

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.

HB23-1168 be amended as follows:

1 Amend printed bill, page 2, line 5, strike "- **fund - definitions.**" and
2 substitute "- **report - definitions - repeal.**".

3 Page 2, after line 8 insert:

4 "(b) "COLORADO NONPROFIT LEGAL ORGANIZATION" OR
5 "NONPROFIT ORGANIZATION" MEANS A COLORADO NONPROFIT LEGAL
6 ORGANIZATION THAT FOCUSES ON SPECIAL EDUCATION LAW, PROVIDES
7 AFFORDABLE LEGAL SERVICES, AND OPERATES PURSUANT TO SECTION 501
8 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", 26 U.S.C.
9 SEC. 501, AS AMENDED."

10 Reletter succeeding paragraphs accordingly.

11 Page 2, strike lines 11 through 13.

12 Reletter succeeding paragraphs accordingly.

13 Page 3, strike lines 11 through 27 and substitute:

14 "(2) ON OR BEFORE AUGUST 1, 2023, THE DEPARTMENT SHALL
15 ENTER INTO A SERVICE AGREEMENT WITH A NONPROFIT ORGANIZATION TO
16 CREATE AND MAINTAIN A LIST OF ATTORNEYS QUALIFIED TO REPRESENT
17 A PARENT IN A DUE PROCESS COMPLAINT FILED BY AN ADMINISTRATIVE
18 UNIT OR STATE-OPERATED PROGRAM PURSUANT TO SECTION 22-20-108 (3)
19 CONCERNING ISSUES DISPUTED IN A STATE COMPLAINT IN WHICH THE
20 PARENT PREVAILED. THE SERVICE AGREEMENT IS FOR FIVE YEARS. THE
21 NONPROFIT ORGANIZATION SHALL CONSIDER AN ATTORNEY TO BE
22 QUALIFIED IF THE ATTORNEY DEMONSTRATES A HISTORY OF PRACTICE IN
23 SPECIAL EDUCATION LAW. THE NONPROFIT ORGANIZATION SHALL UPDATE
24 THE LIST ON AN ANNUAL BASIS.

25 (3) A PARENT DESCRIBED IN SUBSECTION (2) OF THIS SECTION MAY
26 CONTACT THE NONPROFIT ORGANIZATION FOR AN ATTORNEY
27 APPOINTMENT. THE NONPROFIT ORGANIZATION SHALL APPOINT AN
28 ATTORNEY FROM THE LIST OF ATTORNEYS DESCRIBED IN SUBSECTION (2)
29 OF THIS SECTION TO REPRESENT THE PARENT IN A DUE PROCESS COMPLAINT
30 THAT AN ADMINISTRATIVE UNIT OR A STATE-OPERATED PROGRAM FILES
31 PURSUANT TO SECTION 22-20-108 (3) CONCERNING ISSUES DISPUTED IN A
32 STATE COMPLAINT IN WHICH THE PARENT PREVAILED. THE NONPROFIT
33 ORGANIZATION SHALL ROTATE THE ATTORNEYS ON THE LIST TO
34 DISTRIBUTE DUE PROCESS COMPLAINT CASES EVENLY AMONG THE

1 ATTORNEYS ON THE LIST.

2 (4) (a) THE DEPARTMENT SHALL ANNUALLY PROVIDE THE
3 NONPROFIT ORGANIZATION TWENTY THOUSAND DOLLARS TO PAY
4 ATTORNEYS APPOINTED PURSUANT TO SUBSECTION (3) OF THIS SECTION
5 AND TO CREATE, MAINTAIN, AND ADMINISTER THE LIST OF ATTORNEYS
6 PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE NONPROFIT
7 ORGANIZATION MAY RETAIN UNSPENT MONEY AT THE END OF A BUDGET
8 YEAR.

9 (b) IF THERE IS ANY UNSPENT MONEY AT THE END OF THE
10 FIVE-YEAR SERVICE AGREEMENT, THE NONPROFIT ORGANIZATION SHALL
11 RETURN THE UNSPENT MONEY TO THE DEPARTMENT. THE DEPARTMENT
12 SHALL TRANSMIT ALL MONEY RECEIVED FROM THE NONPROFIT
13 ORGANIZATION TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY
14 TO THE GENERAL FUND.

15 (5) THE DEPARTMENT SHALL INCLUDE INFORMATION REGARDING
16 THE APPOINTMENT OF ATTORNEYS DESCRIBED IN SUBSECTION (3) OF THIS
17 SECTION IN THE PROCEDURAL SAFEGUARD NOTICE, IN MATERIALS
18 DISTRIBUTED TO PARENTS DESCRIBING DUE PROCESS COMPLAINT
19 PROCEDURES, AND FOLLOWING A DECISION THE DEPARTMENT RENDERS
20 CONCERNING A DISPUTE PURSUANT TO SECTION 22-20-108 (3). THE
21 DEPARTMENT SHALL PROMINENTLY DISPLAY THE NONPROFIT
22 ORGANIZATION'S WEBSITE ON THE DEPARTMENT'S WEBSITE.

23 (6) ON OR BEFORE SEPTEMBER 1, 2024, AND EACH SEPTEMBER 1
24 THEREAFTER THROUGH SEPTEMBER 1, 2028, THE NONPROFIT
25 ORGANIZATION SHALL REPORT TO THE DEPARTMENT THE FOLLOWING:

26 (a) THE NUMBER OF ATTORNEYS APPOINTED TO PARENTS IN DUE
27 PROCESS COMPLAINT PROCEDURES PURSUANT TO SECTION 22-20-108 (3);

28 (b) THE COSTS ASSOCIATED WITH EACH DUE PROCESS COMPLAINT
29 CASE; AND

30 (c) THE AMOUNT OF UNSPENT MONEY THE NONPROFIT
31 ORGANIZATION RETAINS AT THE END OF THE BUDGET YEAR.

32 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2029."

33 Strike page 4.

34 Page 5, strike lines 1 through 14.

** ** ** *