

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0195.01 Alana Rosen x2606

HOUSE BILL 24-1063

HOUSE SPONSORSHIP

Young and Garcia,

SENATE SPONSORSHIP

Kolker,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ADDRESSING THE EFFECT OF ABBREVIATED SCHOOL
102 DAYS ON CHILDREN WITH DISABILITIES IN PUBLIC SCHOOLS.

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 clarifies what constitutes an abbreviated school day and describes the effects of placing children with disabilities on abbreviated school day schedules (abbreviated schedule).

The bill requires the department of education (department) to create and implement a policy that explains the:

- Definition of an abbreviated school day;

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

- Circumstances in which abbreviated schedules are permissible and impermissible;
- Roles of the teams who determine whether to assign children with disabilities to abbreviated schedules;
- Notice requirements that children with disabilities must not be excluded from field trips, school functions, and extracurricular activities due to abbreviated schedules;
- Documentation and maintenance of records relating to children with disabilities' abbreviated schedules;
- Review of abbreviated schedules on a regular basis by the teams who determine whether to assign children with disabilities to abbreviated schedules;
- Information that parents, legal guardians, or custodians of children with disabilities (parents) must receive regarding whether parents may consent to, revoke consent to, or oppose abbreviated schedules; and
- Procedural safeguard information distributed to parents prior to meetings in which abbreviated schedules are discussed.

Each administrative unit shall adopt the department's policy.

The department shall provide annual training and ongoing technical assistance to administrative units.

On or before July 1, 2026, and each July 1 thereafter, administrative units shall submit a report to the department summarizing:

- The number of children with disabilities who were placed on abbreviated schedules during the preceding school year;
- The number of days each child with disabilities was placed on an abbreviated schedule;
- The student demographic information for each child with disabilities placed on an abbreviated school day schedule, including race, gender, English language learner status, and whether the child has a disability pursuant to federal law, to the extent possible while maintaining student privacy; and
- The student demographic data collected, disaggregated by race, gender, English language learner status, and disability status pursuant to federal law, to the extent possible while maintaining student privacy.

The bill requires the department to post the reports to the department's website on an annual basis.

Beginning in January 2027, and in January every year thereafter, the department shall include as part of its presentation during its "SMART Act" hearing information concerning abbreviated schedules.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-20-122 as
3 follows:

4 **22-20-122. Abbreviated school days - report - rules - legislative**
5 **declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY FINDS AND
6 DECLARES THAT:

7 (I) IN THE 2017-18 SCHOOL YEAR, TWENTY-ONE THOUSAND ONE
8 HUNDRED NINE STUDENTS IN COLORADO SCHOOLS WERE ELIGIBLE TO
9 RECEIVE SPECIAL EDUCATION SERVICES PURSUANT TO SECTION 504 OF THE
10 FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS
11 AMENDED;

12 (II) IN THE 2022-23 SCHOOL YEAR, TWELVE PERCENT OF STUDENTS
13 IN COLORADO SCHOOLS WERE IDENTIFIED AS HAVING A DISABILITY THAT
14 QUALIFIED THESE STUDENTS FOR SPECIAL EDUCATION PURSUANT TO THE
15 FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C.
16 SEC. 1400, ET SEQ., AS AMENDED, AND THE "EXCEPTIONAL CHILDREN'S
17 EDUCATIONAL ACT", THIS ARTICLE 20;

18 (III) CHILDREN WITH DISABILITIES WHO ARE ON AN
19 INDIVIDUALIZED EDUCATION PROGRAM OR A SECTION 504 PLAN ACCOUNT
20 FOR FIFTEEN PERCENT OF THE STUDENT POPULATION IN COLORADO;

21 (IV) CHILDREN WITH DISABILITIES CANNOT RECEIVE SERVICES IN
22 ACCORDANCE WITH THEIR IEP OR SECTION 504 PLAN OR ACCESS GENERAL
23 EDUCATION CURRICULUM WHEN THEY ARE NOT IN SCHOOL;

24 (V) MANY CHILDREN WITH DISABILITIES ARE NOT ALLOWED TO
25 ATTEND A FULL DAY OF SCHOOL; AND

26 (VI) THE UNITED STATES DEPARTMENT OF EDUCATION AND THE
27 COLORADO DEPARTMENT OF EDUCATION HAVE MECHANISMS TO ENFORCE

1 THE RIGHTS OF CHILDREN WITH DISABILITIES, BUT CLARIFICATION IS
2 NEEDED TO DEFINE WHAT CONSTITUTES ABBREVIATED SCHOOL DAYS AND
3 THE PROCESS THAT OCCURS WHEN CHILDREN WITH DISABILITIES ARE
4 PLACED ON ABBREVIATED SCHOOL DAY SCHEDULES.

5 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT CLARIFYING
6 WHEN AND HOW ABBREVIATED SCHOOL DAY SCHEDULES MAY BE
7 IMPLEMENTED IN COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL
8 "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400,
9 ET SEQ., AS AMENDED; SECTION 504 OF THE FEDERAL "REHABILITATION
10 ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED; AND THE
11 "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", THIS ARTICLE 20 IS
12 IMPORTANT.

13 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
14 REQUIRES:

15 (a) "ABBREVIATED SCHOOL DAY" MEANS ANY SCHOOL DAY
16 DURING WHICH A CHILD WITH DISABILITIES RECEIVES INSTRUCTION OR
17 EDUCATIONAL SERVICES FOR FEWER HOURS THAN THE MAJORITY OF OTHER
18 STUDENTS WHO ARE IN THE SAME GRADE AND SCHOOL DISTRICT OF
19 ATTENDANCE AS THE CHILD WITH DISABILITIES.

20 (b) "SECTION 504" MEANS SECTION 504 OF THE FEDERAL
21 "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS
22 AMENDED.

23 (c) "SECTION 504 PLAN" MEANS A PLAN PURSUANT TO SECTION 504
24 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET
25 SEQ., AS AMENDED, THAT PROVIDES GUIDANCE AND SUPPORT FOR A CHILD
26 WITH DISABILITIES.

27 (d) "SECTION 504 TEAM" MEANS A GROUP OF KNOWLEDGEABLE

1 INDIVIDUALS WHO CONSIDER A VARIETY OF SOURCES TO DETERMINE WHAT
2 A STUDENT NEEDS TO RECEIVE A FREE APPROPRIATE PUBLIC EDUCATION IN
3 ACCORDANCE WITH SECTION 504 OF THE FEDERAL "REHABILITATION ACT
4 OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED.

5 (3)(a) THE DEPARTMENT SHALL CREATE AND IMPLEMENT A POLICY
6 THAT EXPLAINS THE:

7 (I) DEFINITION OF AN ABBREVIATED SCHOOL DAY;

8 (II) CIRCUMSTANCES IN WHICH ABBREVIATED SCHOOL DAY
9 SCHEDULES ARE PERMISSIBLE AND IMPERMISSIBLE;

10 (III) ROLE OF THE IEP TEAM OR SECTION 504 TEAM WHO MUST
11 MAKE THE DECISION TO ASSIGN THE CHILDREN WITH DISABILITIES TO
12 ABBREVIATED SCHOOL DAY SCHEDULES;

13 (IV) REQUIREMENT THAT CHILDREN WITH DISABILITIES MUST NOT
14 BE EXCLUDED FROM FIELD TRIPS, SCHOOL FUNCTIONS, AND
15 EXTRACURRICULAR ACTIVITIES DUE TO ABBREVIATED SCHOOL DAY
16 SCHEDULES;

17 (V) DOCUMENTATION AND MAINTENANCE OF RECORDS FOR EACH
18 CHILD WITH DISABILITIES WHO IS PLACED ON AN ABBREVIATED SCHOOL
19 DAY SCHEDULE, WHICH MUST INCLUDE THE FOLLOWING:

20 (A) THE DAILY SCHOOL SCHEDULE OF THE CHILD WITH
21 DISABILITIES;

22 (B) WHETHER THE PARENTS, LEGAL GUARDIANS, OR CUSTODIANS
23 OF THE CHILD WITH DISABILITIES CONSENTED TO THE ASSIGNED
24 ABBREVIATED SCHOOL DAY SCHEDULE;

25 (C) THE ADMINISTRATIVE UNIT'S JUSTIFICATION FOR THE
26 ABBREVIATED SCHOOL DAY SCHEDULE;

27 (D) HOW THE DELIVERY OF A FREE APPROPRIATE PUBLIC

1 EDUCATION WILL BE ACHIEVED WITH THE ABBREVIATED SCHOOL DAY
2 SCHEDULE IF THE CHILD WITH DISABILITIES HAS AN IEP OR A SECTION 504
3 PLAN;

4 (E) WHETHER THE ABBREVIATED SCHOOL DAY SCHEDULE WILL
5 IMPACT THE ABILITY TO EDUCATE THE CHILD WITH DISABILITIES IN THE
6 LEAST RESTRICTIVE ENVIRONMENT;

7 (F) A TIMELINE TO REVIEW THE ABBREVIATED SCHOOL DAY
8 SCHEDULE TO DETERMINE IF IT IS APPROPRIATE AND COMPLIES WITH
9 APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS; AND

10 (G) THE APPROPRIATE POINT OF CONTACT FOR PARENTS, LEGAL
11 GUARDIANS, OR CUSTODIANS IF THERE IS CONCERN THAT A LAW,
12 REGULATION, OR POLICY HAS BEEN VIOLATED;

13 (VI) REVIEW OF AN ABBREVIATED SCHOOL DAY SCHEDULE ON A
14 REGULAR BASIS AS DETERMINED BY AN IEP TEAM, AS DESCRIBED IN
15 SECTION 22-20-108 (1)(b), OR A SECTION 504 TEAM, TO CONSIDER
16 WHETHER THE ABBREVIATED SCHOOL DAY SCHEDULE IS NECESSARY FOR
17 THE CHILD WITH DISABILITIES. DURING THE REVIEW MEETINGS, THE IEP
18 TEAM OR THE SECTION 504 TEAM SHALL DISCUSS AND DOCUMENT THE
19 NEED FOR CONTINUING AN ABBREVIATED SCHOOL DAY SCHEDULE FOR THE
20 CHILD WITH DISABILITIES.

21 (VII) INFORMATION THAT PARENTS, LEGAL GUARDIANS, OR
22 CUSTODIANS OF CHILDREN WITH DISABILITIES MUST RECEIVE REGARDING
23 ABBREVIATED SCHOOL DAY SCHEDULES, WHICH MUST INFORM THE
24 PARENTS, LEGAL GUARDIANS, OR CUSTODIANS OF THEIR RIGHT TO
25 CONSENT TO, REVOKE CONSENT TO, OR OPPOSE THE ABBREVIATED SCHOOL
26 DAY SCHEDULE; AND

27 (VIII) PROCEDURAL SAFEGUARD INFORMATION DISTRIBUTED TO

1 PARENTS, LEGAL GUARDIANS, OR CUSTODIANS OF CHILDREN WITH
2 DISABILITIES PRIOR TO ANY MEETING IN WHICH AN ABBREVIATED SCHOOL
3 DAY SCHEDULE IS DISCUSSED.

4 (b) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY
5 FOR THE IMPLEMENTATION OF THIS SECTION.

6 (4) ADMINISTRATIVE UNITS SHALL ADOPT THE POLICY DESCRIBED
7 IN SUBSECTION (3)(a) OF THIS SECTION.

8 (5) EACH ADMINISTRATIVE UNIT SHALL CREATE A PLAN TO
9 SUPPORT A CHILD WITH DISABILITIES WHO IS ASSIGNED AN ABBREVIATED
10 SCHOOL DAY SCHEDULE, WHICH MUST INCLUDE THE OUTCOMES FOR
11 PLACING THE CHILD WITH DISABILITIES ON AN ABBREVIATED SCHOOL DAY
12 SCHEDULE AND A DESCRIPTION OF THE STAGES FOR GRADUAL
13 REINTRODUCTION TO RETURN THE CHILD WITH DISABILITIES TO A
14 FULL-TIME SCHOOL DAY SCHEDULE.

15 (6) (a) THE DEPARTMENT, THROUGH ITS GENERAL SUPERVISION
16 AND MONITORING RESPONSIBILITIES REQUIRED PURSUANT TO THE IDEA,
17 SHALL APPLY THE RELEVANT PROVISIONS OF THE IDEA TO ELIMINATE THE
18 FREQUENT AND LONG-TERM USE OF ABBREVIATED SCHOOL DAYS THAT
19 MAY CONSTITUTE THE DENIAL OF A FREE APPROPRIATE PUBLIC EDUCATION
20 FOR CHILDREN WITH DISABILITIES.

21 (b) THE DEPARTMENT DOES NOT HAVE JURISDICTION TO ENFORCE
22 SECTION 504. COMPLAINTS REGARDING SECTION 504 MUST BE MADE TO
23 THE UNITED STATES DEPARTMENT OF EDUCATION'S OFFICE OF CIVIL
24 RIGHTS OR THE UNITED STATES DEPARTMENT OF JUSTICE.

25 (7) THE DEPARTMENT SHALL PROVIDE ONGOING TECHNICAL
26 ASSISTANCE ON ABBREVIATED SCHOOL DAY SCHEDULES TO
27 ADMINISTRATIVE UNITS.

1 (8) THE DEPARTMENT SHALL PROVIDE ANNUAL TRAINING TO
2 ADMINISTRATIVE UNITS. THE ANNUAL TRAINING MUST INCLUDE GUIDANCE
3 ON HOW ABBREVIATED SCHOOL DAYS IMPACT COLORADO'S COMPLIANCE
4 WITH THE IDEA AND SECTION 504.

5 (9) (a) ON OR BEFORE JULY 1, 2026, AND EACH JULY 1
6 THEREAFTER, ADMINISTRATIVE UNITS SHALL SUBMIT A REPORT TO THE
7 DEPARTMENT SUMMARIZING THE FOLLOWING:

8 (I) THE NUMBER OF CHILDREN WITH DISABILITIES WHO WERE
9 PLACED ON AN ABBREVIATED SCHOOL DAY SCHEDULE DURING THE
10 PRECEDING SCHOOL YEAR;

11 (II) THE NUMBER OF DAYS EACH CHILD WITH DISABILITIES WAS
12 PLACED ON AN ABBREVIATED SCHOOL DAY SCHEDULE;

13 (III) THE STUDENT DEMOGRAPHIC INFORMATION FOR EACH CHILD
14 WITH DISABILITIES PLACED ON AN ABBREVIATED SCHOOL DAY SCHEDULE,
15 INCLUDING RACE, GENDER, ENGLISH LANGUAGE LEARNER STATUS, AND
16 WHETHER THE CHILD HAS A DISABILITY PURSUANT TO SECTION 504 OR THE
17 IDEA, TO THE EXTENT POSSIBLE WHILE MAINTAINING STUDENT PRIVACY;
18 AND

19 (IV) THE STUDENT DEMOGRAPHIC DATA COLLECTED IN
20 SUBSECTIONS (9)(a)(I) TO (9)(a)(III) OF THIS SECTION DISAGGREGATED BY
21 RACE, GENDER, ENGLISH LANGUAGE LEARNER STATUS, AND DISABILITY
22 STATUS PURSUANT TO SECTION 504 OR THE IDEA, TO THE EXTENT
23 POSSIBLE WHILE MAINTAINING STUDENT PRIVACY.

24 (b) THE DEPARTMENT MAY COLLECT THE INDIVIDUAL STUDENT
25 DATA DESCRIBED IN SUBSECTION (9)(a) OF THIS SECTION.

26 (c) ON OR BEFORE NOVEMBER 1, 2026, AND EACH NOVEMBER 1
27 THEREAFTER, THE DEPARTMENT SHALL POST THE REPORTS RECEIVED

1 PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION TO THE DEPARTMENT'S
2 WEBSITE.

3 (10) (a) BEGINNING IN JANUARY 2027, AND IN JANUARY EVERY
4 YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE AS PART OF ITS
5 PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
6 SECTION 2-7-203 INFORMATION CONCERNING ABBREVIATED SCHOOL DAYS
7 AND THE DATA REPORTED PURSUANT TO SUBSECTION (9) OF THIS SECTION.

8 (b) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
9 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
10 SUBSECTION (10) CONTINUES INDEFINITELY.

11 **SECTION 2. Safety clause.** The general assembly finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, or safety or for appropriations for
14 the support and maintenance of the departments of the state and state
15 institutions.