



CO L O R A D O

**Department of
Regulatory Agencies**

2015 Sunset Review:

**Commodity Metals Theft Task Force
Council of Higher Education Representatives
Infection Control Advisory Committee
Special Education Fiscal Advisory Committee**



COLORADO

**Department of
Regulatory Agencies**

Executive Director's Office

October 15, 2015

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The mission of the Department of Regulatory Agencies (DORA) is consumer protection. As a part of the Executive Director's Office within DORA, the Office of Policy, Research and Regulatory Reform seeks to fulfill its statutorily mandated responsibility to conduct sunset reviews with a focus on protecting the health, safety and welfare of all Coloradans.

DORA has completed its evaluations of the Commodity Metals Theft Task Force, the Council of Higher Education Representatives, the Infection Control Advisory Committee, and the Special Education Fiscal Advisory Committee. I am pleased to submit this written report, which will be the basis for my office's oral testimony before the 2016 legislative committees of reference. The report is submitted pursuant to section 2-3-1203(2)(b)(III), Colorado Revised Statutes, which states in part:

The department of regulatory agencies shall conduct an analysis of the performance of each division, board or agency or each function scheduled for termination under this section. The department of regulatory agencies shall submit a report to the office of legislative legal services by October 15 of the year preceding the date established for termination.

The report discusses the effectiveness of the committees in carrying out the intention of the statutes and makes recommendations as to whether the advisory committees should be continued.

Sincerely,

Joe Neguse
Executive Director





COLORADO

Department of Regulatory Agencies

2015 Sunset Review Commodity Metals Theft Task Force Council of Higher Education Representatives Infection Control Advisory Committee Special Education Fiscal Advisory Committee

KEY RECOMMENDATIONS

Continue the Commodity Metals Theft Task Force.

Since its creation, the Commodity Metals Task Force (Task Force) has met regularly to address the myriad issues stemming from the theft of commodity metals. It has opened lines of communication among public utilities, metal recyclers, and law enforcement and allowed those stakeholders to collaborate on solutions. There is still work for the Task Force to do: most notably, it plans to implement a compliance audit of all metal recyclers, buyers, and sellers. The results of this audit will likely help shape the Task Force's policy priorities and provide evidence for future initiatives. For these reasons, the General Assembly should continue the Task Force.

Continue the Council of Higher Education Representatives.

The Colorado system of higher education exists in an environment ripe with challenges. Many of those challenges are exacerbated by the costs of the education. By consistently working on systemic issues that assist students to graduate in a timely manner, the Council of Higher Education Representatives (Council) can help alleviate some of the challenges for students and their families. All of the stakeholders contacted during this program review argued that the work the Council performs is valuable and should continue. A collaborative, problem-solving body is what the General Assembly envisioned with the Council's creation and it should continue moving forward. Therefore, the General Assembly should continue the Council.

Continue the Infection Control Advisory Committee.

Health-care associated infections pose considerable risk to the public health. Awareness and understanding of such infections is continually evolving. The Infection Control Advisory Committee (Committee) ensures that Colorado has a team of experts in place to address emerging issues as they arise. The Committee is instrumental in helping the Department of Public Health and Environment identify infections that should be monitored and collaborates with regulated facilities to cultivate and implement best practices for infection control. The Committee fulfills its statutory mission at a minimal expense. For these reasons, the General Assembly should continue the Committee.

Continue the Special Education Fiscal Advisory Committee.

The Special Education Fiscal Advisory Committee (Fiscal Advisory Committee) was created to assist the state with allocating limited funding to school districts in order to offset the cost of educating high-cost students with disabilities. It successfully completes this task each year, and the Colorado Department of Education values the analysis the committee provides. Therefore, the General Assembly should continue the Fiscal Advisory Committee.

MAJOR CONTACTS MADE DURING THESE REVIEWS

Colorado Department of Education
Colorado Department of Higher Education
Colorado Department of Public Health and Environment
Colorado Department of Public Safety

What is a Sunset Review?

A sunset review is a periodic assessment of state boards, programs, and functions to determine whether they should be continued by the legislature. Sunset reviews focus on creating the least restrictive form of regulation consistent with protecting the public. In formulating recommendations, sunset reviews consider the public's right to consistent, high quality professional or occupational services and the ability of businesses to exist and thrive in a competitive market, free from unnecessary regulation.

Sunset Reviews are prepared by:
Colorado Department of Regulatory Agencies
Office of Policy, Research and Regulatory Reform
1560 Broadway, Suite 1550, Denver, CO 80202
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Background

Introduction

As part of the sunset review of an advisory committee, the advisory committee that is scheduled to repeal must submit to the Department of Regulatory Agencies (DORA), on or before July 1 of the year preceding the year in which the advisory committee is scheduled to repeal:¹

- The names of current members of the advisory committee;
- All revenues and all expenditures, including advisory committee expenses, *per diem* paid to members, and any travel expenses;
- The dates all advisory committee meetings were held and the number of members attending the meetings;
- A listing of all advisory proposals made by the advisory committee, together with an indication as to whether each proposal was acted upon, implemented or enacted into statute; and
- The reasons why the advisory committee should be continued.

Importantly, sunset reviews of advisory committees do not, generally, analyze the underlying program to which the committee is expected to render advice or recommendations. If an advisory committee is sunset, the underlying program will continue.

Sunset Process

As with sunset reviews of programs, agency officials and other stakeholders can submit input regarding an advisory committee through a variety of means, including at www.dora.state.co.us/pls/real/OPR_Review_Comments.Main.

The Commodity Metals Theft Task Force, the Council of Higher Education Representatives, the Infection Control Advisory Committee, and the Special Education Fiscal Advisory Committee shall terminate on July 1, 2016, unless continued by the General Assembly. It is the duty of DORA to conduct an analysis and evaluation of these advisory committees pursuant to section 2-3-1203, Colorado Revised Statutes.

The purpose of this review is to determine whether these committees should be continued for the protection of the public and to evaluate their performance. DORA's findings and recommendations are submitted via this report to the legislative committees of reference of the Colorado General Assembly.

¹ §§ 2-3-1203(2)(b)(I) and (II), C.R.S.

Commodity Metals Theft Task Force

Creation, Mission and Make-Up

The General Assembly created the Commodity Metals Theft Task Force (Task Force) in 2011 when it passed House Bill 11-1130. Stating that thefts of commodity metals—defined as metals containing brass, copper, copper alloy, aluminum, stainless steel, magnesium or another metal traded on the commodity markets that sells for 50 cents per pound or more²—are widespread and involve costs to taxpayers, industry, and law enforcement,³ the General Assembly directed the Task Force to discuss issues and develop recommendations relating to the theft of commodity metals. The Task Force is housed within the Colorado Department of Public Safety.

The Task Force is comprised of 10 members:⁴

- The Chief of the Colorado State Patrol;
- A Sheriff appointed by a Colorado sheriffs' association;
- A Municipal Police Chief appointed by the Colorado Association of Chiefs of Police;
- A contractor that uses commodity metals in construction;
- A representative of a national trade association or other organization that represents commodity metals recyclers, such as the Institute of Scrap Recycling Industries, Inc. (ISRI), its successor organization, or another entity representing comparable interests;
- A scrap metal dealer located in Colorado who is a member of the ISRI or its successor organization;
- A representative of the Colorado Municipal League, or its successor entity;
- A representative of Colorado Counties, Inc., or its successor entity;
- A representative of a public utility that uses commodity metals; and
- A representative of a railroad company that operates in Colorado.

The Task Force must meet at least once a year.⁵ Members are not compensated for their services and are not eligible for reimbursement of their expenses.⁶

² § 18-13-111(8)(b.5), C.R.S.

³ § 18-13-111(10)(a), C.R.S.

⁴ § 18-13-111(9)(b), C.R.S.

⁵ § 18-13-111(9)(c), C.R.S.

⁶ § 18-13-111(9)(e), C.R.S.

Responsibilities of the Task Force

The statute directed the Task Force to discuss, at its first meeting, the best way to share information related to theft of scrap metals and determine whether law enforcement agencies should use the scrap theft alert system maintained by ISRI.⁷ This online system allows registered users to post alerts reporting metal thefts and to search posted alerts by date, state or ZIP code, materials involved, and other criteria.

Thereafter, the Task Force must discuss issues related to theft of commodity metals, including sharing relevant information on thefts, identifying ways in which Colorado's laws regulating commodity metals purchases can be improved to reduce theft, and reviewing any performance problems or communication issues. The statute also directs the Task Force to consider:⁸

- Possible policies or practices to aid in tracking or apprehending stolen commodity metals prior to the point of sale in order to assist law enforcement personnel in theft prevention and recovery of stolen materials;
- Recommendations regarding when and how a commodity metals purchaser should be required to apprise local law enforcement authorities if a purchased commodity metal is a potential match of a commodity metal reported stolen in the scrap theft alert system; and
- Creating a civil penalty process for egregious and repeat violators of the record-keeping requirements established in section 18-13-111, Colorado Revised Statutes (C.R.S.).

Annually, a designated Task Force member must report on the Task Force's findings to the Judiciary Committees of the House of Representatives and the Senate.⁹

Revenues and Expenditures

The Task Force does not generate any revenue.

Under section 18-13-111(9)(e), C.R.S., members do not receive compensation or expense reimbursement. Accordingly, there are no expenditures associated with the Task Force.

Meetings of the Task Force

Since its creation, the Task Force has met a total of 10 times.

⁷ § 18-13-111(9)(c), C.R.S.

⁸ § 18-13-111(9)(c), C.R.S.

⁹ § 18-13-111(9)(d), C.R.S.

Table 1 includes the dates the Task Force convened and the number of members in attendance at each meeting.

Table 1
Meetings of Task Force

Meeting Date	Members in Attendance
August 22, 2013	8
December 19, 2013	6
January 30, 2014	6
February 27, 2014	6
July 31, 2014	6
August 28, 2014	5
October 2, 2014	5
November 24, 2014	6
February 26, 2015	5
June 25, 2015	5

In addition to the appointed Task Force members, other interested stakeholders, including law enforcement personnel and public utility representatives, regularly attend these meetings.

Proposals and Their Status

The statute specifically charges the Task Force with developing recommendations on numerous issues relating to commodity metals theft. Notable recommendations and their status are noted below.

Proposal 1: Establish a new statute addressing commodity metals theft as a distinct crime.

The Task Force explored making commodity metals theft a separate, distinct crime, noting that such change might allow the state to capture the real costs of such thefts—not just the cost to replace the stolen metals, but the effects on critical infrastructure, disruption of service, and other factors.

Status: Not implemented. The Task Force tabled this item based on guidance from the Colorado Commission on Criminal Justice and the Colorado District Attorneys' Council, and ultimately decided to focus on enforcing current statutes.

Proposal 2: Revise the statute governing felony endangerment for public transportation and utility transmission to address metals theft.

Theft or attempted theft of metals from utility transmission facilities can interrupt utility service and endanger utility workers and the public. The Task Force recommended adding language making metal theft that endangers public transportation and utility transmission a felony.

Status: Enacted. The General Assembly passed Senate Bill 14-49, which implemented these recommendations.

Proposal 3: Promote law enforcement's use of the ISRI database and research alternative tools to track thefts.

The Task Force encouraged law enforcement to access the ISRI Scrap Metal Theft Alert System, which led to a dramatic increase in use of the database. However, industry representatives expressed concern that the ISRI database offers law enforcement unfettered access to its business records, which may include customer lists, material pricing, and other data that would be considered proprietary.

Status: Ongoing. In light of industry's response, the Task Force continues to look for an alternative tool that would be useful to law enforcement without revealing proprietary business information.

Proposal 4: Expand what is considered "public endangerment" to include commodity metal thefts at the distribution level.

Utility infrastructure includes transmission lines that carry electricity or gas over long distances and distribution systems consisting of transformers, pressure regulators, service lines, and other equipment needed to deliver electricity or natural gas to a customer. Current law defines metal thefts occurring at the transmission level as constituting public endangerment, but such thefts at the distribution level are not defined as public endangerment.

Public utilities have reported numerous instances of theft from company utility poles and customer service lines. Thefts like these, which occur at the utility distribution level, can endanger utility workers and the public. The utility industry requested that the Task Force recommend expanding the statutory definition of what constitutes public endangerment to include metal thefts at the distribution level of electric and natural gas utility infrastructure.

Status: Ongoing. The Task Force explored pursuing legislation in 2014 but ultimately did not do so due to cost concerns: the legislation would have encompassed significantly more thefts, and costs would have increased accordingly. It continues to gather data to determine the scope of the problem.

Proposal 5: Increase civil penalties process for egregious and repeat violators of the record-keeping requirements.

Section 8-13-111, C.R.S., requires buyers and sellers of commodity metals to keep detailed records of such transactions. The Task Force found that because stolen copper and aluminum offer potential for significant financial gain, the current fine structure is inadequate to deter theft of these metals. Increasing the civil penalties for failure to maintain the required transaction records might reduce the incidence of thefts.

Status: Ongoing.

Proposal 6: Narrow the definition of commodity metals.

The Task Force found that the current statutory definition of commodity metals places an undue burden on scrap metals recyclers. Because copper and aluminum constituted 98.8 percent of commodity metals theft from 2009 to 2011, the Task Force proposed narrowing the definition of commodity metals to include only those metals that contain copper, copper alloy, and aluminum.

Status: Ongoing.

Proposal 7: Implement statewide audits of recyclers, buyers, and sellers of metal.

The Task Force determined that a statewide audit of every Colorado metal recycler, buyer, and seller would help determine the scope of the industry and its level of compliance with state laws.

Status: Ongoing. The Colorado State Patrol plans to include resources for the audit within its budget request for the coming year.

Reasons for Continuation of the Task Force

A 2009 survey conducted by the Electrical Safety Foundation found that copper theft costs utility companies more than \$60 million and causes 450,000 minutes of outage time each year. Commodity metal theft remains an ongoing challenge for law enforcement, public utilities, and property owners. The impact of such thefts can be significant: they cause utility outages, increase costs to companies, and endanger utility workers and the public. The Task Force convenes a diverse array of stakeholders to identify the scope and potential impact of the problem and develop both preventative and punitive measures to contain it.

Analysis and Recommendation

Since its creation, the Task Force has met regularly to address the myriad issues stemming from the theft of commodity metals. It has opened lines of communication among public utilities, metal recyclers, and law enforcement and allowed those stakeholders to collaborate on solutions.

There is still work for the Task Force to do: most notably, it plans to implement a compliance audit of all metal recyclers, buyers, and sellers. The results of this audit will likely help shape the Task Force's policy priorities and provide evidence for future initiatives.

For these reasons, the General Assembly should continue the Task Force.

Council of Higher Education Representatives

Creation, Mission and Make-Up

Believing that the ability to transfer among schools in the Colorado state higher education system is significant to completing a degree, the General Assembly created the Council of Higher Education Representatives (Council). The intent was to facilitate the transfer of student educational credit among state-supported institutions of higher education by ensuring that the quality of general education courses is comparable and transferable system-wide.¹⁰

The Council is made up of 21 representatives. The governing board from each of the four-year institutions appoints its representative. The Colorado Community College System appoints three representatives: one comes from the system office and two come from individual campuses. There is also a representative from the Colorado Commission on Higher Education (CCHE).¹¹

Responsibilities of the Council

The General Assembly directed that the Council, in consultation with the higher education governing boards and institutions, and various higher education student organizations, construct a common, statewide articulation matrix concerning general education course numbering. The prototype matrix then would be presented as a recommendation to the CCHE.

The General Assembly also instructed the Council to annually review the list of general education courses and recommend to the CCHE any changes necessary to maintain the accuracy and integrity of the course numbering system.¹²

Revenues and Expenditures

No per diem or travel expenses were reimbursed to Council members. Total expenditures for fiscal years 13-14 and 14-15 were \$600.

¹⁰ § 23-1-108.5(1), C.R.S.

¹¹ § 23-1-108.5(3)(a), C.R.S.

¹² § 23-1-108.5(3)(c)(II), C.R.S.

Meetings of the Council

The Council holds monthly meetings at the offices of the Department of Higher Education. Table 2 lists the dates the meetings were held and the number of attendees for the period investigated for this report.

Table 2
Council Meetings
Fiscal Years 13-14 and 14-15

Meeting Date	Number of Members Attending
August 12, 2013	15
September 9, 2013	17
October 7, 2013	15
November 11, 2013	16
December 9, 2013	17
January 13, 2014	15
February 10, 2014	17
March 10, 2014	16
May 12, 2014	16
September 8, 2014	19
October 13, 2014	20
November 10, 2014	19
December 8, 2014	10
January 12, 2015	13
February 9, 2015	19
March 9, 2015	19
April 13, 2015	18
May 11, 2015	20
June 8, 2015	16

The Council averaged approximately 80 percent attendance during the period examined. For a 21-member advisory body that meets as often as monthly, this is an outstanding ratio.

Proposals and Their Status

The Council accomplished its original mission of developing a standardized course matrix. The original goal was:

All credits earned by a student in any general education course identified as corresponding with a course included in the course numbering system shall be automatically transferable among all higher education institutions upon transfer and enrollment of the student. All higher education institutions in Colorado shall participate in the course numbering system. The [CCHE] shall adopt such policies and guidelines as may be necessary for the implementation of this section. Each governing board shall modify its existing policies as may be necessary to accept the transfer of these credits.¹³

Subsequently, the Council modified its mission slightly and continued its conversations. The Council made proposals to the CCHE that broadened the characterization of “general education course.” Table 3 illustrates that the Council recommended transfer approval of specialized curricula. Now, when a student receives an associate degree in a certain subject, the entire course load will transfer and apply toward the completion of a baccalaureate in that subject.

Table 3
Council Recommendations
Fiscal Years 13-14 and 14-15

Date and Proposal	Action Taken
December 5, 2013 Recommend approval of 40 courses for inclusion in the statewide articulation matrix system of course numbering for general education courses.	Approved and implemented
April 11, 2014 Recommend approval of associate degree with designation in Criminal Justice at Aims Community College.	Approved and implemented
April 11, 2014 Recommend approval of CCHE Policy I, L: Statewide Transfer and gtPathways Policy.	Approved and implemented
May 9, 2014 Recommend approval of statewide transfer articulation agreement in Geology.	Approved and implemented
July 25, 2014 Recommend approval of associate degree with designation in Geology at Colorado Community College System schools.	Approved and implemented
September 9, 2014 Recommend approval of statewide transfer articulation agreement in Geography.	Approved and implemented

¹³ § 23-1-108.5(5), C.R.S.

Date and Proposal	Action Taken
October 2, 2014 Recommend approval of associate degree with designation in Geography and Philosophy at Colorado Community College System schools.	Approved and implemented
November 6, 2014 Recommend approval of associate degree with designation in Geography and Philosophy at Colorado Mountain College.	Approved and implemented
December 4, 2014 Recommend approval of 16 courses for inclusion in the statewide articulation matrix system of course numbering for general education courses.	Approved and implemented
December 4, 2014 Recommend approval of 24 associate degrees with designation at Colorado Mountain College.	Approved and implemented
December 4, 2014 Recommend approval of associate degree with designation in Communication at Colorado Community College System schools.	Approved and implemented
December 4, 2014 Recommend approval of nine statewide transfer articulation agreements.	Approved and implemented
February 13, 2015 Recommend approval of nine associate degrees with designation at Colorado Community College System schools.	Approved and implemented
May 8, 2015 Recommend approval of process for statewide prior learning assessment policy.	Approved and implemented
June 4, 2015 Recommend approval of 20 courses for inclusion in the statewide articulation matrix system of course numbering for general education courses.	Approved and implemented

Table 3 also illustrates that the CCHE concurred with all of the recommendations made by the Council.

Reasons for Continuation of the Council

The Council performs vital oversight functions regarding the statewide articulation matrix system of course numbering for general education courses. By inviting all of the stakeholders to the discussion, it facilitates and preserves transfer agreements among the state’s institutions of higher education.

Analysis and Recommendation

The original primary task assigned to the Council was to develop recommendations for a standardized course numbering system to facilitate the transfer of student credit hours earned at the state's public institutions of higher education. The Council accomplished that task. In the course of performing annual evaluations and revisions the Council seized the opportunity presented by a common forum to accomplish other, similar goals that needed to be undertaken.

The Colorado system of higher education exists in an environment ripe with challenges. Many of those challenges are exacerbated by the costs of the education. By consistently working on systemic issues that assist students to graduate in a timely manner, the Council can help alleviate some of the challenges for students and their families. All of the stakeholders contacted during this program review argued that the work the Council performs is valuable and should continue. A collaborative, problem-solving body is what the General Assembly envisioned with the Council's creation and it should continue moving forward.

Therefore, the General Assembly should continue the Council.

Infection Control Advisory Committee

Creation, Mission and Make-Up

The General Assembly created the Infection Control Advisory Committee (Committee) in 2006 when it passed House Bill 06-1045. Generally, the bill imposed a new requirement on health facilities to collect infection rate data for specific hospital-acquired infections (now commonly described as health-care associated infections), including cardiac and orthopedic surgical site infections and central line-related bloodstream infections. The bill authorized the Executive Director of the Colorado Department of Public Health and Environment (Director and Department, respectively) to appoint an advisory committee to assist the Department in implementing the bill and developing a means for releasing and disseminating the collected data.

The Committee is comprised of 11 members:¹⁴

- One representative of a public hospital;
- One representative of a private hospital;
- One Colorado-licensed, board-certified or board-eligible physician who is affiliated with a Colorado hospital or medical school, who is an active member of a national organization specializing in health-care epidemiology or infection control, and who has demonstrated an interest and expertise in health facility infection control;
- Four infection control practitioners as follows:
 - One from a stand-alone ambulatory surgical center; and
 - Three health-care professionals certified by the Certification Board of Infection Control and Epidemiology, Inc., or its successor;
- One medical statistician with an advanced degree in such specialty or one clinical microbiologist with an advanced degree in such specialty;
- One representative of a health consumer organization;
- One representative of a health insurer; and
- One representative of a purchaser of health insurance.

Every year, the Committee must elect a chair, who sets the meeting dates and times.¹⁵ The law requires the Committee to meet at least four times in its first year and at least twice a year in subsequent years.

Committee members serve without compensation.¹⁶

¹⁴ § 25-3-602(4)(a), C.R.S.

¹⁵ § 25-3-602(4)(d), C.R.S.

¹⁶ § 25-3-602(4)(d), C.R.S.

Responsibilities of the Advisory Committee

The Committee is responsible for assisting the Department in implementing the data collection requirement for health facilities and developing the methodology for release and disseminating the data.¹⁷ It also must, along with the Department, regularly evaluate the quality and accuracy of the collected data and the methodologies for data collection, analysis, and dissemination.¹⁸

The statute directs the Committee to recommend clinical procedures, in addition to those included under section 25-3-602(1)(a), Colorado Revised Statutes, that health facilities must report. When determining whether a new clinical procedure should be added, the Committee must consider, among other factors:¹⁹

- Whether the procedure entails a high risk for contracting an infection, and
- Whether the type or types of infection present a serious risk to the patient's health.

The Committee's recommendations must be consistent with information that may be collected by the National Healthcare Safety Network.²⁰

On or before November 1, 2008, the law required the Committee to recommend to the Department.²¹

- Adding abdominal surgical site infections and at least one other clinical procedure to the data collection requirement, or, if it is unable to identify additional clinical procedures, report the reason for its inability to do so; and
- Whether long-term acute care centers should be subject to the reporting requirements.

On or before November 1, 2010, the Committee had to recommend to the Department adding at least two more clinical procedures to the data collection requirement, or, if it was unable to identify additional clinical procedures, report the reason for its inability to do so.²²

The Committee may recommend that health facilities report process measures to the Committee to accommodate best practices for effective prevention of infection.²³

¹⁷ § 25-3-602(4)(b), C.R.S.

¹⁸ § 25-3-602(4)(c), C.R.S.

¹⁹ § 25-3-602(5)(c), C.R.S.

²⁰ § 25-3-602(5)(a), C.R.S.

²¹ § 25-3-602(5)(b)(I), C.R.S.

²² § 25-3-602(5)(b)(II), C.R.S.

²³ § 25-3-602(6), C.R.S.

Revenues and Expenditures

The Committee generates no revenue and expenses are minimal: in several years, the Department has issued just one \$70 mileage reimbursement to a Committee member who drove back and forth from Fort Collins. A newly appointed Committee member plans to drive to Denver from Steamboat Springs to attend every other meeting. Department staff estimates that this mileage reimbursement will cost from \$100 to \$200 per year.

Meetings of the Committee

The Committee has met a total of 14 times in fiscal years 13-14 and 14-15.

Table 4 includes the dates the Committee convened and the number of members in attendance at each meeting.

Table 4
Meetings of the Infection Control Advisory Committee

Meeting Date	Members in Attendance
July 23, 2013	7
August 27, 2013	9
October 22, 2013	7
November 26, 2013	8
January 28, 2014	8
March 25, 2014	6
May 27, 2014	9
July 22, 2014	10
August 26, 2014	9
November 25, 2014	8
December 9, 2014	6
January 27, 2015	8
March 24, 2015	6
May 26, 2015	9

Representatives of the Department and other interested stakeholders regularly attend Committee meetings.

Proposals and Their Status

Since the General Assembly created the reporting requirement in 2006, the Department has expanded the requirement to include seven additional clinical procedures recommended by the Committee. Also following the Committee's recommendation, the Department discontinued the reporting of two clinical procedures in acute care hospitals, which aligned Colorado's reporting requirements with federal requirements and reduced the overall reporting burden.

In the past two fiscal years, the Committee has made numerous policy proposals to the Department. The most notable proposals led to *Clostridium difficile* and Methicillin-Resistant *Staphylococcus Aureus* (MRSA) being added to the list of reportable health-care associated infections and vaginal hysterectomies performed in hospitals being removed from the list.

The Department also implemented several of the Committee's recommendations relating to how data would be collected and reported to the public, which is consistent with the Committee's statutory mandate to regularly evaluate the methodologies for data collection, analysis, and dissemination.

Reasons for Continuation of the Committee

The Committee represents a spectrum of stakeholders. Some possess specific expertise in infection control, others represent facilities subject to the reporting requirements, and others are familiar with the potentially devastating effects of health-care associated infections on patients. This diversity makes the Committee uniquely positioned to help the Department implement the mandatory data collection requirement for health facilities. The Committee provides clinical expertise and guidance to Department staff in identifying infections that should be disclosed and in interpreting and disseminating the data. The Committee fosters credibility among stakeholders and assures public protection without placing undue burdens on regulated facilities.

Analysis and Recommendation

Health-care associated infections pose considerable risk to the public health. Awareness and understanding of such infections is continually evolving. The Committee ensures that Colorado has a team of experts in place to address emerging issues as they arise. The Committee is instrumental in helping the Department identify infections that should be monitored and collaborates with regulated facilities to cultivate and implement best practices for infection control. The Committee fulfills its statutory mission at a minimal expense.

For these reasons, the General Assembly should continue the Committee.

Special Education Fiscal Advisory Committee

Creation, Mission and Make-Up

The Special Education Fiscal Advisory Committee (Fiscal Advisory Committee) was created in 2006 by House Bill 06-1375 as part of an effort to address the escalating costs of educating students with disabilities whose needs were so great that they could not be met within their own school districts. These students are commonly referred to as “high-cost students with disabilities.” As a result, the General Assembly set aside \$2 million and created the Colorado Special Education High-Cost Grant Program (Grant Program).

The following year, the General Assembly set aside an additional \$2 million to fund students who could not be placed out of district and for whom costly in-district placements needed to be developed instead.

High costs are defined as costs incurred by a school district above a threshold amount for providing special education services to a child with disabilities.²⁴ The Fiscal Advisory Committee was created to determine the threshold amount and to make recommendations to the Colorado State Board of Education (State Board) regarding how to allocate the funds.

Housed in the Colorado Department of Education (CDE), the Fiscal Advisory Committee consists of 12 members appointed by the State Board.²⁵

- A representative from Exceptional Student Services Unit, which is responsible for the administration of special education programs in CDE;
- A special education director from a board of cooperative educational services²⁶ (BOCES) with expertise in special education finance recommended by the Colorado BOCES Association;
- A business official from a small rural administrative unit recommended by the Colorado Association of School Executives (CASE);
- A business official from a large urban or suburban administrative unit recommended by CASE; and
- Eight special education specialists with appropriate statewide geographic representation recommended by the Consortium of Special Education Directors.

²⁴ § 22-20-114.5(1)(b), C.R.S.

²⁵ § 22-20-114.5(2)(a), C.R.S.

²⁶ A board of cooperative education services is an entity that provides services to two or more school districts in order to share costs, create efficiencies and expand the range of administrative and student services provided in each district.

Responsibilities of the Fiscal Advisory Committee

The Fiscal Advisory Committee is charged with advising the State Board regarding allocating funds from the Grant Program, which was created so that school districts could recover some or all of the cost of serving high-cost students with disabilities.²⁷

The Fiscal Advisory Committee accomplishes this by:

- Developing an application process,
- Reviewing applications,
- Determining which applications to approve and the amounts to be awarded based on a detailed analysis, and
- Making recommendations to the State Board.

The Fiscal Advisory Committee is also charged with determining the level of special education costs above which a school district may apply for reimbursement from the Grant Program.

Additionally, the Fiscal Advisory Committee must annually submit a report to the education committees in the Colorado House of Representatives and the Colorado Senate that includes, at a minimum, the administrative units that applied for and received a high-cost grant during the previous fiscal year.²⁸

Revenues and Expenditures

The Fiscal Advisory Committee costs are paid for by the Exceptional Student Services Unit, but not with any funds from the Grant Program. Costs include travel and meal expenses for the members to attend meetings. The members are not allocated per diem.

In fiscal year 13-14, the Fiscal Advisory Committee spent \$1,313. Of this, \$407 paid for meals, and \$906 paid for travel reimbursements for members and staff.

In fiscal year 14-15, the Fiscal Advisory Committee spent \$1,590. Of this, \$350 paid for meals, and \$1,240 paid for travel reimbursements for members and staff.

Meetings of the Fiscal Advisory Committee

The Fiscal Advisory Committee typically meets twice a year and conducts a conference call once a year. On average 8 of 12 members attended each meeting and conference call.

²⁷ § 22-20-114.5(3), C.R.S.

²⁸ § 22-20-114.5(5), C.R.S.

Proposals and Their Status

Each year, the General Assembly appropriates \$4 million to the Grant Program to assist school districts with educating high-cost students with disabilities. Of this, the State Board allocates \$2 million to pay for out-of-district placements and \$2 million to pay for in-district placements.

In fiscal year 13-14, the Fiscal Advisory Committee reviewed 23 out-of-district placement applications, totaling \$8,384,758, and recommended the following payments, totaling \$2 million:

- Adams County District 14 - \$138,914
- Adams County District 50 - \$164,191
- Arapahoe County District 1 - \$112,123
- Arapahoe County District 2 - \$71,248
- Arapahoe County District 6 - \$155,984
- Boulder County District RE-2 - \$134,920
- Centennial BOCES - \$156,242
- East Central BOCES - \$75,110
- El Paso County District 3 - \$355,897
- El Paso County District 8 - \$69,932
- El Paso County District 12 - \$35,181
- El Paso County District 38J - \$32,889
- Larimer County District R-3 - \$43,569
- Mountain BOCES - \$209,024
- Ute Pass BOCES - \$139,466
- Weld County District 6 - \$105,310

In fiscal year 13-14, the Fiscal Advisory Committee reviewed 28 in-district applications, totaling \$15,908,774, and recommended the following payments, totaling \$2 million:

- Centennial BOCES - \$68,729
- East Central BOCES - \$362,188
- El Paso County District 12 - \$93,748
- Mountain BOCES - \$204,933
- Northeast BOCES - \$254,440
- Pikes Peak BOCES - \$238,094
- Rio Blanco BOCES - \$159,118
- San Juan BOCES - \$410,289
- San Luis Valley BOCES - \$14,910
- Southeastern BOCES - \$69,256
- Uncompahgre BOCES - \$73,018
- Ute Mountain BOCES - \$51,276

Status: The State Board approved all the payments recommended by the Fiscal Advisory Committee in fiscal year 13-14.

In fiscal year 14-15, the Fiscal Advisory Committee reviewed 26 out-of-district placement applications, totaling \$8,734,492, and recommended the following payments, totaling \$2 million:

- Adams County District 27J - \$26,702
- Adams County District 50 - \$236,780
- Arapahoe County District 1 - \$97,452
- Arapahoe County District 2 - \$86,387
- Boulder County District RE-2 - \$116,598
- Centennial BOCES - \$169,670
- Eagle County District - \$258,333
- East Central BOCES - \$121,740
- El Paso County District 2 - \$79,143
- El Paso County District 3 - \$175,223
- El Paso County District 8 - \$63,169
- El Paso County District 12 - \$36,247
- El Paso County District 38J - \$34,776
- El Paso County District 49 - \$52,292
- Ft. Lupton/Keenesburg Consortium - \$41,297
- Larimer County District R-2J - \$80,579
- Larimer County District R-3 - \$37,770
- Ute Pass BOCES - \$64,914
- Weld County District 6 - \$220,929

In fiscal year 14-15, the Fiscal Advisory Committee reviewed 27 in-district applications, totaling \$20,290,665, and recommended the following payments, totaling \$2 million:

- Centennial BOCES - \$99,680
- East Central BOCES - \$608,350
- Northeast BOCES - \$235,396
- Pikes Peak BOCES - \$204,318
- San Juan BOCES - \$252,352
- San Luis Valley BOCES - \$16,676
- South Central BOCES - \$299,799
- Southeastern BOCES - \$110,591
- Rio Blanco BOCES - \$105,935
- Uncompahgre BOCES - \$29,919
- Ute Mountain BOCES - \$36,985

Status: The State Board approved all the payments recommended by the Fiscal Advisory Committee in fiscal year 14-15.

Reasons for Continuation of the Fiscal Advisory Committee

Students with disabilities require additional resources to meet their educational needs.²⁹ While high-cost students with disabilities represent only about five percent of special education students, the expenditures for a high-cost student can exceed as much as 13 times the cost of a general education student. Additionally, since high-cost students are distributed unevenly throughout the state, certain school districts are disproportionately affected by the additional costs necessary to educate them.³⁰

It should be noted that the Grant Program only covers a portion of the cost of educating high-cost students in the state, which is mostly paid for by the school districts themselves.

Through the Fiscal Advisory Committee, CDE collaborates with representatives from school districts across the state in order to allocate limited funding for high-cost students with disabilities. The collaborative work helps to engender trust in the process and ensures fair and appropriate allocations, and the State Board must approve all allocations.

The Fiscal Advisory Committee is valuable to CDE staff and the State Board, and the analysis provided by the committee influences discussions around special education funding and program needs.

Analysis and Recommendation

The Fiscal Advisory Committee was created to assist the state with allocating limited funding to school districts in order to offset the cost of educating high-cost students with disabilities.

It successfully completes this task each year, and CDE values the analysis the committee provides.

The 12 members of the Fiscal Advisory Committee volunteer their time to assist the state with ensuring that \$4 million of grant money is fairly and appropriately allocated to the areas of the state where it can provide the most benefit and that the expenses incurred are reasonable.

Therefore, the General Assembly should continue the Fiscal Advisory Committee.

²⁹ Education Commission of the States. *State Funding for Students with Disabilities*. Retrieved on July 13, 2015, from <http://www.ecs.org/Clearinghouse/01/19/47/11947.pdf>

³⁰ Education Commission of the States. *State Funding Programs for Special Education Students*. Retrieved on July 13, 2015, from <http://www.ecs.org/clearinghouse/78/10/7810.pdf>