

CHAPTER 436

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 24-1063

BY REPRESENTATIVE(S) Young and Garcia, Amabile, Bacon, Brown, deGruy Kennedy, Duran, Epps, Froelich, Hamrick, Hernandez, Herod, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Martinez, Marvin, McCormick, McLachlan, Ortiz, Rutinel, Sirota, Story, Willford, Clifford, English, Joseph, Parenti, Ricks, McCluskie;
also SENATOR(S) Kolker and Kirkmeyer, Buckner, Cutter, Exum, Jaquez Lewis, Marchman, Michaelson Jenet, Priola, Rich, Sullivan, Winter F.

AN ACT

CONCERNING ADDRESSING THE EFFECT OF ABBREVIATED SCHOOL DAYS ON CHILDREN WITH DISABILITIES IN PUBLIC SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 22-20-123 as follows:

22-20-123. Abbreviated school days - report - rules - legislative declaration - definitions. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

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

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

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

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

(IV) IT IS DIFFICULT FOR CHILDREN WITH DISABILITIES TO RECEIVE SERVICES IN ACCORDANCE WITH THEIR IEP OR SECTION 504 PLAN OR ACCESS GENERAL EDUCATION CURRICULUM WHEN THEY ARE NOT IN SCHOOL;

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

(VI) THE UNITED STATES DEPARTMENT OF EDUCATION AND THE COLORADO DEPARTMENT OF EDUCATION HAVE MECHANISMS TO ENFORCE THE RIGHTS OF CHILDREN WITH DISABILITIES, BUT CLARIFICATION IS NEEDED TO DEFINE WHAT CONSTITUTES ABBREVIATED SCHOOL DAYS AND THE PROCESS THAT OCCURS WHEN CHILDREN WITH DISABILITIES ARE PLACED ON ABBREVIATED SCHOOL DAY SCHEDULES.

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

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

(a) "ABBREVIATED SCHOOL DAY" MEANS ANY SCHOOL DAY DURING WHICH A CHILD WITH DISABILITIES RECEIVES INSTRUCTION OR EDUCATIONAL SERVICES FOR FEWER HOURS THAN THE MAJORITY OF OTHER STUDENTS WHO ARE IN THE SAME GRADE AND SCHOOL DISTRICT OF ATTENDANCE AS THE CHILD WITH DISABILITIES, WHETHER THE ABBREVIATED SCHOOL DAY IS PLANNED OR UNPLANNED.

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

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

(d) "SECTION 504 TEAM" MEANS A GROUP OF KNOWLEDGEABLE INDIVIDUALS WHO CONSIDER A VARIETY OF SOURCES TO DETERMINE WHAT A STUDENT NEEDS TO RECEIVE A FREE APPROPRIATE PUBLIC EDUCATION IN ACCORDANCE WITH SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET SEQ., AS AMENDED.

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

(I) DEFINITION OF AN ABBREVIATED SCHOOL DAY, INCLUDING HOW THE DEFINITION APPLIES TO ATTENDANCE AND SCHOOL DISCIPLINE;

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

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

(IV) EXTENT TO WHICH CHILDREN WITH DISABILITIES MAY PARTICIPATE IN FIELD TRIPS, SCHOOL FUNCTIONS, AND EXTRACURRICULAR ACTIVITIES;

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

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

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

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

(D) HOW THE DELIVERY OF A FREE APPROPRIATE PUBLIC EDUCATION WILL BE ACHIEVED WITH THE ABBREVIATED SCHOOL DAY SCHEDULE IF THE CHILD WITH DISABILITIES HAS AN IEP OR A SECTION 504 PLAN;

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

(F) A TIMELINE TO REVIEW THE ABBREVIATED SCHOOL DAY SCHEDULE TO DETERMINE THE PERCENTAGE OF THE SCHOOL YEAR THE CHILD WITH DISABILITIES IS IN SCHOOL AND IF IT IS APPROPRIATE AND COMPLIES WITH APPLICABLE FEDERAL AND STATE LAWS AND REGULATIONS; AND

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

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

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

(VIII) PROCEDURAL SAFEGUARD INFORMATION DISTRIBUTED TO PARENTS, LEGAL GUARDIANS, OR CUSTODIANS OF CHILDREN WITH DISABILITIES PRIOR TO ANY MEETING IN WHICH AN ABBREVIATED SCHOOL DAY SCHEDULE IS DISCUSSED.

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

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

(4) (a) A CHILD WITH DISABILITIES WHO VOLUNTARILY ENROLLS IN CLASSES CONSISTENT WITH FULL-TIME ATTENDANCE AND GRADUATES TIMELY IS NOT CONSIDERED ON AN ABBREVIATED SCHOOL DAY SCHEDULE.

(b) THIS SECTION DOES NOT PROHIBIT THE EXTENSION OF EDUCATION TIME FOR CHILDREN WITH DISABILITIES RECEIVING SERVICES IN ACCORDANCE WITH THEIR IEP OR SECTION 504 PLAN.

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

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

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

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

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

(9) (a) ON OR BEFORE JULY 1, 2026, AND EACH JULY 1 THEREAFTER, LOCAL EDUCATION PROVIDERS, AS DEFINED IN SECTION 22-16-103, SHALL SUBMIT A REPORT TO THE DEPARTMENT SUMMARIZING THE FOLLOWING:

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

(II) THE NUMBER OF DAYS AND THE PERCENTAGE OF THE SCHOOL YEAR THAT

EACH CHILD WITH DISABILITIES WAS PLACED ON AN ABBREVIATED SCHOOL DAY SCHEDULE;

(III) 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 SECTION 504 OR THE IDEA, TO THE EXTENT POSSIBLE WHILE MAINTAINING STUDENT PRIVACY; AND

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

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

(c) ON OR BEFORE NOVEMBER 1, 2026, AND EACH NOVEMBER 1 THEREAFTER, THE DEPARTMENT SHALL POST THE REPORTS RECEIVED PURSUANT TO SUBSECTION (9)(a) OF THIS SECTION TO THE DEPARTMENT'S WEBSITE.

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

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

SECTION 2. In Colorado Revised Statutes, **add 22-2-310** as follows:

22-2-310. Data reporting - instructional hours - report. (1) (a) BY THE BEGINNING OF THE 2025-26 SCHOOL YEAR, THE DEPARTMENT SHALL STANDARDIZE THE REPORTING METHOD THAT SCHOOLS OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOLS, SCHOOL DISTRICTS, INSTITUTE CHARTER SCHOOLS, AND THE STATE CHARTER SCHOOL INSTITUTE USE TO COLLECT AND REPORT DATA CONCERNING:

(I) INSTRUCTIONAL HOURS;

(II) SCHOOL CALENDARS; AND

(III) THE NUMBER OF HOURS STUDENTS SPEND ON INSTRUCTIONAL TIME DURING THE SCHOOL YEAR.

(b) BEGINNING IN THE 2025-26 SCHOOL YEAR, AND EACH SCHOOL YEAR THEREAFTER, THE DEPARTMENT SHALL COLLECT FROM SCHOOLS OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOLS, SCHOOL DISTRICTS, INSTITUTE CHARTER SCHOOLS, AND THE STATE CHARTER SCHOOL INSTITUTE, AT A MINIMUM, THE FOLLOWING DATA:

(I) DAYS OF INSTRUCTION FOR ELEMENTARY AND SECONDARY SCHOOLS;

(II) INSTRUCTIONAL HOURS FOR ELEMENTARY AND SECONDARY SCHOOLS;

(III) ESTIMATED NON-INSTRUCTIONAL HOURS, SCHOOL CLOSURES, SNOW DAYS, AND TIME SPENT ON LUNCH AND PASSING BETWEEN CLASSES; AND

(IV) THE NUMBER OF DAYS AND PERCENTAGE OF THE SCHOOL YEAR STUDENTS WERE PLACED ON ABBREVIATED SCHOOL DAY SCHEDULES, AS DEFINED IN SECTION 22-20-123.

(2) THE DEPARTMENT SHALL ANNUALLY PUBLISH THE DATA IN AN ACCESSIBLE REPORT ON THE DEPARTMENT'S WEBSITE, INCLUDING ON THE DEPARTMENT'S WEB PAGE FOR SCHOOL AND DISTRICT DATA.

SECTION 3. Appropriation. (1) For the 2024-25 state fiscal year, \$250,108 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$101,400 for information technology services; and

(b) \$148,708 for use by student learning for abbreviated school day training and technical assistance related to learning supports, intervention, and planning, which amount is based on an assumption that the division will require an additional 1.2 FTE.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.

Approved: June 5, 2024