

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 25-0485.01 Alana Rosen x2606

SENATE BILL 25-073

SENATE SPONSORSHIP

Liston and Marchman,

HOUSE SPONSORSHIP

Keltie and Martinez,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING ENHANCING SUPPORT FOR MILITARY-CONNECTED**
102 **CHILDREN WITH DISABILITIES WHO ENROLL IN COLORADO**
103 **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 the process and timeline for an administrative unit or a state-operated program to provide special education services to a military-connected child with disabilities (child) who transfers from one administrative unit or state-operated program within Colorado to another, or transfers from an out-of-state school district or private school to an

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.*

administrative unit or a state-operated program within Colorado, as a result of an inbound active duty military member's (member) order to permanently change military stations.

For a child who transfers from an administrative unit or state-approved program to a private school within Colorado, or transfers from an out-of-state school district or private school to a private school within Colorado, the administrative unit with jurisdiction over the geographic boundary that the private school is located in shall review the child's evaluation information and existing individualized education program (IEP) or section 504 plan in consultation with the child's member, parent, legal guardian, or custodian. The administrative unit shall determine and provide equitable special education and related services, an IEP, or a section 504 plan to the child enrolled in the private school.

For a child who transfers from an out-of-state school district or private school with an individualized family service plan, the administrative unit or the state-operated program shall follow the process to coordinate, in conjunction with the department of early childhood, the transition of the child from an early intervention program for infants and toddlers pursuant to part C of the federal "Individuals with Disabilities Education Act" (IDEA) to a program component to serve children with disabilities from 3 to 21 years of age pursuant to part B of the IDEA.

The bill requires an administrative unit, a state-operated program, or an administrative unit with jurisdiction over the geographic boundary that a private school is located in to receive informed consent from the member, parent, legal guardian, or custodian of a child before:

- There are revisions to the child's category of disability;
- There are revisions to the child's IEP or section 504 plan;
- There are changes to the child's eligibility for special education and related services; or
- There is a partial or complete termination of special education and related services, except if the child graduates with a standard or advanced studies diploma.

In the event a dispute between an administrative unit or a state-operated program and a member, parent, legal guardian, or custodian of a child results in a due process hearing, the administrative unit or the state-operated program has the burden of proof.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-20-103, **amend**
3 (16) as follows:

4 **22-20-103. Definitions.** As used in this part 1, unless the context

1 otherwise requires:

2 (16) "Individualized family service plan" or "IFSP" means a
3 written statement developed by an entity representing the ~~department of~~
4 ~~human services~~ DEPARTMENT OF EARLY CHILDHOOD for a child from birth
5 through two years of age with a disability, which statement is developed,
6 reviewed, and revised in accordance with part C child find of IDEA and
7 with rules ~~promulgated by the department of human services~~ ADOPTED BY
8 THE DEPARTMENT OF EARLY CHILDHOOD.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 22-20-108.5 as
10 follows:

11 **22-20-108.5. Military-connected children with disabilities -**
12 **determination of disability - enrollment - parental consent - burden**
13 **of proof - definitions.** (1) AS USED IN THIS SECTION, UNLESS THE
14 CONTEXT OTHERWISE REQUIRES:

15 (a) "INBOUND ACTIVE DUTY MILITARY MEMBER" OR "MEMBER"
16 MEANS AN ACTIVE DUTY MILITARY MEMBER WHO RECEIVES NEW ORDERS,
17 OR A COMMAND LETTER ISSUED IN LIEU OF ORDERS, FOR A PERMANENT
18 CHANGE OF STATION TO A DEPARTMENT OF DEFENSE MILITARY
19 INSTALLATION WITHIN THE STATE.

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

22 (c) "SECTION 504 PLAN" MEANS A PLAN PURSUANT TO SECTION 504
23 THAT PROVIDES GUIDANCE AND SUPPORT FOR A CHILD WITH DISABILITIES.

24 (d) "SECTION 504 TEAM" MEANS A GROUP OF KNOWLEDGEABLE
25 INDIVIDUALS WHO CONSIDER A VARIETY OF SOURCES TO DETERMINE WHAT
26 A STUDENT NEEDS TO RECEIVE A FREE APPROPRIATE PUBLIC EDUCATION IN
27 ACCORDANCE WITH SECTION 504.

1 (2) (a) NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE
2 CONTRARY, WHEN A CHILD WITH DISABILITIES OF AN INBOUND ACTIVE
3 DUTY MILITARY MEMBER TRANSFERS FROM ONE ADMINISTRATIVE UNIT OR
4 STATE-OPERATED PROGRAM TO ANOTHER WITHIN COLORADO, OR
5 TRANSFERS FROM AN OUT-OF-STATE SCHOOL DISTRICT OR PRIVATE SCHOOL
6 TO AN ADMINISTRATIVE UNIT OR A STATE-OPERATED PROGRAM WITHIN
7 COLORADO, THE IEP TEAM OR THE SECTION 504 TEAM OF THE
8 ADMINISTRATIVE UNIT OR THE STATE-OPERATED PROGRAM IN WHICH THE
9 CHILD ENROLLS SHALL IMMEDIATELY REVIEW THE CHILD'S EVALUATION
10 INFORMATION AND EXISTING IEP OR SECTION 504 PLAN IN CONSULTATION
11 WITH THE CHILD'S MEMBER, PARENT, LEGAL GUARDIAN, OR CUSTODIAN.
12 THE IEP TEAM OR SECTION 504 TEAM SHALL CREATE A PROGRAM
13 COMPARABLE TO THE CHILD'S EXISTING IEP OR SECTION 504 PLAN AS
14 FOLLOWS:

15 (I) FOR A MILITARY-CONNECTED CHILD WITH DISABILITIES WHO
16 TRANSFERS FROM ONE ADMINISTRATIVE UNIT OR STATE-OPERATED
17 PROGRAM TO ANOTHER ADMINISTRATIVE UNIT OR STATE-OPERATED
18 PROGRAM WITHIN COLORADO, THE ADMINISTRATIVE UNIT OR THE
19 STATE-OPERATED PROGRAM IN WHICH THE CHILD ENROLLS SHALL
20 IMPLEMENT THE EXISTING IEP OR SECTION 504 PLAN AS WRITTEN IF THE
21 ADMINISTRATIVE UNIT OR THE STATE-OPERATED PROGRAM AND THE
22 MEMBER, PARENT, LEGAL GUARDIAN, OR CUSTODIAN AGREE. IF THE
23 ADMINISTRATIVE UNIT OR THE STATE-OPERATED PROGRAM DO NOT AGREE
24 TO IMPLEMENT THE EXISTING IEP OR SECTION 504 PLAN, THE
25 ADMINISTRATIVE UNIT OR THE STATE-OPERATED PROGRAM SHALL
26 CONDUCT, WITH THE INFORMED CONSENT OF THE MEMBER, PARENT, LEGAL
27 GUARDIAN, OR CUSTODIAN, THE NECESSARY EVALUATIONS AND

1 ASSESSMENTS OF THE CHILD. WITHIN THIRTY CALENDAR DAYS AFTER THE
2 CHILD ENROLLS IN THE ADMINISTRATIVE UNIT OR THE STATE-OPERATED
3 PROGRAM AND AFTER THE MEMBER, PARENT, LEGAL GUARDIAN, OR
4 CUSTODIAN GIVES INFORMED CONSENT, THE ADMINISTRATIVE UNIT OR THE
5 STATE-OPERATED PROGRAM SHALL DEVELOP, ADOPT, AND IMPLEMENT A
6 NEW IEP OR SECTION 504 PLAN FOR THE CHILD.

7 (II) FOR A MILITARY-CONNECTED CHILD WITH DISABILITIES WHO
8 TRANSFERS FROM AN OUT-OF-STATE SCHOOL DISTRICT OR A PRIVATE
9 SCHOOL TO AN ADMINISTRATIVE UNIT OR A STATE-OPERATED PROGRAM
10 WITHIN COLORADO, THE ADMINISTRATIVE UNIT OR THE STATE-OPERATED
11 PROGRAM SHALL CONDUCT EVALUATIONS AND ASSESSMENTS, AS
12 NECESSARY, WITH THE INFORMED CONSENT OF THE MEMBER, PARENT,
13 LEGAL GUARDIAN, OR CUSTODIAN. WITHIN THIRTY CALENDAR DAYS AFTER
14 THE CHILD ENROLLS IN THE ADMINISTRATIVE UNIT OR THE
15 STATE-OPERATED PROGRAM AND AFTER THE MEMBER, PARENT, LEGAL
16 GUARDIAN, OR CUSTODIAN GIVES INFORMED CONSENT, THE
17 ADMINISTRATIVE UNIT OR THE STATE-OPERATED PROGRAM SHALL
18 DEVELOP, ADOPT, AND IMPLEMENT A NEW IEP OR SECTION 504 PLAN FOR
19 THE CHILD.

20 (b) FOR A MILITARY-CONNECTED CHILD WITH DISABILITIES WHO
21 TRANSFERS FROM AN ADMINISTRATIVE UNIT OR STATE-OPERATED
22 PROGRAM, OUT-OF-STATE SCHOOL DISTRICT, OR PRIVATE SCHOOL TO A
23 PRIVATE SCHOOL WITHIN COLORADO, THE ADMINISTRATIVE UNIT WITH
24 JURISDICTION OVER THE GEOGRAPHIC BOUNDARY THAT THE PRIVATE
25 SCHOOL IS LOCATED IN SHALL REVIEW THE CHILD'S EVALUATION
26 INFORMATION AND EXISTING IEP OR SECTION 504 PLAN IN CONSULTATION
27 WITH THE CHILD'S MEMBER, PARENT, LEGAL GUARDIAN, OR CUSTODIAN.

1 WITHIN THIRTY CALENDAR DAYS AFTER THE CHILD ENROLLS IN THE
2 PRIVATE SCHOOL AND AFTER THE MEMBER, PARENT, LEGAL GUARDIAN, OR
3 CUSTODIAN GIVES INFORMED CONSENT, THE ADMINISTRATIVE UNIT SHALL
4 DETERMINE AND PROVIDE SPECIAL EDUCATION AND RELATED SERVICES,
5 AN IEP, OR A SECTION 504 PLAN TO THE CHILD ENROLLED IN THE PRIVATE
6 SCHOOL.

7 (c) FOR A MILITARY-CONNECTED CHILD WITH DISABILITIES WHO
8 TRANSFERS WITH AN IFSP FROM AN OUT-OF-STATE SCHOOL DISTRICT OR
9 PRIVATE SCHOOL TO AN ADMINISTRATIVE UNIT OR A STATE-OPERATED
10 PROGRAM, THE ADMINISTRATIVE UNIT OR THE STATE-OPERATED PROGRAM
11 SHALL FOLLOW THE PROCESS SET FORTH IN THE STATE-LEVEL
12 INTERAGENCY OPERATING AGREEMENT DESCRIBED IN SECTIONS
13 22-20-118.5 (2) AND 26.5-3-404 (3) TO COORDINATE THE TRANSITION OF
14 THE CHILD FROM PART C CHILD FIND TO PART B CHILD FIND, AS BOTH ARE
15 DEFINED IN SECTION 26.5-3-402.

16 (d) (I) AN ADMINISTRATIVE UNIT OR A STATE-OPERATED PROGRAM
17 IN WHICH A MILITARY-CONNECTED CHILD WITH DISABILITIES ENROLLS
18 SHALL TAKE REASONABLE STEPS TO PROMPTLY OBTAIN THE CHILD'S
19 RECORDS, INCLUDING AN EXISTING IEP, IFSP, OR SECTION 504 PLAN AND
20 SUPPORTING DOCUMENTATION.

21 (II) IF THE MILITARY-CONNECTED CHILD WITH DISABILITIES
22 TRANSFERS FROM ONE ADMINISTRATIVE UNIT OR STATE-OPERATED
23 PROGRAM TO ANOTHER WITHIN COLORADO, THE ADMINISTRATIVE UNIT OR
24 THE STATE-OPERATED PROGRAM FROM WHICH THE CHILD TRANSFERRED
25 SHALL PROMPTLY RESPOND TO ALL RECORDS REQUESTS FROM THE
26 ADMINISTRATIVE UNIT OR THE STATE-OPERATED PROGRAM THAT THE
27 CHILD IS ENROLLED IN.

1 (3) NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE
2 CONTRARY, AN ADMINISTRATIVE UNIT, A STATE-OPERATED PROGRAM, OR
3 AN ADMINISTRATIVE UNIT WITH JURISDICTION OVER THE GEOGRAPHIC
4 BOUNDARY THAT A PRIVATE SCHOOL IS LOCATED IN SHALL RECEIVE
5 INFORMED CONSENT FROM A MEMBER, PARENT, LEGAL GUARDIAN, OR
6 CUSTODIAN OF A MILITARY-CONNECTED CHILD WITH DISABILITIES BEFORE:

7 (a) THERE ARE REVISIONS TO THE CHILD'S CATEGORY OF
8 DISABILITY;

9 (b) THERE ARE REVISIONS TO THE CHILD'S IEP OR SECTION 504
10 PLAN;

11 (c) THERE ARE CHANGES TO THE CHILD'S ELIGIBILITY FOR SPECIAL
12 EDUCATION AND RELATED SERVICES; OR

13 (d) THERE IS A PARTIAL OR COMPLETE TERMINATION OF SPECIAL
14 EDUCATION AND RELATED SERVICES, EXCEPT IF THE CHILD GRADUATES
15 WITH A STANDARD OR ADVANCED STUDIES DIPLOMA.

16 (4) NOTWITHSTANDING ANY PROVISION OF THE LAW TO THE
17 CONTRARY, IN THE EVENT OF A DISPUTE BETWEEN AN ADMINISTRATIVE
18 UNIT OR A STATE-OPERATED PROGRAM AND A MEMBER, PARENT, LEGAL
19 GUARDIAN, OR CUSTODIAN OF A MILITARY-CONNECTED CHILD WITH A
20 DISABILITY THAT RESULTS IN A DUE PROCESS HEARING, AS DESCRIBED IN
21 SECTION 22-20-108 (3)(a), THE ADMINISTRATIVE UNIT OR
22 STATE-OPERATED PROGRAM HAS THE BURDEN OF PROOF, INCLUDING THE
23 BURDEN OF PERSUASION.

24 **SECTION 3.** In Colorado Revised Statutes, 22-20-118.5, **add** (4)
25 as follows:

26 **22-20-118.5. Child find - responsibilities - interagency**
27 **operating agreements.** (4) IN THE PROCESS FOR TRANSFERRING A CHILD'S

1 ASSESSMENT, IFSP, AND OTHER NECESSARY INFORMATION AS DESCRIBED
2 IN THE OPERATING AGREEMENT PURSUANT TO SUBSECTION (2)(h) OF THIS
3 SECTION, THE DEPARTMENT AND THE DEPARTMENT OF EARLY CHILDHOOD
4 SHALL INCLUDE A PROCESS TO TRANSITION A MILITARY-CONNECTED CHILD
5 WITH DISABILITIES WHO TRANSFERS FROM AN OUT-OF-STATE SCHOOL
6 DISTRICT OR PRIVATE SCHOOL TO AN ADMINISTRATIVE UNIT OR A
7 STATE-OPERATED PROGRAM AS DESCRIBED IN SECTION 22-20-108.5 (2)(c)
8 FROM PART C CHILD FIND TO PART B CHILD FIND, AS BOTH ARE DEFINED IN
9 SECTION 26.5-3-402.

10 **SECTION 4.** In Colorado Revised Statutes, 22-36-107, **add**
11 (2)(a.5), (2)(b.5), (2)(b.6), (2)(d), and (4) as follows:

12 **22-36-107. Inbound active duty military families - school**
13 **enrollment - registration - legislative declaration - definitions.** (2) As
14 used in this section, unless the context otherwise requires:

15 (a.5) "CHILDREN WITH DISABILITIES" HAS THE SAME MEANING SET
16 FORTH IN SECTION 22-20-103.

17 (b.5) "INDIVIDUALIZED EDUCATION PROGRAM" OR "IEP" HAS THE
18 SAME MEANING SET FORTH IN SECTION 22-20-103.

19 (b.6) "INDIVIDUALIZED FAMILY SERVICE PLAN" OR "IFSP" HAS THE
20 SAME MEANING SET FORTH IN SECTION 22-20-103.

21 (d) "SECTION 504 PLAN" HAS THE SAME MEANING SET FORTH IN
22 SECTION 22-20-108.5 (1).

23 (4) (a) THIS SECTION APPLIES TO CHILDREN WITH DISABILITIES WHO
24 HAVE AN INDIVIDUALIZED EDUCATION PROGRAM, AN INDIVIDUALIZED
25 FAMILY SERVICE PLAN, OR A SECTION 504 PLAN.

26 (b) THE SCHOOL DISTRICT OR THE CHARTER SCHOOL IN WHICH A
27 CHILD OF AN INBOUND ACTIVE DUTY MILITARY MEMBER IS OPEN ENROLLED

1 SHALL DETERMINE IF THE CHILD HAS AN EXISTING IEP, IFSP, OR A SECTION
2 504 PLAN. IF THE CHILD TRANSFERS WITH AN EXISTING IEP, IFSP, OR
3 SECTION 504 PLAN, THE SCHOOL DISTRICT OR THE CHARTER SCHOOL SHALL
4 FOLLOW THE PROCESS FOR MILITARY-CONNECTED CHILDREN WITH
5 DISABILITIES DESCRIBED IN SECTION 22-20-108.5 (2) TO ENSURE
6 COMPARABLE SERVICES ARE IN PLACE WHEN THE CHILD ARRIVES AT THE
7 SCHOOL DISTRICT OR CHARTER SCHOOL.

8 **SECTION 5.** In Colorado Revised Statutes, 26.5-3-404, **add** (5)
9 as follows:

10 **26.5-3-404. Child find - responsibilities - interagency**
11 **operating agreements.** (5) IN THE PROCESS FOR TRANSFERRING A CHILD'S
12 ASSESSMENT, IFSP, AND OTHER NECESSARY INFORMATION AS DESCRIBED
13 IN THE OPERATING AGREEMENT PURSUANT TO SUBSECTION (3)(h) OF THIS
14 SECTION, THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL
15 INCLUDE A PROCESS TO TRANSITION A MILITARY-CONNECTED CHILD WITH
16 DISABILITIES WHO TRANSFERS FROM AN OUT-OF-STATE SCHOOL DISTRICT
17 OR PRIVATE SCHOOL TO AN ADMINISTRATIVE UNIT OR A STATE-OPERATED
18 PROGRAM AS DESCRIBED IN SECTION 22-20-108.5 (2)(c) FROM PART C
19 CHILD FIND TO PART B CHILD FIND.

20 **SECTION 6. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.