

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 23-0925.01 Alana Rosen x2606

HOUSE BILL 23-1263

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House Committees
Education

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A BILL FOR AN ACT

101 **CONCERNING TRANSLATING INDIVIDUALIZED EDUCATION PROGRAMS**
102 **FOR CHILDREN WHO MAY BE ELIGIBLE FOR SPECIAL EDUCATION**
103 **SERVICES.**

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>.)

The bill permits the multidisciplinary team that creates an individualized education program (IEP) for a child, who may be eligible for special education services, to translate the IEP draft documents into the dominant language spoken in the home of the child's parent, guardian, or legal custodian. The bill requires the multidisciplinary team to translate

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

SENATE
Amended 2nd Reading
April 26, 2023

HOUSE
3rd Reading Unamended
April 14, 2023

HOUSE
Amended 2nd Reading
April 13, 2023

the final IEP document into the dominant language spoken in the home of the child's parent, guardian, or legal custodian.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The federal "Individuals with Disabilities Education Act", 20
5 U.S.C. sec. 1400 et seq., as amended, states that parents, guardians, or
6 legal custodians shall be a meaningful part of the individualized
7 education program (IEP) development team;

8 (b) Meaningful engagement includes the participation of parents,
9 guardians, or legal custodians, which is possible only if parents or
10 guardians understand the proposed IEP;

11 (c) School districts currently cover costs necessary to
12 meaningfully engage families, which does not include financial support
13 from the federal government; and

14 (d) By adding translation services to the "Exceptional Children's
15 Educational Act" pursuant to article 20 of title 22, Colorado Revised
16 Statutes, school districts can access resources from the state to support the
17 translation of IEPs, including draft documents, into the dominant
18 language spoken in the home of the parents, guardians, or legal
19 custodians receiving the IEP.

20 (2) The general assembly finds, therefore, that children who
21 require an IEP deserve the best chance at success, which includes
22 engaging parents, guardians, or legal custodians by translating IEPs into
23 the dominant language spoken in the home of the parents, guardians, or
24 legal custodians. It also includes engagement between parents, guardians,
25 or legal custodians and critical school district partners.

1 **SECTION 2.** In Colorado Revised Statutes, 22-20-108, **add** (4.8)
2 as follows:

3 **22-20-108. Determination of disability - enrollment.** (4.8) IN
4 DEVELOPING AN IEP PURSUANT TO SUBSECTION (4) OF THIS SECTION FOR
5 A CHILD WHO IS AN ENGLISH LANGUAGE LEARNER, IN ADDITION TO ANY
6 OTHER REQUIREMENTS ESTABLISHED BY THE STATE BOARD, THE IEP
7 SHALL CONSIDER THE RELATED SERVICES AND PROGRAM OPTIONS THAT
8 PROVIDE THE CHILD WITH AN APPROPRIATE AND EQUAL OPPORTUNITY FOR
9 COMMUNICATION ACCESS. COMMUNICATION ACCESS MUST INCLUDE
10 ACCESS TO EFFECTIVE COMMUNICATION PURSUANT TO TITLE II OF THE
11 FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC.
12 12131 ET SEQ., AS AMENDED. THE IEP TEAM SHALL CONSIDER THE CHILD'S
13 SPECIFIC COMMUNICATION NEEDS AND, TO THE EXTENT POSSIBLE,
14 ADDRESS THOSE NEEDS AS APPROPRIATE IN THE CHILD'S IEP. IN
15 CONSIDERING THE CHILD'S NEEDS, THE IEP TEAM MAY TRANSLATE OR
16 CONTRACT WITH A TRANSLATION SERVICE PROVIDER TO TRANSLATE ANY
17 IEP DRAFT DOCUMENTS INTO THE DOMINANT LANGUAGE SPOKEN IN THE
18 HOME OF THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN. UPON
19 REQUEST OF THE CHILD'S PARENT, GUARDIAN, OR LEGAL CUSTODIAN, THE
20 IEP TEAM SHALL TRANSLATE OR CONTRACT WITH A TRANSLATION SERVICE
21 PROVIDER TO TRANSLATE THE FINAL IEP DOCUMENT INTO A WRITTEN
22 TRANSLATION OR AN ORAL RECORDING IN THE DOMINANT LANGUAGE
23 SPOKEN IN THE HOME OF THE CHILD'S PARENT, GUARDIAN, OR LEGAL
24 CUSTODIAN. THE IEP TEAM SHALL VERBALLY INFORM THE CHILD'S
25 PARENT, GUARDIAN, OR LEGAL CUSTODIAN OF THE RIGHT TO REQUEST
26 TRANSLATION SERVICES.

27 **SECTION 3. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2024 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.