

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 20-0755.01 Shelby Ross x4510

HOUSE BILL 20-1058

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A BILL FOR AN ACT

101 **CONCERNING SERVICES PERFORMED BY A BOARD CERTIFIED BEHAVIOR**
102 **ANALYST FOR STUDENTS DURING SCHOOL HOURS.**

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 requires an administrative unit to allow a behavior analyst to provide medically necessary services to a student during school hours if the student's parent or legal guardian requests such services.

The bill requires each administrative unit to adopt a policy that outlines certain requirements for a behavior analyst who is providing services in a school setting and parents who request the services of a

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.*

HOUSE
3rd Reading Unamended
March 9, 2020

HOUSE
Amended 2nd Reading
March 5, 2020

behavior analyst. An administrative unit may establish consequences for a behavior analyst for failure to comply with the administrative unit's policy.

The bill requires each administrative unit to establish reporting requirements and prohibits an administrative unit from entering into a contract or an exclusive agreement with a behavior analyst that prohibits the parent or legal guardian from choosing a behavior analyst for the student.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add 22-20-121** as
3 follows:

4 **22-20-121. Behavior analysis services in school - written policy**

5 **- definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES "BEHAVIOR ANALYST" MEANS A BOARD CERTIFIED
7 BEHAVIOR ANALYST, A BOARD CERTIFIED ASSISTANT BEHAVIOR ANALYST,
8 OR A REGISTERED BEHAVIOR TECHNICIAN WHO IS OVERSEEN BY A BOARD
9 CERTIFIED BEHAVIOR ANALYST OR BOARD CERTIFIED ASSISTANT BEHAVIOR
10 ANALYST DURING THE NORMAL COURSE OF THE BEHAVIOR ANALYST'S
11 PROFESSIONAL DUTIES.

12 (2) NO LATER THAN JULY 1, 2021, EACH ADMINISTRATIVE UNIT
13 SHALL ADOPT A POLICY CONCERNING BEHAVIOR ANALYSTS PROVIDING
14 MEDICALLY NECESSARY SERVICES TO A STUDENT DURING SCHOOL HOURS.
15 PRIOR TO ADOPTING SUCH POLICY, EACH SCHOOL DISTRICT BOARD OF
16 EDUCATION SHALL SOLICIT AND RECEIVE INPUT FROM PARENTS AND
17 COMMUNITY MEMBERS AND DISCUSS, IN PUBLIC AT A REGULARLY
18 SCHEDULED MEETING OF THE SCHOOL DISTRICT BOARD OF EDUCATION,
19 BEHAVIOR ANALYSTS PROVIDING MEDICALLY NECESSARY SERVICES TO A
20 STUDENT DURING SCHOOL HOURS.

21 (3) THE POLICY ADOPTED PURSUANT TO THIS SECTION MUST BE

1 POSTED AND MADE PUBLICLY AVAILABLE ON THE ADMINISTRATIVE UNIT'S
2 WEBSITE.

3 **SECTION 2. Act subject to petition - effective date.** This act
4 takes effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part will not take effect
10 unless approved by the people at the general election to be held in
11 November 2020 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.