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An Act

SENATE BILL 21-275

BY SENATOR(S) Moreno and Rankin, Hansen, Bridges, Buckner, Coram, Fields, Ginal, Gonzales, Kirkmeyer, Kolker, Lee, Pettersen, Priola, Smallwood, Story, Winter, Zenzinger, Garcia;
also REPRESENTATIVE(S) McCluskie, Herod, Ransom, Amabile, Bennett, Bird, Boesenecker, Cutter, Esgar, Exum, Froelich, Gray, Hooton, Jodeh, Kipp, Lontine, McLachlan, Michaelson Jenet, Ortiz, Ricks, Sandridge, Sullivan, Titone, Valdez A., Valdez D., Van Beber, Young.

CONCERNING MEASURES RELATED TO CLARIFYING FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT" CHILD FIND RESPONSIBILITIES BETWEEN STATE AGENCIES, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, 22-20-103, **amend** (4), (11), (12)(a), (16), and (23); and **repeal** (8.5) as follows:

22-20-103. Definitions. As used in this part 1, unless the context otherwise requires:

(4) "Child find" means the program component of the IDEA that

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

requires states to find, identify, locate, evaluate, and serve all children with disabilities, from birth to twenty-one years of age. ~~Specific responsibilities for child find are described in section 22-20-118.~~ Child find includes:

(a) Part C child find, ~~which means~~ ADMINISTERED BY THE DEPARTMENT OF HUMAN SERVICES, IS the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children with disabilities from birth through two years of age; and

(b) Part B child find, ~~which means~~ ADMINISTERED BY THE DEPARTMENT, IS the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children with disabilities from three to twenty-one years of age.

~~(8.5) "Early intervention services" means the services and supports specified in section 27-10.5-102 (12), C.R.S., provided to children with disabilities who are less than three years of age.~~

(11) "Evaluation" means,

~~(a) For purposes of part C child find, procedures used to determine a child's initial and continuing eligibility for part C child find, including but not limited to:~~

~~(I) Determining the status of the child in each of the developmental areas;~~

~~(II) Identifying the child's unique strengths and needs;~~

~~(III) Identifying any early intervention services that might serve the child's needs; and~~

~~(IV) Identifying priorities and concerns of the family and resources to which the family has access;~~

~~(b) for the purposes of part B child find, procedures used under IDEA for children with disabilities to determine whether a child has a disability and the nature and extent of special education and related services that the child will need.~~

(12) "Exceptional child" means:

(a) A child defined in subsection (5) of this section as a child with a disability. An administrative unit shall serve every child with a disability from three to twenty-one years of age. ~~and may serve children with disabilities from birth through two years of age.~~

(16) ~~"Individual~~ "INDIVIDUALIZED family service plan" or "IFSP" means a written statement DEVELOPED BY AN ENTITY REPRESENTING THE DEPARTMENT OF HUMAN SERVICES for a child from birth through two years of age with a disability, which statement is developed, reviewed, and revised in accordance with part C child find of IDEA and with rules promulgated by the department of human services.

(23) "Special education services" or "special education programs" means the services or programs provided to a child with a disability in conformity with the child's IEP. ~~or IFSP.~~

SECTION 2. In Colorado Revised Statutes, 22-20-104, **amend** (1)(a) introductory portion and (1)(a)(III) as follows:

22-20-104. Administration - advisory committee - rules.

(1) (a) THE DEPARTMENT SHALL ADMINISTER this part 1. ~~shall be administered by the department.~~ Administration of this part 1 ~~shall include~~ INCLUDES the recommendation to the state board of reasonable rules necessary to implement this part 1, including but not limited to:

(III) Procedures regarding the identification of children with disabilities ~~including but not limited to part C child find and part B child find activities described in section 22-20-118~~ PURSUANT TO PART B CHILD FIND;

SECTION 3. In Colorado Revised Statutes, 22-20-114, **repeal** (1)(a.5)(II) as follows:

22-20-114. Funding of programs - legislative declaration.

(1) Subject to the provisions of subsection (3) of this section, for the 2005-06 budget year and each budget year thereafter, the total amount appropriated to the department for the payment of costs incurred by administrative units for the provision of special education programs shall

be distributed to each administrative unit that provides educational services for children with disabilities as follows:

~~(a.5) (II) (A) For the 2008-09 budget year and for each budget year thereafter, a portion calculated pursuant to sub-subparagraph (B) or (C) of this subparagraph (II) of the total amount of state funds appropriated for the payment of costs incurred by administrative units for the provision of special education programs, to offset the costs incurred by administrative units in conducting child find activities under part C of IDEA pursuant to section 22-20-118 for children who are less than three years of age. For the 2008-09 budget year, the department shall allocate said moneys among administrative units based on the number of children less than three years of age who were evaluated in each administrative unit during the 2005-06 budget year and who are or may be eligible for early intervention services under part C of IDEA. For the 2009-10 budget year and for each budget year thereafter, the department shall allocate said moneys among administrative units based on the number of children less than three years of age who were evaluated in each administrative unit during the preceding budget year and who are or may be eligible for early intervention services under part C of IDEA.~~

~~(B) For the 2008-09 budget year, the portion of the appropriation allocated pursuant to sub-subparagraph (A) of this subparagraph (II) shall be calculated as follows:~~

~~(The dollar amount allocated per child less than three years of age who was evaluated in the 2005-06 budget year) x (the lesser of the rate of inflation, as defined in section 22-55-102 (7), or the percentage change in the total state funds appropriated for the provision of special education services over the preceding budget year) x (the total number of children less than three years of age who were evaluated under part C of IDEA by administrative units in the 2005-06 budget year).~~

~~(C) For the 2009-10 budget year and for each budget year thereafter, the portion of the appropriation allocated pursuant to sub-subparagraph (A) of this subparagraph (II) shall be calculated as follows:~~

~~(The dollar amount allocated per child less than three years~~

~~of age who was evaluated under part C of IDEA in the preceding budget year) x (the lesser of the rate of inflation, as defined in section 22-55-102 (7), or the percentage change in the total state funds appropriated for the provision of special education services over the preceding budget year) x (the total number of children less than three years of age who were evaluated under part C of IDEA by administrative units in the preceding budget year).~~

SECTION 4. In Colorado Revised Statutes, 22-20-114, **add** (1)(a.7) as follows:

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

(a.7) (I) ANY APPROPRIATION FOR THE 2021-22 BUDGET YEAR TO THE DEPARTMENT OF HUMAN SERVICES FOR PART C EARLY INTERVENTION EVALUATION ACTIVITIES THAT IS IN ADDITION TO AN APPROPRIATION PURSUANT TO SENATE BILL 21-205, ENACTED IN 2021, FOR FISCAL YEAR 2021-22, AND IN ADDITION TO AN APPROPRIATION PURSUANT TO HOUSE BILL 18-1333, ENACTED IN 2018, MUST BE ALLOCATED TO THE DEPARTMENT OF EDUCATION TO REIMBURSE ADMINISTRATIVE UNITS FOR THEIR PROPORTIONATE SHARE OF UNFUNDED COSTS OF PART C EVALUATIONS DURING THE 2021-22 STATE FISCAL YEAR.

(II) THIS SUBSECTION (1)(a.7) IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 5. In Colorado Revised Statutes, **add** 22-20-118.5 as follows:

22-20-118.5. Child find - responsibilities - interagency operating agreements. (1) AS OF JULY 1, 2022, THE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER PART C CHILD FIND PURSUANT TO PART 7 OF ARTICLE 10.5 OF TITLE 27; EXCEPT THAT, ON AND AFTER MAY 1, 2022, THE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE REFERRAL

INTAKE PROCESS FOR PART C CHILD FIND EVALUATIONS.

(2) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL ESTABLISH A STATE-LEVEL INTERAGENCY OPERATING AGREEMENT, REFERRED TO IN THIS SECTION AS THE "AGREEMENT", WITH THE DEPARTMENT OF HUMAN SERVICES CONCERNING THE COORDINATION OF TRANSITIONS OF CHILDREN FROM PART C CHILD FIND TO PART B CHILD FIND. IN DEVELOPING THE AGREEMENT, THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES SHALL INVOLVE STAKEHOLDER PARTICIPATION, INCLUDING REPRESENTATIVES FROM ADMINISTRATIVE UNITS AND PART C ENTITIES. THE AGREEMENT MUST ALSO INCLUDE:

(a) THE DEFINITION OF A CHILD WHO IS POTENTIALLY ELIGIBLE FOR PART B;

(b) THE PROCESSES FOR A PARENT OF A CHILD TO OPT OUT OF REQUIRED NOTIFICATIONS;

(c) THE REQUIRED NOTIFICATION CONCERNING A CHILD WHO IS POTENTIALLY ELIGIBLE FOR PART B;

(d) A PROCESS FOR RESOLVING DISPUTES BETWEEN AN ADMINISTRATIVE UNIT AND A PART C ENTITY CONCERNING THE SATISFACTION OF AGREEMENT REQUIREMENTS, INCLUDING REMEDIES AND SANCTIONS;

(e) A PROCESS FOR RESOLVING DISPUTES BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES CONCERNING SYSTEMIC AND STATEWIDE ISSUES RELATED TO AGREEMENT REQUIREMENTS;

(f) THE DEVELOPMENT AND DELIVERY OF STANDARDIZED COMMUNICATION MATERIALS FOR A PARENT OF A CHILD WHO IS POTENTIALLY ELIGIBLE FOR PART B, INCLUDING INFORMATION CONCERNING ELIGIBILITY, REFERRAL, EVALUATION, AND SERVICE DELIVERY;

(g) THE DEVELOPMENT AND DELIVERY OF STANDARDIZED TRAINING FOR PART C AND PART B PROVIDERS, INCLUDING INFORMATION CONCERNING ELIGIBILITY, REFERRAL, EVALUATION, AND SERVICE DELIVERY FOR THE PROGRAMS;

(h) THE PROCESS FOR TRANSFERRING A CHILD'S ASSESSMENT, IFSP, AND OTHER NECESSARY INFORMATION TO AN ADMINISTRATIVE UNIT FOR CONSIDERATION OF A PART B EVALUATION AND ELIGIBILITY DETERMINATION, IF A PARENT HAS PROVIDED WRITTEN CONSENT;

(i) (I) PROCESSES TO ENSURE TIMELY NOTIFICATION TO THE ADMINISTRATIVE UNIT IF A CHILD IS POTENTIALLY ELIGIBLE FOR PART B. AT A MINIMUM, TIMELY NOTIFICATION MUST OCCUR NOT LATER THAN WHEN A CHILD IS TWO YEARS AND SIX MONTHS OF AGE; EXCEPT THAT TIMELY NOTIFICATION MUST OCCUR NOT LATER THAN WHEN A CHILD IS TWO YEARS AND THREE MONTHS OF AGE IF A CHILD HAS A LOW INCIDENCE DIAGNOSIS INCLUDING, BUT NOT LIMITED TO, VISUAL IMPAIRMENT, INCLUDING BLINDNESS; HEARING IMPAIRMENT, INCLUDING DEAFNESS; OR DEAF-BLIND.

(II) IF A CHILD IS DETERMINED TO BE ELIGIBLE FOR PART C WHEN THE CHILD IS OLDER THAN THE AGES DESCRIBED IN SUBSECTION (2)(i)(I) OF THIS SECTION, TIMELY NOTIFICATION MUST OCCUR NOT LATER THAN TEN BUSINESS DAYS AFTER THE ELIGIBILITY DETERMINATION.

(j) A PROCESS FOR INCLUDING AN ADMINISTRATIVE UNIT REPRESENTATIVE IN A TRANSITION CONFERENCE FOR A CHILD WHO TRANSITIONS FROM PART C TO PART B;

(k) A PROCESS FOR INCLUDING AN EARLY INTERVENTION SERVICES PROVIDER IN THE DEVELOPMENT OF AN IEP, IF REQUESTED BY THE PARENT OF THE CHILD; AND

(l) A PROCESS FOR TIMELY TRANSFERRING DATA THAT IS REQUIRED BY LAW BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES.

(3) THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES SHALL REVIEW AND REVISE THE AGREEMENT TO ACCOUNT FOR ANY CHANGES TO STATE OR FEDERAL LAW, AS NECESSARY. AT A MINIMUM, THE AGREEMENT MUST BE REVIEWED ONCE EVERY FIVE YEARS. IN THE REVIEW AND REVISION OF THE AGREEMENT, THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES SHALL INVOLVE STAKEHOLDER PARTICIPATION, INCLUDING REPRESENTATIVES FROM ADMINISTRATIVE UNITS AND PART C ENTITIES.

SECTION 6. In Colorado Revised Statutes, 27-10.5-103, **amend** (1) introductory portion and (1)(b) as follows:

27-10.5-103. Duties of the executive director - rules - definition.

(1) In order to implement the provisions of this ~~article~~ ARTICLE 10.5, the executive director shall carry out the following duties, subject to available appropriations:

(b) Conduct appropriate part C child find activities as described in section 27-10.5-704. Part C child find activities conducted by the department ~~shall~~ include, but need not be limited to, EARLY INTERVENTION EVALUATIONS, case management, ~~referral, transitions~~ REFERRALS TO PUBLIC EDUCATION SYSTEMS OR OTHER COMMUNITY RESOURCES, IMPLEMENTATION OF STATE-LEVEL INTERAGENCY OPERATING AGREEMENTS, and public ~~education~~ outreach and awareness of early intervention EVALUATIONS AND services.

SECTION 7. In Colorado Revised Statutes, 27-10.5-702, **amend** (17) and (18) as follows:

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

(17) "Qualified early intervention service provider" or "qualified provider" means a person or agency, as defined by the department by rule in accordance with part C, who provides early intervention services OR EARLY INTERVENTION EVALUATIONS and is listed on the registry of early intervention service providers pursuant to section 27-10.5-708 (1)(a). IN THE EVENT OF A SHORTAGE OF QUALIFIED EARLY INTERVENTION EVALUATORS, THE DEPARTMENT MAY CONTRACT WITH AN ADMINISTRATIVE UNIT TO CONDUCT EARLY INTERVENTION EVALUATIONS IF A CONTRACT IS ENTERED BETWEEN THE DEPARTMENT AND THE ADMINISTRATIVE UNIT, INCLUDING WRITTEN CONSENT OF THE DIRECTOR OF SPECIAL EDUCATION, WITH CONDITIONS FOR CONDUCTING AND COMPLETING THE EVALUATIONS, INCLUDING IDENTIFICATION OF STAFF, COSTS FOR SERVICES, TIMELINES FOR CONTRACT COMPLETION, AND ANY OTHER CONTRACT ELEMENTS.

(18) "Service coordination" means the activities carried out by a service coordinator to COORDINATE EVALUATION AND INTAKE ACTIVITIES, assist, and enable an eligible child and the eligible child's family to receive

the rights, procedural safeguards, and services that are authorized to be provided under the early intervention program.

SECTION 8. In Colorado Revised Statutes, 27-10.5-703, **amend** (3) introductory portion, (3)(c), and (3)(d) as follows:

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

(c) To ensure eligibility determination for a child with disabilities from birth through two years of age, based in part on information received concerning the screening and evaluation; ~~performed by an entity that conducts early intervention evaluations;~~

(d) To ensure that an individualized family service plan is developed for infants and toddlers from birth through two years of age who are eligible for early intervention services. The IFSP ~~shall~~ MUST be developed in compliance with part C requirements, ~~and in coordination with part C child find evaluations or early intervention evaluations where applicable,~~ including the mandatory IFSP meeting at which the family receives information concerning the results of the INITIAL EARLY INTERVENTION evaluation. The initial IFSP ~~shall~~ MUST be developed in collaboration with a representative from ~~the entity~~ AN EVALUATION PROVIDER that participated in the child's evaluation. The representative shall participate in the initial meeting for the development of the child's IFSP.

SECTION 9. In Colorado Revised Statutes, **amend** 27-10.5-704 as follows:

27-10.5-704. Child find - responsibilities - interagency operating agreements - rules. (1) The department ~~shall have~~ HAS the following responsibilities and duties for children from birth through two years of age who are referred for early intervention services:

(a) To develop and implement, in coordination with ~~community centered boards,~~ CERTIFIED EARLY INTERVENTION SERVICE BROKERS, service agencies, governmental units, and the departments of education, public health and environment, and health care policy and financing, a statewide plan for public education, outreach, and awareness efforts related to child

find and the availability of early intervention services;

(b) To ensure that referrals from the community are accepted and families are assisted in connecting with the appropriate agency for intake and case management services;

~~(c) To ensure that intake and case management services are provided after a referral has been made by working with community centered boards as the single entry point for a family into the developmental disabilities system, as described in section 27-10.5-102 (3); and~~

~~(d) To work with community centered boards, administrative units, and the department of education to assist a child with disabilities as he or she transitions from the developmental disabilities system into the public education system at no later than three years of age as required by IDEA.~~

~~(2)~~ (c) To facilitate the implementation of early intervention evaluations that are the responsibility of the department pursuant to this part 7 and to implement an effective and collaborative system of early intervention services, the department shall enter into any necessary interagency operating agreements at the state level and the local level; AND

~~(3)~~ (d) To facilitate the implementation of part C child find and early intervention evaluations, and the use of medicaid funds, the department and entities that conduct early intervention evaluations may, when appropriate, share information with the department of education, the department of health care policy and financing, or other entities that conduct early intervention evaluations, ~~or that offer child find services pursuant to section 22-20-118~~, so long as each department or local agency acts in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, AS AMENDED, AND THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC. 1232g, AS AMENDED, AND ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED THERETO.

SECTION 10. In Colorado Revised Statutes, 27-10.5-704, **add** (4), (5), and (6) as follows:

27-10.5-704. Child find - responsibilities - interagency operating agreements - rules. (4) AS OF JULY 1, 2022, THE DEPARTMENT OF HUMAN

SERVICES SHALL ADMINISTER PART C CHILD FIND PURSUANT TO THIS PART 7; EXCEPT THAT, ON AND AFTER MAY 1, 2022, THE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE REFERRAL INTAKE PROCESS FOR PART C CHILD FIND EVALUATIONS.

(5) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL ESTABLISH A STATE-LEVEL INTERAGENCY OPERATING AGREEMENT, REFERRED TO IN THIS SECTION AS THE "AGREEMENT", WITH THE DEPARTMENT OF HUMAN SERVICES CONCERNING THE COORDINATION OF TRANSITIONS OF CHILDREN FROM PART C CHILD FIND TO PART B CHILD FIND. IN DEVELOPING THE AGREEMENT, THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES SHALL INVOLVE STAKEHOLDER PARTICIPATION, INCLUDING REPRESENTATIVES FROM ADMINISTRATIVE UNITS AND PART C ENTITIES. THE AGREEMENT MUST ALSO INCLUDE:

(a) THE DEFINITION OF A CHILD WHO IS POTENTIALLY ELIGIBLE FOR PART B;

(b) THE PROCESSES FOR A PARENT OF A CHILD TO OPT OUT OF REQUIRED NOTIFICATIONS;

(c) THE REQUIRED NOTIFICATION CONCERNING A CHILD WHO IS POTENTIALLY ELIGIBLE FOR PART B;

(d) A PROCESS FOR RESOLVING DISPUTES BETWEEN AN ADMINISTRATIVE UNIT AND A PART C ENTITY CONCERNING THE SATISFACTION OF AGREEMENT REQUIREMENTS, INCLUDING REMEDIES AND SANCTIONS;

(e) A PROCESS FOR RESOLVING DISPUTES BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES CONCERNING SYSTEMIC AND STATEWIDE ISSUES RELATED TO AGREEMENT REQUIREMENTS;

(f) THE DEVELOPMENT AND DELIVERY OF STANDARDIZED COMMUNICATION MATERIALS FOR A PARENT OF A CHILD WHO IS POTENTIALLY ELIGIBLE FOR PART B, INCLUDING INFORMATION CONCERNING ELIGIBILITY, REFERRAL, EVALUATION, AND SERVICE DELIVERY;

(g) THE DEVELOPMENT AND DELIVERY OF STANDARDIZED TRAINING FOR PART C AND PART B PROVIDERS, INCLUDING INFORMATION CONCERNING

ELIGIBILITY, REFERRAL, EVALUATION, AND SERVICE DELIVERY FOR THE PROGRAMS;

(h) THE PROCESS FOR TRANSFERRING A CHILD'S ASSESSMENT, IFSP, AND OTHER NECESSARY INFORMATION TO AN ADMINISTRATIVE UNIT FOR CONSIDERATION OF A PART B EVALUATION AND ELIGIBILITY DETERMINATION, IF A PARENT HAS PROVIDED WRITTEN CONSENT;

(i) (I) PROCESSES TO ENSURE TIMELY NOTIFICATION TO THE ADMINISTRATIVE UNIT IF A CHILD IS POTENTIALLY ELIGIBLE FOR PART B. AT A MINIMUM, TIMELY NOTIFICATION MUST OCCUR NOT LATER THAN WHEN A CHILD IS TWO YEARS AND SIX MONTHS OF AGE; EXCEPT THAT TIMELY NOTIFICATION MUST OCCUR NOT LATER THAN WHEN A CHILD IS TWO YEARS AND THREE MONTHS OF AGE IF A CHILD HAS A LOW INCIDENCE DIAGNOSIS INCLUDING, BUT NOT LIMITED TO, VISUAL IMPAIRMENT, INCLUDING BLINDNESS; HEARING IMPAIRMENT, INCLUDING DEAFNESS; OR DEAF-BLIND.

(II) IF A CHILD IS DETERMINED TO BE ELIGIBLE FOR PART C WHEN THE CHILD IS OLDER THAN THE AGES DESCRIBED IN SUBSECTION (5)(i)(I) OF THIS SECTION, TIMELY NOTIFICATION MUST OCCUR NOT LATER THAN TEN BUSINESS DAYS AFTER THE ELIGIBILITY DETERMINATION.

(j) A PROCESS FOR INCLUDING AN ADMINISTRATIVE UNIT REPRESENTATIVE IN A TRANSITION CONFERENCE FOR A CHILD WHO TRANSITIONS FROM PART C TO PART B;

(k) A PROCESS FOR INCLUDING AN EARLY INTERVENTION SERVICES PROVIDER IN THE DEVELOPMENT OF AN IEP, IF REQUESTED BY THE PARENT OF THE CHILD; AND

(l) A PROCESS FOR TIMELY TRANSFERRING DATA THAT IS REQUIRED BY LAW BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES.

(6) THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES SHALL REVIEW AND REVISE THE AGREEMENT TO ACCOUNT FOR ANY CHANGES TO STATE OR FEDERAL LAW, AS NECESSARY. AT A MINIMUM, THE AGREEMENT MUST BE REVIEWED ONCE EVERY FIVE YEARS. IN THE REVIEW AND REVISION OF THE AGREEMENT, THE DEPARTMENT AND THE DEPARTMENT OF HUMAN SERVICES SHALL INVOLVE STAKEHOLDER PARTICIPATION,

INCLUDING REPRESENTATIVES FROM ADMINISTRATIVE UNITS AND PART C ENTITIES.

SECTION 11. In Colorado Revised Statutes, 27-10.5-707, **repeal** (1)(a) as follows:

27-10.5-707. Cooperation among state agencies - implementing coordinated payment system - revisions to rules. (1) The departments of education, health care policy and financing, and public health and environment shall cooperate with the department to implement the provisions of this part 7 and each department shall:

(a) ~~Assign a representative in accordance with part C child find to advise and assist the department in the development and implementation of the early intervention services system;~~

SECTION 12. In Colorado Revised Statutes, 27-10.5-707, **add** (3) as follows:

27-10.5-707. Cooperation among state agencies - implementing coordinated payment system - revisions to rules - repeal. (3) (a) ANY APPROPRIATION FOR THE 2021-22 BUDGET YEAR TO THE DEPARTMENT OF HUMAN SERVICES FOR PART C RESPONSIBILITIES THAT IS IN ADDITION TO AN APPROPRIATION PURSUANT TO HOUSE BILL 18-1333, ENACTED IN 2018, MUST BE ALLOCATED TO THE DEPARTMENT OF EDUCATION TO REIMBURSE ADMINISTRATIVE UNITS FOR THEIR PROPORTIONATE SHARE OF UNFUNDED COSTS OF PART C EVALUATIONS DURING THE 2021-22 STATE FISCAL YEAR.

(b) THIS SUBSECTION (3) IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 13. In Colorado Revised Statutes, **repeal** 22-20-118 and 27-10.5-703.5.

SECTION 14. Appropriation. (1) For the 2021-22 state fiscal year, \$8,266,779 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from the general fund and is based on an assumption that the office will require an additional 0.9 FTE. To implement this act, the office may use this appropriation for early intervention evaluations.

(2) For the 2021-22 state fiscal year, \$6,888,983 is appropriated to the department of education. This appropriation is from reappropriated funds received from the department of human services under subsection (1) of this section. To implement this act, the department of education may use this appropriation for the proportion of part C early intervention activities conducted by administrative units.

SECTION 15. Effective date. This act takes effect July 1, 2022; except that sections 4, 5, 10, 12, 15, and 16 take effective upon passage.

SECTION 16. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Leroy M. Garcia
PRESIDENT OF
THE SENATE

Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO