

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 18-0944.01 Brita Darling x2241

HOUSE BILL 18-1306

HOUSE SPONSORSHIP

Michaelson Jenet,

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Coram and Moreno,

House Committees

Public Health Care & Human Services

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ENSURING EDUCATIONAL STABILITY FOR STUDENTS IN
102 OUT-OF-HOME PLACEMENT.

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 aligns state law with federal "Every Student Succeeds Act" (ESSA) provisions relating to students in foster care, referred to in state statutes as "students in out-of-home placement". ESSA permits students in out-of-home placement at any time during the school year to remain in their school of origin, as defined in the bill, rather than move to a different school upon placement outside of the home or changes in

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.

placement, unless the county department of human or social services (county department) or juvenile court determines that it is not in the child's best interest to remain in his or her school of origin. Specifically, the bill:

- ! Defines "education provider" to include public schools, school districts, and boards of cooperative services;
- ! Clarifies the role of an education provider's child welfare education liaison with respect to the best interest determination, the transfer of records, transition planning, and immediate enrollment of the child or youth;
- ! Establishes a permanent foster care education coordinator at the department of education and creates a state advisory group on foster care education;
- ! Requires education providers to immediately enroll students in out-of-home placement in school even without academic and immunization records and includes provisions for requesting and receiving records from a sending school;
- ! Requires education providers and county departments to enter into agreements relating to how transportation and other necessary services for students in out-of-home placement will be provided, arranged, and funded; and
- ! Removes barriers to obtaining a high school diploma by allowing education providers to waive course requirements or provide competency-based measures to satisfy graduation requirements.

The bill creates the educational stability grant program (grant program) in the department of education to provide grants to education providers to provide educational services and supports to highly mobile students. The state board of education shall adopt rules for the grant program and award the grants. The department of education shall report on the implementation and outcomes of the grant program.

The bill requires county departments to develop a process for determining the best interests of a child or youth in remaining in the school of origin. Counties are required to provide services, including transportation, for students remaining in the school of origin and services for those students transferring to another school, and to enter into agreements with education providers regarding the provision of these services and funding for the services.

The bill updates the definition of "homeless child" to include children and youth and amends education statutes relating to school attendance and services for homeless children and youth.

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

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

3 (a) Half of Colorado students in foster care change schools at least
4 once, and often several times, each year;

5 (b) Multiple school transitions create gaps in a student's
6 knowledge and create barriers to educational attainment;

7 (c) Improving educational stability is likely to increase the
8 four-year graduation rate;

9 (d) A university of northern Colorado study found that when a
10 student has three or more moves during high school, the odds of the
11 student exiting without a credential are greater than the odds of
12 graduating; and

13 (e) It is imperative to remove barriers to the educational success
14 of students in foster care due to frequent moves and lack of continuity in
15 education.

16 (2) Therefore, the general assembly declares that implementing a
17 policy that ensures flexibility and cooperation between the education
18 system, child welfare system, and families and students is necessary to
19 ensure that students in foster care and other highly mobile student
20 populations achieve educational success.

21 **SECTION 2.** In Colorado Revised Statutes, 22-32-138, **amend**
22 (2), (3)(a), (3)(b), (3)(d), (4)(a) introductory portion, (4)(a)(I), (4)(c), (5),
23 and (7); **repeal and reenact, with amendments**, (1); and **add** (1.5), (8),
24 and (9) as follows:

25 **22-32-138. Out-of-home placement students - school stability,**
26 **transfer, and enrollment procedures - absences - exemptions -**
27 **provision of academic supports - definitions.** (1) AS USED IN THIS

1 SECTION AND IN SECTION 22-32-138.5, UNLESS THE CONTEXT OTHERWISE
2 REQUIRES:

3 (a) "CHILD PLACEMENT AGENCY" HAS THE SAME MEANING AS
4 PROVIDED IN SECTION 19-1-103 (21).

5 (b) "COUNTY DEPARTMENT" HAS THE SAME MEANING AS PROVIDED
6 IN SECTION 19-1-103 (32).

7 (c) "DEPARTMENT OF EDUCATION" MEANS THE DEPARTMENT OF
8 EDUCATION CREATED IN SECTION 24-1-115.

9 (d) "DEPARTMENT OF HUMAN SERVICES" OR "STATE DEPARTMENT
10 OF HUMAN SERVICES" MEANS THE STATE DEPARTMENT OF HUMAN
11 SERVICES CREATED AND EXISTING PURSUANT TO SECTION 24-1-120.

12 (e) "EDUCATION PROVIDER" MEANS A SCHOOL, SCHOOL DISTRICT,
13 THE STATE CHARTER SCHOOL INSTITUTE, OR A BOARD OF COOPERATIVE
14 SERVICES THAT OPERATES A SCHOOL.

15 (f) "SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL DISTRICT, A
16 SCHOOL OPERATED BY A BOARD OF COOPERATIVE SERVICES PURSUANT TO
17 ARTICLE 5 OF THIS TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED
18 PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, A
19 STATE-LICENSED DAY TREATMENT FACILITY, OR AN APPROVED FACILITY
20 SCHOOL AS DEFINED IN SECTION 22-2-402 (1).

21 (g) "SCHOOL OF ORIGIN" MEANS THE SCHOOL IN WHICH A STUDENT
22 WAS ENROLLED AT THE TIME OF EACH PLACEMENT INTO FOSTER CARE. IF
23 THE STUDENT'S FOSTER CARE PLACEMENT CHANGES, THE SCHOOL OF
24 ORIGIN IS THE SCHOOL IN WHICH THE STUDENT IS ENROLLED AT THE TIME
25 OF THE CHANGE IN PLACEMENT. IF THE STUDENT IS ENROLLED IN A
26 FACILITY SCHOOL, INCLUDING RESIDENTIAL CHILD CARE FACILITIES AND
27 SECURE DETENTION FACILITIES, AT THE TIME OF A CHANGE IN PLACEMENT

1 TO A LESS RESTRICTIVE SETTING, AND THE FACILITY SCHOOL IS NO LONGER
2 THE LEAST RESTRICTIVE ENVIRONMENT, THE SCHOOL OF ORIGIN IS THE
3 LAST SCHOOL THE STUDENT ATTENDED WITHIN THE PREVIOUS TWO YEARS
4 FOR AT LEAST ONE COMPLETE SEMESTER OR TERM PRIOR TO ENTERING THE
5 FACILITY SCHOOL OR ANOTHER SCHOOL WHERE THE STUDENT HAD A
6 MEANINGFUL CONNECTION WITHIN THE PREVIOUS TWO YEARS. "SCHOOL
7 OF ORIGIN" INCLUDES THE DESIGNATED RECEIVING SCHOOL AT THE NEXT
8 GRADE LEVEL FOR FEEDER SCHOOL OR ZONE PATTERNS WHEN THE
9 STUDENT COMPLETES THE FINAL GRADE LEVEL SERVED BY THE SCHOOL OF
10 ORIGIN. WHEN THERE IS MORE THAN ONE POTENTIAL SCHOOL OF ORIGIN,
11 THE STUDENT'S INPUT MUST BE GIVEN STRONG CONSIDERATION IN
12 DETERMINING WHICH SCHOOL TO DESIGNATE AS THE SCHOOL OF ORIGIN.

13 (h) "STUDENT IN OUT-OF-HOME PLACEMENT" MEANS A CHILD OR
14 YOUTH WHO AT ANY TIME DURING AN ACADEMIC SEMESTER OR TERM IS IN
15 FOSTER CARE AND RECEIVING EDUCATIONAL SERVICES THROUGH A
16 STATE-LICENSED DAY TREATMENT FACILITY OR WHO AT ANY TIME DURING
17 AN ACADEMIC SEMESTER OR TERM IS IN PLACEMENT OUT OF THE HOME, AS
18 THAT TERM IS DEFINED IN SECTION 19-1-103 (85), INCLUDING BUT NOT
19 LIMITED TO ANY CHILD OR YOUTH WHO IS IN PLACEMENT OUTSIDE OF THE
20 HOME AT ANY TIME DURING AN ACADEMIC SEMESTER OR TERM AS A
21 RESULT OF AN ADJUDICATION PURSUANT TO ARTICLE 2 OF TITLE 19.
22 "STUDENT IN OUT-OF-HOME PLACEMENT" INCLUDES A CHILD OR YOUTH
23 WHO TRANSFERS ENROLLMENT AS A RESULT OF BEING RETURNED TO HIS
24 OR HER HOME AT THE CONCLUSION OF OUT-OF-HOME PLACEMENT.

25 (1.5) **Department of education foster care education**
26 **coordinator - advisory group - creation and duties.** THE DEPARTMENT
27 OF EDUCATION SHALL HIRE A FULL-TIME FOSTER CARE EDUCATION

1 COORDINATOR WHO HAS THE FOLLOWING DUTIES:

2 (a) PROVIDING TRAINING AND PROFESSIONAL DEVELOPMENT TO
3 ADDRESS NEEDS ASSOCIATED WITH IMPLEMENTATION OF STATE AND
4 FEDERAL MANDATES RELATING TO FOSTER CARE EDUCATION;

5 (b) COLLECTING AND DISSEMINATING CHILD WELFARE EDUCATION
6 LIAISON CONTACT INFORMATION ON THE DEPARTMENT OF EDUCATION'S
7 WEBSITE;

8 (c) COORDINATING WITH THE DEPARTMENT OF HUMAN SERVICES
9 AND OTHER AGENCIES AS NECESSARY;

10 (d) SERVING AS A POINT OF CONTACT TO REVIEW COMPLIANCE OF
11 EDUCATION PROVIDERS; AND

12 (e) MANAGING THE DISPUTE PROCESS IN COORDINATION WITH THE
13 DEPARTMENT OF HUMAN SERVICES TO REVIEW COMPLAINTS RELATED TO
14 TRANSPORTATION AGREEMENTS BETWEEN EDUCATION PROVIDERS AND
15 LOCAL DEPARTMENTS OF HUMAN OR SOCIAL SERVICES.

16 (2) (a) Each school district and the state charter school institute,
17 created pursuant to section 22-30.5-503, shall designate an employee of
18 the school district or the institute to act as the child welfare education
19 liaison for ~~the~~ ALL district SCHOOLS or for ALL state charter schools. In
20 lieu of designating an employee, a school district or the state charter
21 school institute may contract with an individual to act as the child welfare
22 education liaison. Each school district and the state charter school
23 institute shall report to the department of education by August 15, 2010,
24 and by August 15 each year thereafter, the name and contact information
25 of the child welfare education liaison. The department of education shall
26 be responsible for posting that information on the department of
27 education's website and providing the information to the department of

1 human services.

2 (b) The child welfare education liaison shall be responsible for
3 working with child placement agencies, county departments, and the state
4 department OF HUMAN SERVICES to facilitate SERVICES TO MAINTAIN
5 STUDENTS IN OUT-OF-HOME PLACEMENT IN THEIR SCHOOLS OF ORIGIN OR,
6 IF THE COUNTY DEPARTMENT OR JUVENILE COURT DETERMINES THAT IT IS
7 NOT IN THE STUDENTS' BEST INTERESTS TO REMAIN IN THE SCHOOL OF
8 ORIGIN, FACILITATE the prompt and appropriate placement, transfer, and
9 enrollment in school of students in out-of-home placement within the
10 school district or who are enrolled or enrolling in institute charter schools.

11 ~~The specific duties of The child welfare education liaison shall~~ LIAISON'S
12 SPECIFIC DUTIES include but need not be limited to:

13 (I) RESPONDING TO A COUNTY DEPARTMENT REQUEST FOR INPUT
14 FROM AN EDUCATION PROVIDER CONCERNING THE DETERMINATION OF
15 WHETHER IT IS IN THE BEST INTEREST OF THE STUDENT IN AN
16 OUT-OF-HOME PLACEMENT TO REMAIN IN THE SCHOOL OF ORIGIN;

17 (II) COLLABORATING WITH THE COUNTY DEPARTMENT TO ENSURE
18 THAT ANY NECESSARY TRANSPORTATION AND SERVICES ARE PROVIDED
19 FOR THE STUDENT IN OUT-OF-HOME PLACEMENT TO REMAIN IN THE
20 STUDENT'S SCHOOL OF ORIGIN;

21 ~~(III) IF A COUNTY DEPARTMENT DETERMINES THAT IT IS NOT IN~~
22 ~~THE STUDENT'S BEST INTEREST TO REMAIN IN THE SCHOOL OF ORIGIN,~~
23 ~~working with social workers from county departments, juvenile probation~~
24 ~~officers, PARENTS, and foster care parents to ensure the prompt school~~
25 ~~enrollment of students in out-of-home placement and the prompt transfer~~
26 ~~of their education information and records when students are required to~~
27 ~~change school enrollment due to changes in placement;~~

1 ~~(H)~~ Ensuring that the STUDENT IS ENROLLED IN A NEW SCHOOL
2 IMMEDIATELY WITH TRANSITION PLANNING, AND THAT THE STUDENT'S
3 COMPLETE education information and records ~~of a student in out-of-home~~
4 ~~placement are delivered to~~ ARE REQUESTED IMMEDIATELY BY the student's
5 new school ~~within five school days~~ after ~~receiving a request for the~~
6 ~~transfer of the student's education information and records; from a county~~
7 ~~department as required in subsection (3) of this section~~ UPON
8 ENROLLMENT;

9 ~~(H)~~ (IV) Upon receiving the required notification and invitation,
10 participating in a transition planning meeting regarding the enrollment in
11 a public school of a student in an out-of-home placement pursuant to
12 section 22-2-139 FROM A STATE-LICENSED DAY TREATMENT FACILITY,
13 FACILITY SCHOOL, OR HOSPITAL, or having his or her designee
14 ~~participating in said~~ PARTICIPATE IN THE meeting;

15 ~~(V)~~ (V) Participating, OR HAVING HIS OR HER DESIGNEE
16 PARTICIPATE, in any interagency collaboration teams or threat-assessment
17 teams centered on students IN OUT-OF-HOME PLACEMENT, which teams the
18 ~~school district~~ EDUCATION PROVIDER may develop or on which teams the
19 ~~school district~~ EDUCATION PROVIDER may be invited to participate; and

20 ~~(V)~~ (VI) Providing to the department of education, the department
21 of human services, and the education committees of the house of
22 representatives and the senate, or any successor committees, the
23 information required pursuant to sections 22-2-139 and 26-1-138. ~~C.R.S.~~

24 ~~(b)~~ (c) Notwithstanding the provisions of ~~paragraph (a) of this~~
25 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, a board of cooperative
26 services created pursuant to article 5 of this ~~title~~ TITLE 22 may designate
27 an employee of the board to act as the child welfare education liaison for

1 the school districts that are members of the board of cooperative services.
2 A child welfare education liaison employed by a board of cooperative
3 services ~~shall have~~ HAS the duties specified in this subsection (2) and
4 shall perform them on behalf of the school districts that are members of
5 the board of cooperative services.

6 (3) (a) If a student in out-of-home placement is enrolled in one
7 school and transfers enrollment to another school either in the same
8 ~~school district~~ EDUCATION PROVIDER or in another ~~school district or to~~
9 ~~another type of school~~ EDUCATION PROVIDER, the sending ~~school district~~
10 ~~or school~~ EDUCATION PROVIDER shall transfer the student's education
11 information and records to the receiving school ~~within five school days~~
12 AS SOON AS POSSIBLE BUT NOT TO EXCEED FIVE SCHOOL DAYS after
13 receiving a transfer request. ~~from the county department that has legal~~
14 ~~custody of the student.~~

15 (b) Notwithstanding any provision of law to the contrary, without
16 having to obtain a court order, the county department that has legal
17 custody of a student in out-of-home placement may request that the
18 ~~school district or school~~ EDUCATION PROVIDER in which the student was
19 enrolled release the student's education information and records to an
20 employee of the county department. ~~for the sole purpose of transferring~~
21 ~~the education information and records to the student's new school.~~ The
22 ~~school district or school~~ EDUCATION PROVIDER may comply with the
23 requirements of ~~paragraph (a) of this subsection (3)~~ SUBSECTION (3)(a) OF
24 THIS SECTION by complying with the county department's request ~~within~~
25 AS SOON AS POSSIBLE BUT NOT TO EXCEED five school days after receiving
26 the request.

27 (d) If a ~~school district or school~~ AN EDUCATION PROVIDER receives

1 a transfer request pursuant to ~~paragraph (a) of this subsection (3)~~
2 SUBSECTION (3)(a) OF THIS SECTION or a request for release of records
3 pursuant to ~~paragraph (b) of this subsection (3)~~ SUBSECTION (3)(b) OF
4 THIS SECTION and the request involves a student who is receiving special
5 education services pursuant to an individualized education program, the
6 ~~school district or school~~ EDUCATION PROVIDER shall notify the special
7 education director for the ~~school district or school~~ EDUCATION PROVIDER
8 of the request as soon as possible following receipt of the request.

9 (4) (a) Notwithstanding any provision of law, other than
10 ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b) OF THIS SECTION,
11 to the contrary, if a student who is in out-of-home placement is ~~either~~
12 ~~newly placed within a school district or school or~~ required to change
13 schools, ~~due to a change in placement,~~ the ~~school district or school~~
14 EDUCATION PROVIDER shall enroll the student in school ~~within five school~~
15 ~~days after receiving the student's education information and records~~
16 IMMEDIATELY, regardless of whether:

17 (I) The ~~school district or school~~ EDUCATION PROVIDER has
18 received the student's EDUCATIONAL INFORMATION AND RECORDS,
19 INCLUDING THE certificate of immunization;

20 (c) If a ~~school district or school~~ AN EDUCATION PROVIDER enrolls
21 a student in out-of-home placement without receiving the student's
22 certificate of immunization, the ~~school district or school~~ EDUCATION
23 PROVIDER shall notify the ~~student's legal guardian~~ COUNTY DEPARTMENT
24 that, unless the ~~school district or school~~ EDUCATION PROVIDER receives
25 the student's certificate of immunization or a written authorization for
26 administration of immunizations within fourteen days after the student
27 enrolls, the ~~school district or school~~ EDUCATION PROVIDER shall suspend

1 the student until such time as the ~~school district or school~~ EDUCATION
2 PROVIDER receives the certificate of immunization or the authorization.

3 (5) (a) When a student in out-of-home placement transfers from
4 one school to another school, the sending ~~school~~ EDUCATION PROVIDER
5 shall certify to the receiving ~~school or school district~~ EDUCATION
6 PROVIDER the course work that the student has fully or partially completed
7 while enrolled ~~at the school~~ IN THE EDUCATION PROVIDER. The receiving
8 ~~school or school district~~ EDUCATION PROVIDER shall accept the student's
9 certified course work and the course work certified by previous ~~schools~~
10 EDUCATION PROVIDERS in which the student was enrolled, as reflected in
11 the student's records, as if it had been completed at the receiving ~~school~~
12 EDUCATION PROVIDER. The receiving ~~school or school district~~ EDUCATION
13 PROVIDER shall apply all of the student's certified course work toward
14 completion of the student's requirements for ~~graduating from the~~ grade
15 level ~~in which the student is enrolled~~ PROMOTION at the receiving ~~school~~
16 ~~or school district~~ EDUCATION PROVIDER or for graduation from the
17 receiving ~~school or school district~~ EDUCATION PROVIDER if the student is
18 enrolled in twelfth grade.

19 (b) WHEN A STUDENT EXPERIENCES OUT-OF-HOME PLACEMENT AT
20 ANY POINT DURING HIGH SCHOOL, AN EDUCATION PROVIDER MAY WAIVE
21 COURSE OR PROGRAM PREREQUISITES OR OTHER PRECONDITIONS FOR
22 PLACEMENT IN COURSES OR PROGRAMS UNDER THE JURISDICTION OF THE
23 EDUCATION PROVIDER.

24 (c) AN EDUCATION PROVIDER SHALL WAIVE SPECIFIC COURSES
25 REQUIRED FOR GRADUATION IF SIMILAR COURSE WORK HAS BEEN
26 SATISFACTORILY COMPLETED IN ANOTHER JURISDICTION OR THE STUDENT
27 HAS DEMONSTRATED COMPETENCY IN THE CONTENT AREA. IF THE

1 RECEIVING SCHOOL DOES NOT GRANT A WAIVER TO A CHILD WHO WOULD
2 QUALIFY TO GRADUATE FROM THE SENDING SCHOOL, THE EDUCATION
3 PROVIDER SHALL PROVIDE AN ALTERNATIVE MEANS OF ACQUIRING THE
4 REQUIRED COURSE WORK OR COMPETENCY REQUIREMENTS SO THAT
5 GRADUATION MAY OCCUR WITHIN FOUR YEARS OF THE STUDENT
6 BEGINNING HIGH SCHOOL. The receiving ~~school or school district~~
7 EDUCATION PROVIDER awarding THE DIPLOMA may award elective credit
8 for any portion of the student's certified course work that is not aligned
9 with the curriculum of the receiving ~~school or school district~~ EDUCATION
10 PROVIDER OR FOR DEMONSTRATED COMPETENCIES THAT ARE NOT ALIGNED
11 WITH THE RECEIVING EDUCATION PROVIDER.

12 (d) IF A STUDENT IN OUT-OF-HOME PLACEMENT WHO IS
13 TRANSFERRING AT THE BEGINNING OF OR DURING TWELFTH GRADE IS
14 INELIGIBLE TO GRADUATE FROM THE RECEIVING EDUCATION PROVIDER
15 AFTER ALL ALTERNATIVES AND WAIVERS HAVE BEEN CONSIDERED, THE
16 EDUCATION PROVIDER SHALL REQUEST A DIPLOMA FROM A PREVIOUSLY
17 ATTENDED EDUCATION PROVIDER AND THE PREVIOUSLY ATTENDED
18 EDUCATION PROVIDER SHALL ISSUE A DIPLOMA IF THE STUDENT MEETS THE
19 EDUCATION PROVIDER'S GRADUATION REQUIREMENTS.

20 (7) ~~A school district or school~~ AN EDUCATION PROVIDER in which
21 a student in out-of-home placement is enrolled shall waive all fees that
22 would otherwise be assessed against the student, including but not limited
23 to any general fees, fees for books, fees for lab work, fees for
24 participation in in-school or extracurricular activities, and fees for
25 before-school or after-school OR OUT-OF-SCHOOL TIME programs. The
26 ~~school district or school~~ EDUCATION PROVIDER shall not limit the
27 opportunity of a student in out-of-home placement to participate in

1 in-school and extracurricular activities and before-school and after-school
2 AND OUT-OF-SCHOOL TIME programs due to waiver of the participation
3 fees.

4 (8) THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF
5 HUMAN SERVICES SHALL ENTER INTO A DATA-SHARING AGREEMENT THAT
6 ENSURES THAT INDIVIDUAL DATA RELEVANT TO STUDENTS IN
7 OUT-OF-HOME PLACEMENT IS SHARED AT THE STATE LEVEL FOR PURPOSES
8 OF ACCOUNTABILITY, PROGRAM IMPROVEMENT, AND RESEARCH.

9 (9) EDUCATION PROVIDERS SHALL COORDINATE WITH COUNTY
10 DEPARTMENTS TO ESTABLISH SYSTEMS-LEVEL PLANS FOR HOW NECESSARY
11 TRANSPORTATION TO THE SCHOOL OF ORIGIN IS PROVIDED, ARRANGED,
12 AND FUNDED FOR THE DURATION OF A CHILD'S OR YOUTH'S TIME AS A
13 STUDENT IN OUT-OF-HOME PLACEMENT, INCLUDING THE ALLOCATION OF
14 COSTS.

15 **SECTION 3.** In Colorado Revised Statutes, **add 22-32-138.5** as
16 follows:

17 **22-32-138.5. Educational stability grant program - application**
18 **- grants - fund created - rules - report.** (1) THERE IS CREATED WITHIN
19 THE DEPARTMENT OF EDUCATION THE EDUCATIONAL STABILITY GRANT
20 PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO
21 PROVIDE GRANT MONEY TO PRESCHOOL, ELEMENTARY, AND SECONDARY
22 EDUCATION PROVIDERS TO USE IN PROVIDING EDUCATIONAL SERVICES AND
23 SUPPORTS TO HIGHLY MOBILE STUDENTS. SUBJECT TO AVAILABLE
24 APPROPRIATIONS, THE STATE BOARD OF EDUCATION SHALL AWARD
25 EDUCATIONAL STABILITY GRANTS TO PRESCHOOL, ELEMENTARY, AND
26 SECONDARY EDUCATION PROVIDERS FROM MONEY APPROPRIATED FROM
27 THE EDUCATIONAL STABILITY GRANT PROGRAM FUND CREATED IN

1 SUBSECTION (4) OF THIS SECTION.

2 (2) THE STATE BOARD OF EDUCATION SHALL ADOPT RULES
3 PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE
4 4 OF TITLE 24, FOR IMPLEMENTATION OF THE GRANT PROGRAM. AT A
5 MINIMUM, THE RULES SHALL INCLUDE:

6 (a) TIMELINES AND PROCEDURES BY WHICH AN EDUCATION
7 PROVIDER MAY APPLY FOR A GRANT;

8 (b) THE INFORMATION TO BE INCLUDED ON GRANT APPLICATIONS,
9 INCLUDING AT A MINIMUM:

10 (I) THE NUMBER OF HIGHLY MOBILE STUDENTS THE EDUCATION
11 PROVIDER SERVED IN THE PREVIOUS SCHOOL YEAR, INCLUDING CHILDREN
12 OR YOUTH WHO AT ANY TIME DURING THE ACADEMIC YEAR WERE
13 HOMELESS, AS DEFINED IN SECTION 22-1-102.5; WERE IN PLACEMENT
14 OUTSIDE OF THE HOME, AS DEFINED IN SECTION 19-1-103; OR WERE
15 MIGRANT CHILDREN, AS DEFINED IN SECTION 22-23-103;

16 (II) A DESCRIPTION OF SERVICES TO BE PROVIDED THROUGH THE
17 GRANT, INCLUDING A DESCRIPTION OF INNOVATIVE PRACTICES TO ADDRESS
18 BARRIERS FOR STUDENTS IN OUT-OF-HOME PLACEMENT;

19 (III) A DESCRIPTION OF THE NEED FOR THE SERVICES TO BE
20 PROVIDED THROUGH THE GRANT;

21 (IV) AN ESTIMATED COST TO PROVIDE SERVICES THROUGH THE
22 GRANT;

23 (V) CRITERIA FOR MEASUREMENT OF THE EFFECTIVENESS OF
24 SERVICES PROVIDED THROUGH THE GRANT;

25 (VI) A DESCRIPTION OF THE EDUCATION PROVIDER'S EXISTING
26 POLICIES AND PRACTICES RELATING TO THE TRANSFER OF STUDENT
27 RECORDS BETWEEN EDUCATION PROVIDERS;

1 (VII) THE EDUCATION PROVIDER'S COLLABORATION WITH COUNTY
2 DEPARTMENTS TO MAKE BEST-INTEREST DETERMINATIONS AND TO
3 PROVIDE TRANSPORTATION, WHEN NEEDED;

4 (VIII) THE PROVISION OF SERVICES FOR STUDENTS IN
5 OUT-OF-HOME PLACEMENT WHO RECEIVE SPECIAL EDUCATION SERVICES;

6 (IX) ACCESS TO EXTRACURRICULAR ACTIVITIES FOR STUDENTS IN
7 OUT-OF-HOME PLACEMENT; AND

8 (X) TRANSITION PRACTICES RELATING TO SCHOOL MOVES FOR
9 STUDENTS IN OUT-OF-HOME PLACEMENT.

10 (3) EACH EDUCATION PROVIDER THAT SEEKS A GRANT PURSUANT
11 TO THIS SECTION MUST SUBMIT AN APPLICATION TO THE DEPARTMENT OF
12 EDUCATION IN ACCORDANCE WITH THE RULES ADOPTED BY THE STATE
13 BOARD OF EDUCATION. THE DEPARTMENT OF EDUCATION SHALL REVIEW
14 THE GRANT APPLICATIONS RECEIVED AND RECOMMEND GRANT RECIPIENTS
15 AND GRANT AMOUNTS TO THE STATE BOARD. THE STATE BOARD SHALL
16 ANNUALLY AWARD GRANTS THROUGH THE GRANT PROGRAM AFTER
17 CONSIDERING THE DEPARTMENT'S RECOMMENDATIONS.

18 (4) (a) THE EDUCATIONAL STABILITY GRANT PROGRAM FUND,
19 REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE
20 TREASURY. THE FUND CONSISTS OF ANY MONEY CREDITED TO THE FUND
21 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION AND ANY MONEY THAT
22 THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND,
23 INCLUDING MONEY FROM THE MARIJUANA TAX CASH FUND CREATED IN
24 SECTION 39-28.8-501. SUBJECT TO ANNUAL APPROPRIATION BY THE
25 GENERAL ASSEMBLY, THE DEPARTMENT OF EDUCATION MAY EXPEND
26 MONEY FROM THE FUND FOR THE PURPOSES OF THIS SECTION.

27 (b) THE DEPARTMENT OF EDUCATION MAY SEEK, ACCEPT, AND

1 EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES
2 FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT OF EDUCATION
3 SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR
4 DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO
5 THE FUND.

6 (c) THE DEPARTMENT OF EDUCATION MAY EXPEND MONEY
7 ANNUALLY APPROPRIATED FROM THE FUND FOR REASONABLE AND
8 NECESSARY ADMINISTRATIVE EXPENSES INCURRED IN IMPLEMENTING THIS
9 SECTION AND IN EVALUATING AND PROVIDING TECHNICAL ASSISTANCE TO
10 EDUCATION PROVIDERS THAT RECEIVE GRANTS PURSUANT TO THIS
11 SECTION.

12 (d) ANY MONEY IN THE FUND NOT EXPENDED FOR THE PURPOSES
13 OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS
14 PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ALL INTEREST
15 AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN
16 THE FUND TO THE FUND.

17 (e) THE DEPARTMENT OF EDUCATION IS ENCOURAGED TO DIRECT
18 TO THE FUND ANY FEDERAL MONEY RECEIVED BY THE DEPARTMENT THAT
19 MAY BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.

20 (5) (a) ON OR BEFORE MARCH 31, 2019, AND ON OR BEFORE
21 MARCH 31 EACH YEAR THEREAFTER, THE DEPARTMENT OF EDUCATION
22 SHALL EVALUATE THE EDUCATIONAL STABILITY SERVICES PROVIDED BY
23 EACH EDUCATION PROVIDER THAT RECEIVED A GRANT PURSUANT TO THIS
24 SECTION IN THE PRECEDING FISCAL YEAR; EXCEPT THAT THE DEPARTMENT
25 OF EDUCATION NEED NOT PROVIDE AN EVALUATION FOR ANY FISCAL YEAR
26 IN WHICH GRANTS WERE NOT AWARDED. AT A MINIMUM, THE DEPARTMENT
27 OF EDUCATION SHALL REVIEW:

1 (I) THE OUTCOMES AND EFFECTIVENESS OF THE SERVICES
2 PROVIDED AS MEASURED BY THE DEMONSTRATED DEGREE OF
3 EDUCATIONAL STABILITY;

4 (II) THE IMPROVEMENT IN SCHOOL ATTENDANCE;

5 (III) THE REDUCTION IN BEHAVIORAL AND DISCIPLINE INCIDENTS;

6 (IV) THE INCREASE IN GRADE-LEVEL PROMOTION;

7 (V) THE REDUCTION IN THE DROPOUT RATE; AND

8 (VI) THE INCREASE IN THE GRADUATION AND COMPLETION RATES
9 FOR THE GRANT RECIPIENTS' SCHOOLS.

10 (b) (I) THE DEPARTMENT OF EDUCATION SHALL REPORT THE
11 EVALUATION RESULTS TO THE EDUCATION COMMITTEES OF THE SENATE
12 AND OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR
13 COMMITTEES, IN CONJUNCTION WITH THE REPORT SUBMITTED PURSUANT
14 TO SECTION 22-14-111.

15 (II) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
16 (11)(a)(I), THE REPORT REQUIRED PURSUANT TO SUBSECTION (5)(b)(I) OF
17 THIS SECTION CONTINUES INDEFINITELY.

18 **SECTION 4.** In Colorado Revised Statutes, 19-3-208, **amend**
19 (2)(b) introductory portion, (2)(b)(IV), and (2)(b)(V); and **add** (1.5),
20 (2)(b)(VI), and (3) as follows:

21 **19-3-208. Services - county required to provide - rules -**
22 **definitions.** (1.5) AS USED IN THIS SECTION, UNLESS THE CONTEXT
23 OTHERWISE REQUIRES:

24 (a) "SCHOOL OF ORIGIN" HAS THE SAME MEANING AS PROVIDED IN
25 SECTION 22-32-138.

26 (b) "STUDENT IN OUT-OF-HOME PLACEMENT" HAS THE SAME
27 MEANING AS PROVIDED IN SECTION 22-32-138.

1 (2) (b) The following services ~~shall~~ MUST be available and
2 provided, as determined necessary and appropriate by individual case
3 plans: ~~commencing on or after July 1, 1993:~~

4 (IV) Visitation services for parents with children OR YOUTH in
5 out-of-home placement; ~~and~~

6 (V) Placement services including foster care and emergency
7 shelter; AND

8 (VI) SERVICES INCLUDING BUT NOT LIMITED TO TRANSPORTATION
9 AND CASE PLANNING, AS NECESSARY FOR A STUDENT IN OUT-OF-HOME
10 PLACEMENT TO REMAIN IN HIS OR HER SCHOOL OF ORIGIN, UNLESS THE
11 COUNTY DEPARTMENT DETERMINES THAT REMAINING IN THE SCHOOL OF
12 ORIGIN IS NOT IN THE STUDENT'S BEST INTEREST.

13 (3) (a) THE STATE BOARD OF HUMAN SERVICES SHALL
14 PROMULGATE RULES CREATING A STANDARD AND DELIBERATE PROCESS
15 FOR DETERMINING, IN COORDINATION WITH THE EDUCATION PROVIDER,
16 PARENTS, IF APPROPRIATE, GUARDIAN AD LITEM, AND THE CHILD OR
17 YOUTH, WHETHER IT IS IN THE BEST INTEREST OF A CHILD OR YOUTH IN
18 OUT-OF-HOME PLACEMENT TO REMAIN IN HIS OR HER SCHOOL OF ORIGIN
19 WHEN THE CHILD OR YOUTH IS PLACED IN OUT-OF-HOME PLACEMENT OR
20 EXPERIENCES A CHANGE IN PLACEMENT.

21 (b) EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES
22 SHALL COORDINATE WITH EDUCATION PROVIDERS TO ESTABLISH
23 SYSTEMS-LEVEL PLANS FOR HOW NECESSARY TRANSPORTATION TO A
24 SCHOOL OF ORIGIN WILL BE PROVIDED, ARRANGED, AND FUNDED FOR THE
25 DURATION OF A CHILD OR YOUTH'S TIME AS A STUDENT IN OUT-OF-HOME
26 PLACEMENT, INCLUDING THE ALLOCATION OF COSTS.

27 (c) THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE

1 TECHNICAL ASSISTANCE AND COMPLIANCE MONITORING FOR THE COUNTY
2 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES TO ENSURE THAT COUNTY
3 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES ARE PROPERLY
4 IMPLEMENTING THIS SUBSECTION (3), INCLUDING ADMINISTERING FUNDS
5 TO ALLOW STUDENTS IN OUT-OF-HOME PLACEMENT TO REMAIN IN THEIR
6 SCHOOLS OF ORIGIN, WITH TRANSPORTATION PROVIDED.

7 (d) ANY STATE FUNDS EXPENDED PURSUANT TO THIS SECTION FOR
8 CHILDREN ELIGIBLE UNDER TITLE IV-E OF THE FEDERAL "SOCIAL
9 SECURITY ACT", AS AMENDED, SHALL BE COUNTED TO SATISFY MATCHING
10 REQUIREMENTS FOR FEDERAL FUNDS RECEIVED PURSUANT TO THAT ACT.

11 **SECTION 5.** In Colorado Revised Statutes, **amend 22-1-102.5**
12 as follows:

13 **22-1-102.5. Definition of homeless child.** (1) The general
14 assembly hereby finds and declares that, because of the growing number
15 of children and families who are homeless in Colorado, there is a need to
16 ensure that all homeless children AND YOUTH receive a proper education.
17 It is the intent of the general assembly that no child OR YOUTH shall be
18 denied the benefits of a free education in the public schools because the
19 child OR YOUTH is homeless.

20 (2) (a) As used in this article 1, unless the context otherwise
21 requires, "homeless child" means:

22 (I) A school-aged child OR YOUTH, INCLUDING PRESCHOOL, who
23 lacks a fixed, regular, and adequate nighttime residence, including but not
24 limited to:

25 (A) A child OR YOUTH who is living in a motel, hotel, or camping
26 ground due to a lack of alternative adequate accommodations;

27 (B) A child OR YOUTH who is living in an emergency or

1 transitional shelter; AND

2 (C) A child OR YOUTH who is abandoned in a hospital; and

3 (D) ~~A child awaiting foster care placement; or~~

4 (II) A school-aged child OR YOUTH, INCLUDING PRESCHOOL, who

5 has a primary nighttime residence that is:

6 (A) A supervised, publicly or privately operated shelter designed

7 to provide temporary living accommodations, including welfare hotels,

8 congregate shelters, and transitional housing for persons with behavioral

9 or mental health disorders; OR

10 (B) ~~An institution that provides a temporary residence for~~

11 ~~individuals intended to be institutionalized; or~~

12 (C) A public or private place not designed for, nor ordinarily used

13 as, a regular sleeping accommodation for human beings, including but not

14 limited to an automobile, a park, an abandoned building, a bus or train

15 station, or a similar setting; OR

16 (III) A CHILD OR YOUTH WHO IS SHARING THE HOUSING OF

17 ANOTHER DUE TO LOSS OF HOUSING, ECONOMIC HARDSHIP, OR FOR SIMILAR

18 REASONS.

19 (b) "Homeless child" shall not include any individual imprisoned

20 or otherwise detained pursuant to an act of congress or a state law.

21 (c) "Homeless child" shall include a migrant school-aged child,

22 INCLUDING PRESCHOOL, who meets the requirements of this subsection

23 (2).

24 (d) "Homeless child" shall include a school-aged child, INCLUDING

25 PRESCHOOL, who meets the requirements of this subsection (2) who is not

26 in the physical custody of a parent or legal guardian.

27 **SECTION 6.** In Colorado Revised Statutes, **amend** 22-33-103.5

1 as follows:

2 **22-33-103.5. Attendance of homeless children and youth.**

3 (1) **Equal access to school.** Nothing in this ~~article~~ ARTICLE 33 shall be
4 construed to prohibit a child OR YOUTH from attending a public school
5 without the payment of tuition solely because the child OR YOUTH is A
6 homeless CHILD as defined in section 22-1-102.5.

7 (2) **Place of residence of a homeless child or youth.** A child OR
8 YOUTH found to be homeless pursuant to the provisions of section
9 22-1-102.5 may be deemed by the school districts described in ~~paragraphs~~
10 ~~(a) and (b) of this subsection (2)~~ THIS SUBSECTION (2), taking into
11 consideration the best interests of the child OR YOUTH, to reside in:

12 (a) The school district where the child OR YOUTH presently seeks
13 shelter or is located; or

14 (b) For so long as the child OR YOUTH remains homeless, the
15 school district in which the child's OR YOUTH'S school of origin is located;
16 except that a child OR YOUTH who, subsequent to becoming homeless,
17 becomes permanently housed in the same school year may be deemed to
18 reside in the school district of the school of origin, but only for the
19 remainder of the school year.

20 (3) **School stability.** In determining the best interests of a
21 homeless child for purposes of subsection (2) of this section, the school
22 districts described in ~~paragraphs (a) and (b) of subsection (2)~~ SUBSECTION
23 (2) of this section shall:

24 (a) To the extent feasible and except when it is against the wishes
25 of the homeless child's parent or legal guardian or against the wishes of
26 an unaccompanied homeless child, keep the homeless child in the
27 homeless child's school of origin;

1 (b) Provide a written explanation IN A MANNER AND FORM
2 UNDERSTANDABLE TO THE PARENT, LEGAL GUARDIAN, OR
3 UNACCOMPANIED HOMELESS CHILD, including a statement regarding the
4 right to appeal pursuant to subsection (4) of this section, to the parent or
5 legal guardian of the homeless child, if the school districts send the
6 homeless child to a school other than the child's OR YOUTH'S school of
7 origin or to a school other than the school requested by the parent or legal
8 guardian;

9 (c) In the case of an unaccompanied homeless child, assure that
10 the homeless ~~child~~ EDUCATION liaison designated by one of the school
11 districts pursuant to subsection (7) of this section assists in the placement
12 or enrollment decisions, considers the school preference of the
13 unaccompanied homeless child, and provides notice of the right to appeal
14 pursuant to subsection (4) of this section to the unaccompanied homeless
15 child.

16 (4) **Disputes.** (a) If a homeless child's parent or legal guardian or
17 an unaccompanied homeless child disagrees with the decision of the
18 school districts pursuant to subsection (2) of this section, the homeless
19 child shall be immediately enrolled in the school selected by the homeless
20 child's parent or legal guardian or, in the case of an unaccompanied
21 homeless child, by the child OR YOUTH, pending resolution of the dispute
22 through the appeal process created by the department of education
23 pursuant to ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b) OF
24 THIS SECTION.

25 (b) Consistent with federal requirements, the department of
26 education shall create an appeal process for a parent or legal guardian of
27 a homeless child or an unaccompanied homeless child to pursue if the

1 parent or legal guardian or the unaccompanied homeless child disagrees
2 with the decision of the school districts pursuant to subsection (2) of this
3 section.

4 (5) **Enrollment and full participation.** (a) The school selected
5 for a homeless child pursuant to this section shall immediately enroll the
6 homeless child, even if the child OR YOUTH HAS MISSED APPLICATION OR
7 ENROLLMENT DEADLINES DURING ANY PERIOD OF HOMELESSNESS OR THE
8 CHILD OR YOUTH lacks records normally required prior to enrollment.
9 ONCE ENROLLED, THE CHILD OR YOUTH MUST HAVE A FULL AND EQUAL
10 OPPORTUNITY TO SUCCEED AT THE SCHOOL.

11 (b) The enrolling school shall immediately contact the school last
12 attended by the homeless child to obtain any records necessary for
13 enrollment.

14 (c) If the homeless child's immunizations are incomplete or if the
15 homeless child's immunization records are unavailable, the enrolling
16 school shall arrange for such immunizations as may be necessary.

17 (6) **Transportation.** (a) If it is determined pursuant to subsection
18 (2) of this section that the best interest of a homeless child is to continue
19 his or her education at the school of origin, INCLUDING PRESCHOOL, and
20 the homeless child presently seeks shelter or is located in another school
21 district, and the homeless child's parent or legal guardian or the homeless
22 ~~child~~ EDUCATION liaison, on behalf of an unaccompanied homeless child,
23 requests transportation to and from school, the school district where the
24 homeless child presently seeks shelter or is located and the school district
25 in which the school of origin is located shall agree upon a method to
26 apportion cost and responsibility for the transportation of the homeless
27 child to the school district where the homeless child is attending, or, in

1 the alternative, each school district shall share equally in the cost and
2 responsibility for transportation.

3 (b) If a homeless child continues to reside in the school district in
4 which the school of origin is located, such school district, upon request
5 of the homeless child's parent or legal guardian or upon request of the
6 homeless ~~child~~ EDUCATION liaison, on behalf of an unaccompanied
7 homeless child, shall arrange or provide for transportation of the
8 homeless child to and from school.

9 (7) **Liaison.** The board of education of each school district in the
10 state shall designate one or more of the employees of the school district
11 to act as a homeless ~~child~~ EDUCATION liaison. The homeless ~~child~~
12 EDUCATION liaison shall facilitate a homeless child's access to and success
13 in school. The homeless ~~child~~ EDUCATION liaison shall also assist in the
14 mediation of any disputes concerning school enrollment, assist in making
15 arrangements for transportation of the homeless child to and from school,
16 assist in requesting school and immunization records, and assist any
17 unaccompanied homeless child in making enrollment decisions. On or
18 before the pupil enrollment count day, the homeless ~~child~~ EDUCATION
19 liaison in each school district shall report to the department of education
20 the number of homeless children enrolled in the school district.

21 (8) **Credit accrual and college readiness.** (a) THE HOMELESS
22 EDUCATION LIAISON MUST ENSURE THAT A HOMELESS CHILD OR YOUTH
23 AND AN UNACCOMPANIED HOMELESS CHILD OR YOUTH HAVE THE
24 OPPORTUNITY TO MEET THE SAME STATE ACADEMIC ACHIEVEMENT
25 STANDARDS AS OTHER CHILDREN AND YOUTH BY REMOVING BARRIERS
26 THAT PREVENT A HOMELESS CHILD OR YOUTH AND AN UNACCOMPANIED
27 HOMELESS CHILD OR YOUTH FROM RECEIVING CREDIT FOR FULL OR

1 PARTIAL COURSEWORK.

2 (b) COUNSELING SHALL BE PROVIDED TO A HOMELESS CHILD OR
3 YOUTH AND TO AN UNACCOMPANIED HOMELESS CHILD OR YOUTH TO
4 ASSIST THE HOMELESS CHILD OR YOUTH AND UNACCOMPANIED HOMELESS
5 CHILD OR YOUTH BY ADVISING, PREPARING, AND IMPROVING ACCESS TO
6 POSTSECONDARY OPTIONS.

7 ~~(8)~~ (9) **Definitions.** As used in this section, unless the context
8 otherwise requires:

9 (a) "School of origin" means the school a child OR YOUTH
10 attended at the time the child OR YOUTH became homeless, or, if the child
11 OR YOUTH became homeless during a period that he or she was not
12 attending school, the last school the child OR YOUTH attended prior to
13 becoming homeless.

14 (b) "Unaccompanied homeless child" means a child OR YOUTH
15 who meets the requirements of section 22-1-102.5 who is not in the
16 physical custody of a parent or legal guardian.

17 **SECTION 7. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly (August
20 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a
21 referendum petition is filed pursuant to section 1 (3) of article V of the
22 state constitution against this act or an item, section, or part of this act
23 within such period, then the act, item, section, or part will not take effect
24 unless approved by the people at the general election to be held in
25 November 2018 and, in such case, will take effect on the date of the
26 official declaration of the vote thereon by the governor.