

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

ENGROSSED

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

LLS NO. 21-0858.03 Jacob Baus x2173

SENATE BILL 21-275

SENATE SPONSORSHIP

Moreno and Rankin, Hansen

HOUSE SPONSORSHIP

McCluskie, Herod, Ransom

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING MEASURES RELATED TO CLARIFYING FEDERAL**
102 **"INDIVIDUALS WITH DISABILITIES EDUCATION ACT" CHILD**
103 **FIND RESPONSIBILITIES BETWEEN STATE AGENCIES, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN 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. Part C of child find, part of the federal "Individuals with Disabilities Education Act", requires states to find, identify, locate, evaluate, and serve children with disabilities from birth

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
Amended 2nd Reading
May 26, 2021

through 2 years of age.

The bill transfers the responsibility of performing part C child find from the department of education to the department of human services on July 1, 2022; 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.

The bill requires the department of education and the department of human services to enter into an interagency operating agreement concerning the coordination of transitions of children from part C child find to part B child find.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-20-103, **amend**
3 (4), (11), (12)(a), (16), and (23); and **repeal** (8.5) as follows:

4 **22-20-103. Definitions.** As used in this part 1, unless the context
5 otherwise requires:

6 (4) "Child find" means the program component of the IDEA that
7 requires states to find, identify, locate, evaluate, and serve all children
8 with disabilities, from birth to twenty-one years of age. ~~Specific~~
9 ~~responsibilities for child find are described in section 22-20-118.~~ Child
10 find includes:

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

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

19 (8.5) ~~"Early intervention services" means the services and~~
20 ~~supports specified in section 27-10.5-102 (12), C.R.S., provided to~~

1 ~~children with disabilities who are less than three years of age.~~

2 (11) "Evaluation" means,

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

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

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

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

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

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

17 (12) "Exceptional child" means:

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

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

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

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

6 **22-20-104. Administration - advisory committee - rules.**

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

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

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

17 **22-20-114. Funding of programs - legislative declaration.**

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

24 (a.5) (II) ~~(A) For the 2008-09 budget year and for each budget~~
25 ~~year thereafter, a portion calculated pursuant to sub-subparagraph (B) or~~
26 ~~(C) of this subparagraph (II) of the total amount of state funds~~
27 ~~appropriated for the payment of costs incurred by administrative units for~~

1 the provision of special education programs, to offset the costs incurred
2 by administrative units in conducting child find activities under part C of
3 IDEA pursuant to section 22-20-118 for children who are less than three
4 years of age. For the 2008-09 budget year, the department shall allocate
5 said moneys among administrative units based on the number of children
6 less than three years of age who were evaluated in each administrative
7 unit during the 2005-06 budget year and who are or may be eligible for
8 early intervention services under part C of IDEA. For the 2009-10 budget
9 year and for each budget year thereafter, the department shall allocate
10 said moneys among administrative units based on the number of children
11 less than three years of age who were evaluated in each administrative
12 unit during the preceding budget year and who are or may be eligible for
13 early intervention services under part C of IDEA.

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

17 (The dollar amount allocated per child less than three years
18 of age who was evaluated in the 2005-06 budget year) x
19 (the lesser of the rate of inflation, as defined in section
20 22-55-102 (7), or the percentage change in the total state
21 funds appropriated for the provision of special education
22 services over the preceding budget year) x (the total
23 number of children less than three years of age who were
24 evaluated under part C of IDEA by administrative units in
25 the 2005-06 budget year).

26 (C) For the 2009-10 budget year and for each budget year
27 thereafter, the portion of the appropriation allocated pursuant to

1 ~~sub-subparagraph (A) of this subparagraph (H) shall be calculated as~~
2 ~~follows:~~

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

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

14 **22-20-114. Funding of programs - legislative declaration -**
15 **repeal.** (1) Subject to the provisions of subsection (3) of this section, for
16 the 2005-06 budget year and each budget year thereafter, the total amount
17 appropriated to the department for the payment of costs incurred by
18 administrative units for the provision of special education programs shall
19 be distributed to each administrative unit that provides educational
20 services for children with disabilities as follows:

21 (a.7) (I) ANY APPROPRIATION FOR THE 2021-22 BUDGET YEAR TO
22 THE DEPARTMENT OF HUMAN SERVICES FOR PART C EARLY INTERVENTION
23 EVALUATION ACTIVITIES THAT IS IN ADDITION TO AN APPROPRIATION
24 PURSUANT TO SENATE BILL 21-205, ENACTED IN 2021, FOR FISCAL YEAR
25 2021-22, AND IN ADDITION TO AN APPROPRIATION PURSUANT TO HOUSE
26 BILL 18-1333, ENACTED IN 2018, MUST BE ALLOCATED TO THE
27 DEPARTMENT OF EDUCATION TO REIMBURSE ADMINISTRATIVE UNITS FOR

1 THEIR PROPORTIONATE SHARE OF UNFUNDED COSTS OF PART C
2 EVALUATIONS DURING THE 2021-22 STATE FISCAL YEAR.

3 (II) THIS SUBSECTION (1)(a.7) IS REPEALED, EFFECTIVE JULY 1,
4 2023.

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

7 **22-20-118.5. Child find - responsibilities - interagency**
8 **operating agreements.** (1) AS OF JULY 1, 2022, THE DEPARTMENT OF
9 HUMAN SERVICES SHALL ADMINISTER PART C CHILD FIND PURSUANT TO
10 PART 7 OF ARTICLE 10.5 OF TITLE 27; EXCEPT THAT, ON AND AFTER MAY
11 1, 2022, THE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE
12 REFERRAL INTAKE PROCESS FOR PART C CHILD FIND EVALUATIONS.

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

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

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

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

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

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

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

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

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

22 (i) (I) PROCESSES TO ENSURE TIMELY NOTIFICATION TO THE
23 ADMINISTRATIVE UNIT IF A CHILD IS POTENTIALLY ELIGIBLE FOR PART B.
24 AT A MINIMUM, TIMELY NOTIFICATION MUST OCCUR NOT LATER THAN
25 WHEN A CHILD IS TWO YEARS AND SIX MONTHS OF AGE; EXCEPT THAT
26 TIMELY NOTIFICATION MUST OCCUR NOT LATER THAN WHEN A CHILD IS
27 TWO YEARS AND THREE MONTHS OF AGE IF A CHILD HAS A LOW INCIDENCE

1 DIAGNOSIS INCLUDING, BUT NOT LIMITED TO, VISUAL IMPAIRMENT,
2 INCLUDING BLINDNESS; HEARING IMPAIRMENT, INCLUDING DEAFNESS; OR
3 DEAF-BLIND.

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

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

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

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

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

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

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

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

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

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

14 **27-10.5-702. Definitions.** As used in this part 7, unless the
15 context otherwise requires:

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

1 COSTS FOR SERVICES, TIMELINES FOR CONTRACT COMPLETION, AND ANY
2 OTHER CONTRACT ELEMENTS.

3 (18) "Service coordination" means the activities carried out by a
4 service coordinator to COORDINATE EVALUATION AND INTAKE ACTIVITIES,
5 assist, and enable an eligible child and the eligible child's family to
6 receive the rights, procedural safeguards, and services that are authorized
7 to be provided under the early intervention program.

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

10 **27-10.5-703. Early intervention services - administration -**
11 **duties of department - rules.** (3) In administering early intervention
12 services, the department shall ~~have and~~ perform the following duties:

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

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

1 IFSP.

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

4 **27-10.5-704. Child find - responsibilities - interagency**
5 **operating agreements - rules.** (1) The department ~~shall have~~ HAS the
6 following responsibilities and duties for children from birth through two
7 years of age who are referred for early intervention services:

8 (a) To develop and implement, in coordination with ~~community~~
9 ~~centered boards~~, CERTIFIED EARLY INTERVENTION SERVICE BROKERS,
10 service agencies, governmental units, and the departments of education,
11 public health and environment, and health care policy and financing, a
12 statewide plan for public education, outreach, and awareness efforts
13 related to child find and the availability of early intervention services;

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

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

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

27 ~~(2)~~ (c) To facilitate the implementation of early intervention

1 evaluations that are the responsibility of the department pursuant to this
2 part 7 and to implement an effective and collaborative system of early
3 intervention services, the department shall enter into any necessary
4 interagency operating agreements at the state level and the local level;
5 AND

6 ~~(3)~~ (d) To facilitate the implementation of part C child find and
7 early intervention evaluations, and the use of medicaid funds, the
8 department and entities that conduct early intervention evaluations may,
9 when appropriate, share information with the department of education,
10 the department of health care policy and financing, or other entities that
11 conduct early intervention evaluations, ~~or that offer child find services~~
12 ~~pursuant to section 22-20-118~~, so long as each department or local agency
13 acts in compliance with the federal "Health Insurance Portability and
14 Accountability Act of 1996", 42 U.S.C. sec. 1320d, AS AMENDED, AND
15 THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF
16 1974", 20 U.S.C. SEC. 1232g, AS AMENDED, AND ALL FEDERAL
17 REGULATIONS AND APPLICABLE GUIDELINES ADOPTED THERETO.

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

20 **27-10.5-704. Child find - responsibilities - interagency**
21 **operating agreements - rules.** (4) AS OF JULY 1, 2022, THE DEPARTMENT
22 OF HUMAN SERVICES SHALL ADMINISTER PART C CHILD FIND PURSUANT TO
23 THIS PART 7; EXCEPT THAT, ON AND AFTER MAY 1, 2022, THE
24 DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE REFERRAL
25 INTAKE PROCESS FOR PART C CHILD FIND EVALUATIONS.

26 (5) ON OR BEFORE JULY 1, 2022, THE DEPARTMENT SHALL
27 ESTABLISH A STATE-LEVEL INTERAGENCY OPERATING AGREEMENT,

1 REFERRED TO IN THIS SECTION AS THE "AGREEMENT", WITH THE
2 DEPARTMENT OF HUMAN SERVICES CONCERNING THE COORDINATION OF
3 TRANSITIONS OF CHILDREN FROM PART C CHILD FIND TO PART B CHILD
4 FIND. IN DEVELOPING THE AGREEMENT, THE DEPARTMENT AND THE
5 DEPARTMENT OF HUMAN SERVICES SHALL INVOLVE STAKEHOLDER
6 PARTICIPATION, INCLUDING REPRESENTATIVES FROM ADMINISTRATIVE
7 UNITS AND PART C ENTITIES. THE AGREEMENT MUST ALSO INCLUDE:

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

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

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

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

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

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

27 (g) THE DEVELOPMENT AND DELIVERY OF STANDARDIZED

1 TRAINING FOR PART C AND PART B PROVIDERS, INCLUDING INFORMATION
2 CONCERNING ELIGIBILITY, REFERRAL, EVALUATION, AND SERVICE
3 DELIVERY FOR THE PROGRAMS;

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

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

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

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

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

27 (l) A PROCESS FOR TIMELY TRANSFERRING DATA THAT IS REQUIRED

1 BY LAW BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF HUMAN
2 SERVICES.

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

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

13 **27-10.5-707. Cooperation among state agencies - implementing**
14 **coordinated payment system - revisions to rules.** (1) The departments
15 of education, health care policy and financing, and public health and
16 environment shall cooperate with the department to implement the
17 provisions of this part 7 and each department shall:

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

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

23 **27-10.5-707. Cooperation among state agencies - implementing**
24 **coordinated payment system - revisions to rules - repeal.** (3) (a) ANY
25 APPROPRIATION FOR THE 2021-22 BUDGET YEAR TO THE DEPARTMENT OF
26 HUMAN SERVICES FOR PART C RESPONSIBILITIES THAT IS IN ADDITION TO
27 AN APPROPRIATION PURSUANT TO HOUSE BILL 18-1333, ENACTED IN 2018,

1 MUST BE ALLOCATED TO THE DEPARTMENT OF EDUCATION TO REIMBURSE
2 ADMINISTRATIVE UNITS FOR THEIR PROPORTIONATE SHARE OF UNFUNDED
3 COSTS OF PART C EVALUATIONS DURING THE 2021-22 STATE FISCAL YEAR.

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

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

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

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

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

21 **SECTION 16. 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, or safety.