

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

February 23, 2023
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB23-1168 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

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

1 QUALIFIED IF THE ATTORNEY DEMONSTRATES A HISTORY OF PRACTICE IN
2 SPECIAL EDUCATION LAW. THE NONPROFIT ORGANIZATION SHALL UPDATE
3 THE LIST ON AN ANNUAL BASIS.

4 (3) A PARENT DESCRIBED IN SUBSECTION (2) OF THIS SECTION MAY
5 CONTACT THE NONPROFIT ORGANIZATION FOR AN ATTORNEY
6 APPOINTMENT. THE NONPROFIT ORGANIZATION SHALL APPOINT AN
7 ATTORNEY FROM THE LIST OF ATTORNEYS DESCRIBED IN SUBSECTION (2)
8 OF THIS SECTION TO REPRESENT THE PARENT IN A DUE PROCESS COMPLAINT
9 THAT AN ADMINISTRATIVE UNIT OR A STATE-OPERATED PROGRAM FILES
10 PURSUANT TO SECTION 22-20-108 (3) CONCERNING ISSUES DISPUTED IN A
11 STATE COMPLAINT IN WHICH THE PARENT PREVAILED. THE NONPROFIT
12 ORGANIZATION SHALL ROTATE THE ATTORNEYS ON THE LIST TO
13 DISTRIBUTE DUE PROCESS COMPLAINT CASES EVENLY AMONG THE
14 ATTORNEYS ON THE LIST.

15 (4) (a) THE DEPARTMENT SHALL ANNUALLY PROVIDE THE
16 NONPROFIT ORGANIZATION TWENTY THOUSAND DOLLARS TO PAY
17 ATTORNEYS APPOINTED PURSUANT TO SUBSECTION (3) OF THIS SECTION
18 AND TO CREATE, MAINTAIN, AND ADMINISTER THE LIST OF ATTORNEYS
19 PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE NONPROFIT
20 ORGANIZATION MAY RETAIN UNSPENT MONEY AT THE END OF A BUDGET
21 YEAR.

22 (b) IF THERE IS ANY UNSPENT MONEY AT THE END OF THE
23 FIVE-YEAR SERVICE AGREEMENT, THE NONPROFIT ORGANIZATION SHALL
24 RETURN THE UNSPENT MONEY TO THE DEPARTMENT. THE DEPARTMENT
25 SHALL TRANSMIT ALL MONEY RECEIVED FROM THE NONPROFIT
26 ORGANIZATION TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY
27 TO THE GENERAL FUND.

28 (5) THE DEPARTMENT SHALL INCLUDE INFORMATION REGARDING
29 THE APPOINTMENT OF ATTORNEYS DESCRIBED IN SUBSECTION (3) OF THIS
30 SECTION IN THE PROCEDURAL SAFEGUARD NOTICE, IN MATERIALS
31 DISTRIBUTED TO PARENTS DESCRIBING DUE PROCESS COMPLAINT
32 PROCEDURES, AND FOLLOWING A DECISION THE DEPARTMENT RENDERS
33 CONCERNING A DISPUTE PURSUANT TO SECTION 22-20-108 (3). THE
34 DEPARTMENT SHALL PROMINENTLY DISPLAY THE NONPROFIT
35 ORGANIZATION'S WEBSITE ON THE DEPARTMENT'S WEBSITE.

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

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

41 (b) THE COSTS ASSOCIATED WITH EACH DUE PROCESS COMPLAINT
42 CASE; AND

43 (c) THE AMOUNT OF UNSPENT MONEY THE NONPROFIT

- 1 ORGANIZATION RETAINS AT THE END OF THE BUDGET YEAR.
- 2 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2029."
- 3 Strike page 4.
- 4 Page 5, strike lines 1 through 14.

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