

CHAPTER 364

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 18-1306

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also SENATOR(S) Coram and Moreno, Aguilar, Court, Donovan, Garcia, Jahn, Jones, Kefalas, Kerr, Martinez Humenik, Priola, Todd, Zenzinger.

AN ACT

CONCERNING ENSURING EDUCATIONAL STABILITY FOR STUDENTS IN OUT-OF-HOME PLACEMENT, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

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

- (a) For the class of 2017, only twenty-three percent of students who had been in foster care at any time during high school graduated on time;
- (b) Half of Colorado students in foster care change schools at least once, and often several times, each year;
- (c) Multiple school transitions create gaps in a student's knowledge and create barriers to educational attainment;
- (d) Improving educational stability is likely to increase the four-year graduation rate;
- (e) A University of Northern Colorado study found that when a student has three or more moves during high school, the odds of the student exiting without a credential are greater than the odds of graduating;
- (f) In 2008, Colorado was among the first eleven states to enter into the Interstate Compact on Educational Opportunity for Military Children, which removes barriers to high school graduation for youth in military families;

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

(g) Foster youth often experience even more school changes than military youth and would benefit from similar protections; and

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

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

SECTION 2. In Colorado Revised Statutes, 22-32-138, **amend** (2), (3)(a), (3)(b), (3)(d), (4)(a) introductory portion, (4)(a)(I), (4)(c), (5), and (7); **repeal and reenact, with amendments**, (1); and **add** (1.5), (9), and (10) as follows:

22-32-138. Out-of-home placement students - school stability, transfer, and enrollment procedures - absences - exemptions - provision of academic supports - definitions. (1) AS USED IN THIS SECTION AND IN SECTION 22-32-138.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

(g) "SCHOOL OF ORIGIN" MEANS THE SCHOOL IN WHICH A STUDENT WAS ENROLLED AT THE TIME OF EACH PLACEMENT INTO FOSTER CARE. IF THE STUDENT'S FOSTER CARE PLACEMENT CHANGES, THE SCHOOL OF ORIGIN IS THE SCHOOL IN WHICH THE STUDENT IS ENROLLED AT THE TIME OF THE CHANGE IN PLACEMENT. IF THE STUDENT IS ENROLLED IN A FACILITY SCHOOL, INCLUDING RESIDENTIAL CHILD CARE FACILITIES AND SECURE DETENTION FACILITIES, AND THE STUDENT WILL NO LONGER BE ENROLLED IN THE FACILITY SCHOOL, THE SCHOOL OF ORIGIN IS THE LAST

SCHOOL THE STUDENT ATTENDED WITHIN THE PREVIOUS TWO YEARS FOR AT LEAST ONE COMPLETE SEMESTER OR TERM PRIOR TO ENTERING THE FACILITY SCHOOL OR ANOTHER SCHOOL WHERE THE STUDENT HAD A MEANINGFUL CONNECTION WITHIN THE PREVIOUS TWO YEARS. "SCHOOL OF ORIGIN" INCLUDES THE DESIGNATED RECEIVING SCHOOL AT THE NEXT GRADE LEVEL FOR FEEDER SCHOOL OR ZONE PATTERNS WHEN THE STUDENT COMPLETES THE FINAL GRADE LEVEL SERVED BY THE SCHOOL OF ORIGIN. WHEN THERE IS MORE THAN ONE POTENTIAL SCHOOL OF ORIGIN, THE STUDENT'S INPUT MUST BE GIVEN STRONG CONSIDERATION IN DETERMINING WHICH SCHOOL TO DESIGNATE AS THE SCHOOL OF ORIGIN.

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

(1.5) Department of education foster care education coordinator - creation and duties. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT OF EDUCATION SHALL HIRE A FULL-TIME FOSTER CARE EDUCATION COORDINATOR WHO HAS THE FOLLOWING DUTIES BEGINNING IN THE 2019-20 FISCAL YEAR:

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

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

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

(d) PROVIDING TECHNICAL ASSISTANCE TO EDUCATION PROVIDERS FOR REMOVING BARRIERS TO GRADUATION PURSUANT TO SUBSECTION (5) OF THIS SECTION;

(e) SERVING AS A POINT OF CONTACT TO REVIEW COMPLIANCE OF EDUCATION PROVIDERS; AND

(f) ACTING AS A LIAISON IN COORDINATION WITH THE DEPARTMENT OF HUMAN SERVICES TO REVIEW COMPLAINTS RELATED TO DISPUTES OVER TRANSPORTATION AGREEMENTS BETWEEN SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE AND COUNTY DEPARTMENTS.

(2)(a) Each school district and the state charter school institute, created pursuant to section 22-30.5-503, shall designate an employee of the school district or the institute to act as the child welfare education liaison for ~~the~~ ALL district SCHOOLS or

for ALL state charter schools. In lieu of designating an employee, a school district or the state charter school institute may contract with an individual to act as the child welfare education liaison. Each school district and the state charter school institute shall report to the department of education by August 15, 2010, and by August 15 each year thereafter, the name and contact information of the child welfare education liaison. The department of education shall be responsible for posting that information on the department of education's website and providing the information to the department of human services.

(b) The child welfare education liaison shall be responsible for working with child placement agencies, county departments, and the state department OF HUMAN SERVICES to facilitate SERVICES TO MAINTAIN STUDENTS IN OUT-OF-HOME PLACEMENT IN THEIR SCHOOLS OF ORIGIN OR, IF THE COUNTY DEPARTMENT DETERMINES THAT IT IS NOT IN THE STUDENTS' BEST INTERESTS TO REMAIN IN THE SCHOOL OF ORIGIN, OR FACILITATE the prompt and appropriate placement, transfer, and enrollment in school of students in out-of-home placement within the school district or who are enrolled or enrolling in institute charter schools. ~~The specific duties of The child welfare education liaison shall~~ LIAISON'S SPECIFIC DUTIES include but need not be limited to:

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

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

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

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

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

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

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

~~(b)~~ (c) Notwithstanding the provisions of ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, a board of cooperative services created pursuant to article 5 of this ~~title~~ TITLE 22 may designate an employee of the board to act as the child welfare education liaison for the school districts that are members of the board of cooperative services. A child welfare education liaison employed by a board of cooperative services ~~shall have~~ HAS the duties specified in this subsection (2) and shall perform them on behalf of the school districts that are members of the board of cooperative services.

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

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

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

(4) (a) Notwithstanding any provision of law, other than ~~paragraph (b) of this subsection (4)~~ SUBSECTION (4)(b) OF THIS SECTION, to the contrary, if a student who

is in out-of-home placement is either newly placed within a school district or school or required to change schools, due to a change in placement, the school district or school EDUCATION PROVIDER shall enroll the student in school within five school days after receiving the student's education information and records IMMEDIATELY, regardless of whether:

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

(c) If a school district or school AN EDUCATION PROVIDER enrolls a student in out-of-home placement without receiving the student's certificate of immunization, the school district or school EDUCATION PROVIDER shall notify the student's legal guardian COUNTY DEPARTMENT that, unless the school district or school EDUCATION PROVIDER receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen days after the student enrolls, the school district or school EDUCATION PROVIDER shall suspend the student until such time as the school district or school EDUCATION PROVIDER receives the certificate of immunization or the authorization.

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

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

(c) AN EDUCATION PROVIDER MAY WAIVE SPECIFIC COURSES REQUIRED FOR GRADUATION IF SIMILAR COURSE WORK HAS BEEN SATISFACTORILY COMPLETED IN ANOTHER JURISDICTION OR THE STUDENT HAS DEMONSTRATED COMPETENCY IN THE CONTENT AREA. IF THE RECEIVING SCHOOL DOES NOT GRANT A WAIVER TO A CHILD WHO WOULD QUALIFY TO GRADUATE FROM THE SENDING SCHOOL, THE EDUCATION PROVIDER IS ENCOURAGED TO PROVIDE AN ALTERNATIVE MEANS OF ACQUIRING THE REQUIRED COURSE WORK OR COMPETENCY REQUIREMENTS SO THAT TIMELY GRADUATION MAY OCCUR. The receiving school or school district EDUCATION PROVIDER awarding THE DIPLOMA may award elective credit for any portion of the student's certified course work that is not aligned with the curriculum of the receiving school or school district EDUCATION PROVIDER OR FOR DEMONSTRATED

COMPETENCIES THAT ARE NOT ALIGNED WITH THE RECEIVING EDUCATION PROVIDER.

(d) IF A STUDENT IN OUT-OF-HOME PLACEMENT WHO IS TRANSFERRING AT THE BEGINNING OF OR DURING TWELFTH GRADE IS INELIGIBLE TO GRADUATE FROM THE RECEIVING EDUCATION PROVIDER, THE EDUCATION PROVIDER MAY REQUEST A DIPLOMA FROM A PREVIOUSLY ATTENDED EDUCATION PROVIDER, AND THE PREVIOUSLY ATTENDED EDUCATION PROVIDER MAY ISSUE A DIPLOMA IF THE STUDENT MEETS THE EDUCATION PROVIDER'S GRADUATION REQUIREMENTS.

(7) ~~A school district or school~~ AN EDUCATION PROVIDER in which a student in out-of-home placement is enrolled shall waive all fees that would otherwise be assessed against the student, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs. ~~The school district or school~~ EDUCATION PROVIDER shall not limit the opportunity of a student in out-of-home placement to participate in in-school and extracurricular activities and before-school and after-school programs due to waiver of the participation fees.

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

(10) SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE SHALL COORDINATE WITH COUNTY DEPARTMENTS TO ESTABLISH SYSTEMS-LEVEL PLANS FOR HOW NECESSARY TRANSPORTATION TO THE SCHOOL OF ORIGIN IS PROVIDED, ARRANGED, AND FUNDED FOR THE DURATION OF A CHILD'S OR YOUTH'S TIME AS A STUDENT IN OUT-OF-HOME PLACEMENT, INCLUDING THE EQUITABLE ALLOCATION OF COSTS.

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

22-32-138.5. Educational stability grant program - application - grants - fund created - rules - report. (1) THERE IS CREATED WITHIN THE DEPARTMENT OF EDUCATION THE EDUCATIONAL STABILITY GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO PROVIDE GRANT MONEY TO EDUCATION PROVIDERS TO USE IN PROVIDING ACADEMIC AND SOCIAL-EMOTIONAL SERVICES AND SUPPORTS TO HIGHLY MOBILE STUDENTS. SUBJECT TO AVAILABLE APPROPRIATIONS, COMMENCING WITH THE 2019-20 FISCAL YEAR, THE STATE BOARD OF EDUCATION SHALL AWARD EDUCATIONAL STABILITY GRANTS TO PRESCHOOL, ELEMENTARY, AND SECONDARY EDUCATION PROVIDERS FROM MONEY APPROPRIATED FROM THE EDUCATIONAL STABILITY GRANT PROGRAM FUND CREATED IN SUBSECTION (4) OF THIS SECTION.

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

(a) TIMELINES AND PROCEDURES BY WHICH AN EDUCATION PROVIDER MAY APPLY

FOR A GRANT;

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

(I) THE NUMBER OF HIGHLY MOBILE STUDENTS THE EDUCATION PROVIDER SERVED IN THE PREVIOUS SCHOOL YEAR, WHICH SHALL INCLUDE CHILDREN OR YOUTH WHO AT ANY TIME DURING THE ACADEMIC YEAR WERE HOMELESS, AS DEFINED IN SECTION 22-1-102.5; WERE IN NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION 19-1-103; WERE STUDENTS IN OUT-OF-HOME PLACEMENT, AS DEFINED IN SECTION 22-32-138; OR WERE MIGRANT CHILDREN, AS DEFINED IN SECTION 22-23-103;

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

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

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

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

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

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

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

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

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

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

(4) (a) THE EDUCATIONAL STABILITY GRANT PROGRAM FUND, REFERRED TO IN THIS SECTION AS THE "FUND", IS CREATED IN THE STATE TREASURY. THE FUND

CONSISTS OF ANY MONEY CREDITED TO THE FUND PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION AND ANY MONEY THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND, INCLUDING MONEY FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501. SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY, THE DEPARTMENT OF EDUCATION MAY EXPEND MONEY FROM THE FUND FOR THE PURPOSES OF THIS SECTION.

(b) THE DEPARTMENT OF EDUCATION MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS SECTION. THE DEPARTMENT OF EDUCATION SHALL TRANSMIT ALL MONEY RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE MONEY TO THE FUND.

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

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

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

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

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

(II) THE IMPROVEMENT IN SCHOOL ATTENDANCE;

(III) THE REDUCTION IN BEHAVIORAL AND DISCIPLINE INCIDENTS;

(IV) THE INCREASE IN GRADE-LEVEL PROMOTION;

(V) THE REDUCTION IN THE DROPOUT RATE; AND

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

(b) (I) THE DEPARTMENT OF EDUCATION SHALL REPORT THE EVALUATION

RESULTS TO THE EDUCATION COMMITTEES OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, IN CONJUNCTION WITH THE REPORT SUBMITTED PURSUANT TO SECTION 22-14-111.

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

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

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

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

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

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

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

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

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

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

(b) EACH COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES SHALL COORDINATE WITH SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE TO ESTABLISH SYSTEMS-LEVEL PLANS FOR HOW NECESSARY TRANSPORTATION TO A SCHOOL OF ORIGIN WILL BE PROVIDED, ARRANGED, AND FUNDED FOR THE DURATION OF A CHILD OR YOUTH'S TIME AS A STUDENT IN OUT-OF-HOME PLACEMENT, INCLUDING THE EQUITABLE ALLOCATION OF COSTS.

(c) THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE TECHNICAL ASSISTANCE AND COMPLIANCE MONITORING FOR THE COUNTY DEPARTMENTS OF

HUMAN OR SOCIAL SERVICES TO ENSURE THAT COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES ARE PROPERLY IMPLEMENTING THIS SUBSECTION (3), INCLUDING ADMINISTERING FUNDS TO ALLOW STUDENTS IN OUT-OF-HOME PLACEMENT TO REMAIN IN THEIR SCHOOLS OF ORIGIN, WITH TRANSPORTATION PROVIDED.

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

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

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

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

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

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

(B) A child OR YOUTH who is living in an emergency or transitional shelter; AND

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

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

(II) A school-aged child OR YOUTH, INCLUDING PRESCHOOL, who has a primary nighttime residence that is:

(A) A supervised, publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing for persons with behavioral or mental health disorders; OR

(B) ~~An institution that provides a temporary residence for individuals intended to be institutionalized; or~~

(C) A public or private place not designed for, nor ordinarily used as, a regular sleeping accommodation for human beings, including but not limited to an automobile, a park, an abandoned building, a bus or train station, or a similar setting; OR

(III) A CHILD OR YOUTH WHO IS SHARING THE HOUSING OF ANOTHER DUE TO LOSS OF HOUSING, ECONOMIC HARDSHIP, OR FOR SIMILAR REASONS.

(b) "Homeless child" shall not include any individual imprisoned or otherwise detained pursuant to an act of congress or a state law.

(c) "Homeless child" shall include a migrant school-aged child, INCLUDING PRESCHOOL, who meets the requirements of this subsection (2).

(d) "Homeless child" shall include a school-aged child, INCLUDING PRESCHOOL, who meets the requirements of this subsection (2) who is not in the physical custody of a parent or legal guardian.

SECTION 6. In Colorado Revised Statutes, **amend** 22-33-103.5 as follows:

22-33-103.5. Attendance of homeless children and youth. (1) **Equal access to school.** Nothing in this ~~article~~ ARTICLE 33 shall be construed to prohibit a child OR YOUTH from attending a public school without the payment of tuition solely because the child OR YOUTH is a homeless CHILD as defined in section 22-1-102.5.

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

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

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

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

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

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

(c) In the case of an unaccompanied homeless child, assure that the homeless ~~child~~ EDUCATION liaison designated by one of the school districts pursuant to subsection (7) of this section assists in the placement or enrollment decisions, considers the school preference of the unaccompanied homeless child, and provides

notice of the right to appeal pursuant to subsection (4) of this section to the unaccompanied homeless child.

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

(b) Consistent with federal requirements, the department of education shall create an appeal process for a parent or legal guardian of a homeless child or an unaccompanied homeless child to pursue if the parent or legal guardian or the unaccompanied homeless child disagrees with the decision of the school districts pursuant to subsection (2) of this section.

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

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

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

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

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

(7) **Liaison.** The board of education of each school district in the state shall

designate one or more of the employees of the school district to act as a homeless ~~child~~ EDUCATION liaison. The homeless ~~child~~ EDUCATION liaison shall facilitate a homeless child's access to and success in school. The homeless ~~child~~ EDUCATION liaison shall also assist in the mediation of any disputes concerning school enrollment, assist in making arrangements for transportation of the homeless child to and from school, assist in requesting school and immunization records, and assist any unaccompanied homeless child in making enrollment decisions. On or before the pupil enrollment count day, the homeless ~~child~~ EDUCATION liaison in each school district shall report to the department of education the number of homeless children enrolled in the school district.

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

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

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

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

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

SECTION 7. In Colorado Revised Statutes, 22-32-113, **amend** (1)(c) and (4) as follows:

22-32-113. Transportation of pupils - when. (1) The board of education of a school district may furnish transportation:

(c) To and from public schools for any reasonable classification of pupils enrolled in the schools of the district who are ~~resident~~ RESIDENTS of any other school district; ~~if the district of residence is adjacent to the district of attendance, and if the board or other governing body of the district of residence shall consent to such transportation;~~

(4) A board may reimburse a parent or guardian for the expenses incurred by such parent or guardian in furnishing transportation to and from a public school or designated school vehicle stop for his or her child or children and for other pupils enrolled in the schools of the district. ~~but the board may not reimburse any person~~

for transportation furnished to a pupil resident in another school district without the consent of the board or other governing body of the district of residence. The amount and payment of such TRANSPORTATION expenses shall be as ARE determined by the board paying such THE expenses.

SECTION 8. Appropriation. (1) For the 2018-19 state fiscal year, \$2,817,327 is appropriated to the department of human services. This appropriation consists of \$550,066 cash funds from local funds and \$2,267,261 from temporary assistance for needy families block grant funds. To implement this act, the department may use this appropriation as follows:

(a) \$5,558 from temporary assistance for needy families block grant funds for use by the executive director's office for operating expenses;

(b) \$61,441 from temporary assistance for needy families block grant funds for use by the division of child welfare for administration, which amount is based on an assumption that the division will require an additional 0.9 FTE; and

(c) \$2,750,328, which consists of \$550,066 cash funds from local funds and \$2,200,262 from federal temporary assistance for needy families block grant funds, for use by the division of child welfare for child welfare services.

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

Approved: June 1, 2018