

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 18-1115.01 Conrad Imel x2313

HOUSE BILL 18-1333

HOUSE SPONSORSHIP

Young, Hamner, Rankin

SENATE SPONSORSHIP

Lambert, Lundberg, Moreno

House Committees
Appropriations

Senate Committees
Appropriations

A BILL FOR AN ACT

101 CONCERNING PART C CHILD FIND RESPONSIBILITIES OF STATE
102 DEPARTMENTS, AND, IN CONNECTION THEREWITH, MAKING AN
103 APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Joint Budget Committee. Child find, part of the federal "Individuals with Disabilities Education Act", requires states to identify and serve children with disabilities. Part C of child find concerns identifying children from birth through 2 years of age for early intervention services. Part C child find is administered by the department

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
April 4, 2018

HOUSE
3rd Reading Unamended
March 29, 2018

HOUSE
Amended 2nd Reading
March 28, 2018

of education. Early intervention services for children through 2 years of age are administered by the state department of human services.

The bill defines "early intervention evaluations" as evaluations performed pursuant to part C child find. The bill requires the state department of human services and the department of education to enter into an interagency agreement (agreement) to study the administration of early intervention evaluations. The departments are required to enter into the agreement by October 1, 2018, and to report the results of the study performed pursuant to the agreement to the joint budget committee by June 30, 2019.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 27-10.5-702, **add**
3 (6.5) as follows:

4 **27-10.5-702. Definitions.** As used in this part 7, unless the
5 context otherwise requires:

6 (6.5) "EARLY INTERVENTION EVALUATIONS" MEANS EVALUATIONS
7 CONDUCTED PURSUANT TO THE EARLY INTERVENTION PROGRAM FOR
8 INFANTS AND TODDLERS UNDER PART C OF THE FEDERAL "INDIVIDUALS
9 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ.

10 **SECTION 2.** In Colorado Revised Statutes, **add** 27-10.5-703.5
11 as follows:

12 **27-10.5-703.5. Child find from birth through two years of age**
13 **- responsibilities - rules - interagency operating agreements - funding**
14 **- report.** (1) (a) ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT
15 SHALL ENTER INTO AN INTERAGENCY AGREEMENT, REFERRED TO IN THIS
16 SECTION AS THE "AGREEMENT", WITH THE DEPARTMENT OF EDUCATION TO
17 STUDY THE ADMINISTRATION OF EARLY INTERVENTION EVALUATIONS.

18 (b) THE AGREEMENT MUST INCLUDE A PROCESS FOR STUDYING THE
19 FOLLOWING, IN RELATION TO CONDUCTING EARLY INTERVENTION
20 EVALUATIONS:

- 1 (I) ESTABLISHING CLEAR LINES OF RESPONSIBILITY AND
- 2 ACCOUNTABILITY USING CONTRACTS AND INTERAGENCY AGREEMENTS;
- 3 (II) NECESSARY REPORTING REQUIREMENTS AND REPORT-SHARING
- 4 REQUIREMENTS, INCLUDING DEADLINES FOR REPORT-SHARING;
- 5 (III) A DESCRIPTION OF HOW FUNDING SHOULD BE ALLOCATED
- 6 BETWEEN THE PARTIES TO THE AGREEMENT;
- 7 (IV) MONITORING OF PROGRAM COMPLIANCE AND AGREEMENT
- 8 COMPLIANCE;
- 9 (V) EVALUATION TIMELINE REQUIREMENTS;
- 10 (VI) EVALUATION TOOLS;
- 11 (VII) THE LOCATION OF EVALUATIONS, INCLUDING A PILOT
- 12 PROGRAM FOR IN-HOME EVALUATIONS;
- 13 (VIII) A PILOT PROGRAM FOR INTEGRATED SERVICES THAT
- 14 ALLOWS FOR WRAP-AROUND SERVICES;
- 15 (IX) PRACTICES TO ENSURE MINIMAL DISRUPTION TO FAMILIES;
- 16 (X) DATA COLLECTION FROM LOCAL EDUCATION AGENCIES AND
- 17 ENTITIES THAT CONDUCT EARLY INTERVENTION EVALUATIONS REGARDING
- 18 ACTUAL COSTS ASSOCIATED WITH PART C EVALUATIONS AND EARLY
- 19 INTERVENTION EVALUATIONS; AND
- 20 (XI) TRANSITION FOR PART C SERVICES IN THE DEPARTMENT TO
- 21 PART B SERVICES IN THE DEPARTMENT OF EDUCATION, INCLUDING
- 22 TIMELINES FOR THIS TRANSITION.
- 23 (c) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE
- 24 COMMISSIONER OF EDUCATION, SHALL HIRE AN INDEPENDENT THIRD PARTY
- 25 TO FACILITATE AND ASSIST THE DEPARTMENTS ENTERING INTO THE
- 26 AGREEMENT.
- 27 (d) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(d)(II) OF THIS

1 SECTION, ON OR BEFORE NOVEMBER 1, 2018, THE DEPARTMENT AND THE
2 DEPARTMENT OF EDUCATION SHALL REPORT TO THE JOINT BUDGET
3 COMMITTEE ON THE AGREEMENT.

4 (II) IN THE EVENT THAT THE DEPARTMENT AND THE DEPARTMENT
5 OF EDUCATION DO NOT ENTER INTO THE AGREEMENT BY OCTOBER 1, 2018,
6 THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL EACH
7 SUBMIT ALTERNATIVE INTERAGENCY AGREEMENTS TO THE JOINT BUDGET
8 COMMITTEE BY NOVEMBER 1, 2018, FROM WHICH THE JOINT BUDGET
9 COMMITTEE SHALL SELECT AN INTERAGENCY AGREEMENT BEFORE THE
10 BEGINNING OF THE SUCCEEDING CALENDAR YEAR.

11 (2) ON OR BEFORE JUNE 30, 2019, THE DEPARTMENT AND THE
12 DEPARTMENT OF EDUCATION SHALL REPORT TO THE JOINT BUDGET
13 COMMITTEE CONCERNING THE AGREEMENT, INCLUDING
14 RECOMMENDATIONS FOR THE ADMINISTRATION OF EARLY INTERVENTION
15 EVALUATIONS.

16 **SECTION 3.** In Colorado Revised Statutes, 27-10.5-703, **amend**
17 (3)(c) and (3)(d) as follows:

18 **27-10.5-703. Early intervention services - administration -**
19 **duties of department - rules.** (3) In administering early intervention
20 services, the department shall have and perform the following duties:

21 (c) To ensure eligibility determination for a child with disabilities
22 from birth through two years of age, based in part on information
23 received concerning the screening and evaluation performed by an
24 ~~administrative unit pursuant to section 22-20-118, C.R.S.~~ ENTITY THAT
25 CONDUCTS EARLY INTERVENTION EVALUATIONS;

26 (d) To ensure that an individualized family service plan is
27 developed for infants and toddlers from birth through two years of age

1 who are eligible for early intervention services. The IFSP shall be
2 developed in compliance with part C REQUIREMENTS and in coordination
3 with part C child find evaluations OR EARLY INTERVENTION EVALUATIONS
4 where applicable, including the mandatory IFSP meeting at which the
5 family receives information concerning the results of the ~~child find~~
6 ~~evaluation. performed by an administrative unit pursuant to section~~
7 ~~22-20-118, C.R.S.~~ The initial IFSP shall be developed in collaboration
8 with a representative from the ~~administrative unit~~ ENTITY that participated
9 in the child's ~~screening and evaluation. performed pursuant to section~~
10 ~~22-20-118, C.R.S.~~ The representative shall participate in the initial
11 meeting for the development of the child's IFSP.

12 **SECTION 4.** In Colorado Revised Statutes, 27-10.5-704, **amend**
13 (2) and (3) as follows:

14 **27-10.5-704. Child find - responsibilities - interagency**
15 **operating agreements - rules.** (2) To facilitate the implementation of
16 ~~part C child find activities~~ EARLY INTERVENTION EVALUATIONS that are
17 the responsibility of the department pursuant to this part 7 and to
18 implement an effective and collaborative system of early intervention
19 services, the department shall enter into any necessary interagency
20 operating agreements at the state level and ~~community-centered boards~~
21 ~~and other local agencies shall enter into any necessary interagency~~
22 ~~operating agreements at the local level.~~

23 (3) To facilitate the implementation of part C child find AND
24 EARLY INTERVENTION EVALUATIONS, and the use of medicaid funds, the
25 department and ~~community-centered boards~~ ENTITIES THAT CONDUCT
26 EARLY INTERVENTION EVALUATIONS may, when appropriate, share
27 information with the department of education, the department of health

1 care policy and financing, or ~~administrative units~~ OTHER ENTITIES THAT
2 CONDUCT EARLY INTERVENTION EVALUATIONS OR that offer child find
3 services pursuant to section 22-20-118, ~~C.R.S.~~, so long as each
4 department or local agency acts in compliance with the federal "Health
5 Insurance Portability and Accountability Act of ~~1994~~ 1996", 42 U.S.C.
6 sec. 1320d.

7 **SECTION 5.** In Colorado Revised Statutes, 27-10.5-706, **amend**
8 (1) introductory portion and (1)(a) as follows:

9 **27-10.5-706. Coordinated system of payment for early**
10 **intervention services - duties of departments.** (1) In order to
11 implement the provisions of this part 7, the department, as lead agency for
12 part C, ~~child find~~, shall be responsible for the following, subject to
13 available appropriations:

14 (a) Establishing an early intervention state plan for a statewide,
15 comprehensive system of EARLY INTERVENTION EVALUATIONS AND early
16 intervention services in accordance with part C child find;

17 **SECTION 6.** In Colorado Revised Statutes, 22-20-114, **repeal**
18 (1)(a.5)(I) as follows:

19 **22-20-114. Funding of programs - legislative intent -**
20 **definition.** (1) Subject to the provisions of subsection (3) of this section,
21 for the 2005-06 budget year and each budget year thereafter, the total
22 amount appropriated to the department for the payment of costs incurred
23 by administrative units for the provision of special education programs
24 shall be distributed to each administrative unit that provides educational
25 services for children with disabilities as follows:

26 (a.5) (I) ~~For the 2007-08 budget year, two million two hundred~~
27 ~~thousand dollars to offset the costs incurred by administrative units in~~

1 conducting child find activities pursuant to section 22-20-118 for children
2 who are less than three years of age but not for children who are less than
3 three years of age who are being reevaluated for services under part B of
4 IDEA. The department shall allocate said moneys among administrative
5 units based on the number of children less than three years of age who
6 were evaluated in each administrative unit during the 2005-06 budget
7 year and who are or may be eligible for early intervention services under
8 part C of IDEA.

9 **SECTION 7.** In Colorado Revised Statutes, 22-20-118, **add** (1.5)
10 as follows:

11 **22-20-118. Child find from birth through two years of age -**
12 **responsibilities - rules - interagency operating agreements - funding.**

13 (1.5) ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT SHALL ENTER
14 INTO AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF HUMAN
15 SERVICES PURSUANT TO SECTION 27-10.5-703.5.

16 **SECTION 8. Appropriation.** For the 2018-19 state fiscal year,
17 \$15,000 is appropriated to the department of human services. ■ This
18 appropriation is from the general fund. To implement this act, the
19 department may use this appropriation for contracting with an entity to
20 facilitate an interagency agreement.

21 **SECTION 9. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, and safety.