.2~~ An ~~approved vendor shall~~ APPROVED VENDORS AND COURSE
21 PROVIDERS MUST ensure that only a person who has completed an approved
22 course of instruction receives a certificate of successful completion. ~~If an attendee~~
23 ~~fails to be present during any substantive portion of an approved course of~~
24 ~~instruction, the approved vendor shall not issue a certificate of successful~~
25 ~~completion to the attendee, and the attendee shall not receive credit for the time in~~
26 ~~which he or she was present.~~ VENDORS AND COURSE PROVIDERS MAY NOT ISSUE A
27 CERTIFICATE OF COMPLETION TO AN ATTENDEE WHO IS ABSENT DURING ANY
28 SUBSTANTIVE PART OF THE COURSE.

29 *[Current Rule 7.2.4.H.2 is amended and recodified as New Rule 3.2.1(d).]*

30 *[Current Rule 7.2.4.H.3 is amended and recodified as New Rule 3.5.3:]*

31 ~~7.2.4.H.3.3.5.3~~ A certificate of successful completion of an approved course of
32 instruction shall be valid for a period of ~~EXPIRES~~ six (6) months from the date of
33 issuance. ~~If proof of successful completion is submitted to the secretary of state~~
34 ~~more than six (6) months after the proof of successful completion was issued, the~~
35 ~~secretary of state shall notify the notary public applicant that the proof of~~
36 ~~successful completion is not valid and instruct the notary public applicant to~~
37 ~~complete an approved course of instruction and submit a valid, current certificate~~

1 of successful completion of an approved course of instruction to the secretary of
2 state.

3 *[Current Rule 7.2.4.H.4 is amended and recodified as New Rule 3.5.4]*

4 ~~7.2.4.H.4.~~ 3.5.4 The certificate of proof of successful completion of an approved
5 course of instruction shall ~~shall~~ MUST contain:

6 a. ~~(A) The name of the approved vendor OR COURSE PROVIDER who provided the~~
7 ~~approved course of instruction.;~~

8 b. ~~— The approved vendor’s seal of accreditation.~~

9 ~~e.~~ (B) The name of the person who completed the ~~instructional~~ course.;

10 ~~d.~~ (C) The date of completion of the ~~approved course of instruction.;~~

11 ~~e.~~ (D) The statement, “This certificate of proof of completion shall ~~be~~ IS valid for
12 a period of six months from the date of issuance.”; AND

13 (E) FOR VENDORS, THE SEAL OF ACCREDITATION.

14 *[Current Rule 7.2.4.I is amended and recodified as New Rule 3.6]*

15 ~~7.2.4.I.~~ 3.6 **List of Attendees.** ~~VENDOR’S LIST OF ATTENDEES. An approved vendor shall MUST~~
16 ~~maintain and provide the secretary of state with a list of persons who attend each~~
17 ~~session of an approved course of instruction and provide such list to the secretary~~
18 ~~of state within ten days after~~ SUBMIT A LIST OF ATTENDEES TO THE SECRETARY OF
19 STATE ON THE APPROVED FORM NO LATER THAN THE TENTH DAY OF THE FIRST
20 MONTH FOLLOWING completion of the approved course of instruction ~~on a form~~
21 ~~provided by the secretary of state. the approved vendor shall not request, collect,~~
22 ~~or keep the social security number of any attendee. The form shall include the~~
23 ~~following:~~

24 1. ~~— The name of the approved vendor.;~~

25 2. ~~— The approved vendor identification number issued by the secretary of state.;~~

26 3. ~~— The name of the instructor or instructors who taught the approved course of~~
27 ~~instruction.;~~

28 4. ~~— The date, time, and location of the approved course of instruction.;~~

29 5. ~~— The names of all the attendees in alphabetical order by the last name of the~~
30 ~~attendee and whether or not proof of completion was issued to each attendee.;~~

31 6. ~~— The type of photograph PHOTO identification, identification number, expiration~~
32 ~~date, and state or country of issuance of the documentation establishing the~~

1 COURSE ATTENDEES' identity of the notary public applicant or notary public who
2 attended and completed the approved course of instruction; and

3 7. The date of birth of the applicant.

4 *[Current Rules 7.2.4.F and 7.2.3.D are amended and recodified as New Rules 3.7 and 3.7.1]*

5 ~~7.2.4.F. 3.7~~ **Notification of Changes to Approved Course of Instruction.** Within 30 days of
6 substantial changes of the information contained in the approved course of instruction, an
7 approved vendor shall submit to the secretary of state on vendor letterhead a description
8 of the changes made to the curriculum's content. NOTIFICATION OF CHANGES. APPROVED
9 VENDORS AND COURSE PROVIDERS MUST NOTIFY THE SECRETARY OF STATE USING
10 LETTERHEAD WITHIN 30 DAYS OF:

11 ~~7.2.3.D. 3.7.1~~ **Duty of Approved Vendor to Keep Address Current.** Every approved
12 vendor shall send or have delivered notice to the secretary of state within 30 days
13 after such approved vendor changes the A CHANGE IN physical address or email
14 address on the Notary Public Education Vendor Application.

15 3.7.2 SUBSTANTIAL CHANGES TO AN APPROVED CURRICULUM AND PROVIDE COPIES OF
16 THE CHANGES.

17 *[Current Rule 7.2.4.G is amended and recodified as New Rule 3.8:]*

18 ~~7.2.4.G. 3.8~~ **Duty of Vendor to Revise Training.** DUTY TO REVISE TRAINING. An approved
19 vendor APPROVED VENDORS AND COURSE PROVIDERS shall MUST revise its approved
20 course COURSES of instruction as necessary to ensure that the information provided in an
21 approved course of instruction THE COURSES ACCURATELY reflects REFLECT current
22 Colorado law concerning the duties and functions of a notary public.

23 *[New Rule 3.9]*

24 3.9 ENFORCEMENT

25 *[Current Rule 7.2.3.C. is amended and recodified as New Rule 3.9.1:]*

26 ~~7.2.3.C. 3.9.1~~ **Duty of Approved Vendor to Respond to a Written Request from**
27 **Secretary of State.** It shall be the duty of a vendor to DUTY TO RESPOND TO THE
28 SECRETARY OF STATE'S WRITTEN REQUEST. VENDORS AND COURSE PROVIDERS
29 MUST respond in writing within 20 BUSINESS days of receiving a written request
30 from the secretary of state SECRETARY OF STATE for any information relating to a
31 complaint or approved course of instruction offered by the vendor. The secretary
32 of state shall SECRETARY OF STATE WILL send a written request to the address or
33 email address listed on the most current Notary Public Education Vendor
34 Application APPLICATION.

35 *[Current Rule 7.2.4.J is amended and recodified as New Rule 3.9.2:]*

1 ~~7.2.4.J. 3.9.2 Onsite Inspections.~~ ONSITE INSPECTIONS. An approved vendor shall
2 APPROVED VENDORS AND COURSE PROVIDERS MUST permit the secretary of state
3 SECRETARY OF STATE or ~~his~~ THE SECRETARY'S designee to attend any approved
4 course of instruction without prior notice at no charge ~~for the purpose of~~
5 ~~observation, monitoring, auditing, or investigating.~~ TO OBSERVE, MONITOR, AUDIT,
6 AND INVESTIGATE.

7 *[Current Rule 7.2.3.B.1 is amended and recodified as New Rule 3.9.3:]*

8 ~~7.2.3.B. 3.9.3 Complaints against an Approved Vendor~~ COMPLAINTS.

9 1. ~~—~~A person may file a complaint against an approved vendor OR COURSE PROVIDER
10 with the ~~secretary of state~~ SECRETARY OF STATE alleging a violation of these rules.
11 ~~A~~ THE PERSON MUST SUBMIT A SIGNED AND DATED complaint ~~shall be submitted~~
12 on ~~a~~ THE SECRETARY OF STATE'S standard form ~~provided by the secretary of state,~~
13 ~~signed and dated by the person filing the complaint.~~

14 *[Current Rule 7.2.4.K is amended and recodified as New Rule 3.9.4. New Rule 3.9.4 (e) contains*
15 *amended and recodified information from Current Rule 7.2.3.B.3.]*

16 ~~7.2.4.K. 3.9.4 Grounds for Termination of Accreditation.~~ GROUNDS FOR
17 TERMINATION OF ACCREDITATION OR APPROVAL. The ~~secretary of state~~
18 SECRETARY OF STATE may terminate ~~a~~ AN APPROVED vendor's accreditation OR
19 APPROVAL OF A COURSE PROVIDER for any of the following reasons:

20 ~~1.(A)~~ Violation of any provision of these rules.

21 ~~2.(B)~~ Misrepresentation of A NOTARY PUBLIC'S DUTIES AND AUTHORITY UNDER
22 ~~the laws of Colorado~~ LAW ~~concerning the duties and functions of a notary~~
23 ~~public.~~

24 ~~3.(C)~~ Deviation from the lesson plan for an approved course of instruction.

25 ~~4.(D)~~ ~~Representations made by the vendor that any product, goods, or services~~
26 ~~provided by the vendor are endorsed, recommended, or required by the~~
27 ~~secretary of state.~~ MAKING REPRESENTATIONS THAT THE SECRETARY OF
28 STATE ENDORSES, RECOMMENDS, OR MANDATES USE OF ANY OF THE
29 VENDOR'S PRODUCTS, GOODS, OR SERVICES.

30 ~~5.(E)~~ Failure to timely respond to ~~a request for communication from the~~
31 ~~secretary of state~~ THE SECRETARY OF STATE'S REQUEST FOR
32 COMMUNICATION OR OTHERWISE COOPERATE WITH AN INVESTIGATION.

33 *[Current Rule 7.2.4.L is amended and recodified as New Rule 3.9.5.]*

34 ~~7.2.4.L. 3.9.5 Right to Appeal Termination of Accreditation.~~ RIGHT TO APPEAL
35 TERMINATION OF ACCREDITATION OR APPROVAL. If the ~~secretary of state~~
36 SECRETARY OF STATE proposes to terminate AN APPROVED VENDOR'S ~~the~~

1 accreditation status OR ~~of~~ THE SECRETARY OF STATE'S APPROVAL OF A COURSE
2 PROVIDER ~~an approved vendor~~, THE VENDER OR COURSE PROVIDER HAS THE RIGHT
3 TO REQUEST ~~an opportunity for~~ A hearing shall be accorded as provided in THE
4 STATE ADMINISTRATIVE PROCEDURE ACT, (~~article~~ ARTICLE 4 of ~~title~~ TITLE 24,
5 C.R.S.)

6 1.(A) If the approved vendor OR THE COURSE PROVIDER does not request a
7 hearing, termination shall WILL be effective 30 days after the termination
8 ~~notice~~ NOTICE'S MAILING DATE.

9 2.(B) ~~The termination of the approved vendor's accreditation~~ TERMINATION
10 does not bar the ~~secretary of state~~ SECRETARY OF STATE from instituting
11 BEGINNING or continuing an investigation ~~against~~ CONCERNING the vendor
12 OR COURSE PROVIDER.

13 **~~7.3. COURSE PROVIDERS~~**

14 *[The information provided in Current Rule 7.3.A is amended and recodified as part of New Rule*
15 *3.1.]*

16 ~~7.3.A. Course Provider. A course provider must be approved by the secretary of state before~~
17 ~~offering a course of instruction for which the secretary of state will give credit for~~
18 ~~successful completion.~~

19 *[The information provided in Current Rule 7.3.B is amended and recodified as part of New Rule*
20 *3.2.]*

21 ~~7.3.B. Trainer Application. A course provider shall submit to the secretary of state for~~
22 ~~approval, a completed Trainer Application. The application submitted to the secretary of~~
23 ~~state shall include:~~

- 24 1. ~~The name and address of the course provider.~~
- 25 2. ~~Procedures to establish the identity of a person attending a course and to ensure~~
26 ~~that the person is present for the required time.~~
- 27 3. ~~Procedures to ensure that the person to whom a certificate of completion is issued~~
28 ~~for completing the course of instruction is the same person who took the course.~~
- 29 4. ~~Copies of any handout materials, workbooks, or tests used during the course of~~
30 ~~instruction in addition to the curriculum provided by the secretary of state.~~

31 *[Current Rule 7.3.C is amended and recodified as part of New Rule 3.4.]*

32 *[Current Rule 7.3.D is amended and recodified as part of New Rule 1.3.]*

33 ~~7.3.D. Curriculum. an approved course provider shall use a curriculum provided by the~~
34 ~~secretary of state. An approved course provider may add additional information to the~~

1 curriculum as necessary to train its employees as to the guidelines and best practices
2 utilized by their corporation, company, commercial enterprise, association, or educational
3 institution.

4 *[Current Rule 7.3.E is amended in part and recodified as part of New Rule 3.5.]*

5 ~~7.3.E. **Certificate of Completion.** Course providers will comply with section 7.2.4.H.4 of these~~
6 ~~rules except that a course provider is not required to provide a seal of accreditation when~~
7 ~~providing a certificate of successful completion.~~

8 *[Current Rule 7.4 is amended and recodified as New Rule 2.1.3]*

Calendar of Hearings

Hearing Date/Time	Agency	Location
08/11/2014 09:00 AM	Public Utilities Commission	Colorado Public Utilities Commission Hearing Room, 1560 Broadway, Suite 250, Denver, CO 80202
08/11/2014 10:00 AM	Water Quality Control Commission (1002 Series)	4300 Cherry Creek Drive South, Denver, CO 80246
08/11/2014 10:00 AM	Water Quality Control Commission (1002 Series)	4300 Cherry Creek Drive South, Denver, CO 80246
08/11/2014 11:00 AM	Water Quality Control Commission (1002 Series)	4300 Cherry Creek Drive South, Denver, CO 80246
08/11/2014 01:00 PM	Water Quality Control Commission (1002 Series)	Sabin Conference Room, CDPHE, 4300 Cherry Creek Drive South, Denver, CO 80246
08/13/2014 09:00 AM	Division of Workers' Compensation	633 17th St. 2nd Floor Conference Room
08/13/2014 09:30 AM	Colorado State Board of Education	Colorado Department of Education, State Board
08/14/2014 01:00 PM	Secretary of State	Aspen Conference Room (3rd floor) of the Secretary of State's Office, 1700 Broadway, Denver CO 80290
08/15/2014 09:00 AM	Division of Oil and Public Safety	633 17th Street, Suite 200, Denver, CO 80202
08/19/2014 09:30 AM	Hazardous Materials and Waste Management Division	CDPHE, 4300 Cherry Creek Drive South, Bldg. A, Sabin Conference Room, Denver, CO 80246
08/20/2014 10:00 AM	Disease Control and Environmental Epidemiology Division - promulgated by Colo Bd of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
08/20/2014 10:00 AM	Disease Control and Environmental Epidemiology Division - promulgated by Colo Bd of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
08/20/2014 10:00 AM	Division of Environmental Health and Sustainability - promulgated by Colorado Board of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
08/20/2014 10:00 AM	Prevention Services Division (1015 Series) - Rules promulgated by the Colorado Board of Health	Sabin-Cleere Conference Room, Colorado Department of Public Health and Environment, Bldg. A, 4300 Cherry Creek Drive, South, Denver, CO. 80246
08/21/2014 09:00 AM	Division of Professions and Occupations - State Board of Pharmacy	1560 Broadway, Room 110D, Denver, CO 80202
08/21/2014 09:00 AM	Air Quality Control Commission	Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver CO 80246
08/21/2014 09:00 AM	Air Quality Control Commission	Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80246
08/21/2014 09:00 AM	Air Quality Control Commission	Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, CO 80246
08/28/2014 09:00 AM	Passenger Tramway Safety Board	1560 Broadway, Conference Room 1250-C Denver CO 80202
08/28/2014 09:00 AM	Passenger Tramway Safety Board	1560 Broadway, Conference Room 1250-C Denver CO 80202
08/28/2014 09:30 AM	Division of Gaming - Rules promulgated by Gaming Commission	17301 W Colfax Ave, Suite 135, Golden, CO 80401
09/02/2014 08:00 AM	Marijuana Enforcement Division	State Capitol Building, Old Supreme Court Chamber Room 220, 200 E. Colfax Ave., Denver, CO 80203
09/02/2014 08:00 AM	Marijuana Enforcement Division	State Capitol Building, Old Supreme Court Chamber Room 220, 200 E. Colfax Ave., Denver, CO 80203
09/02/2014 08:00 AM	Marijuana Enforcement Division	State Capitol Building, Old Supreme Court Chamber Room 220, 200 E. Colfax Ave., Denver, CO 80203