

CHAPTER 127

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 97-1174

BY REPRESENTATIVES Young, Agler, Kreutz, Piffner, T. Williams, Gotlieb, Grossman, Keller, McElhany, Morrison, Salaz, Udall, and S. Williams;
also SENATOR Mutzebaugh.

AN ACT

CONCERNING THE EDUCATION OF EXCEPTIONAL CHILDREN, AND, IN CONNECTION THEREWITH, PROVIDING GUIDELINES FOR PLACEMENT OF CHILDREN WITH DISABILITIES IN SPECIAL EDUCATION PROGRAMS, ALLOWING TEACHERS TO TEMPORARILY REMOVE DISRUPTIVE STUDENTS, AND REQUIRING CONSIDERATION OF SCHOOL DISTRICT COSTS IN STAFFING AND IMPLEMENTING SUCH PROGRAMS.

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

SECTION 1. 22-20-103 (5.5), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-20-103. Definitions. As used in this article, unless the context otherwise requires:

(5.5) “Least restrictive environment” means programs used to educate a child with a disability using the delivery system most appropriately meeting the needs of the child, and, to the extent possible, as determined by the local board of education, subject to the appeals procedures outlined in section 22-20-108 (3), the term means an environment in which a child with a disability is educated with children without disabilities, unless the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, OR, WHEN PROVIDED WITH SUPPLEMENTARY AIDS AND SERVICES, THE NATURE OR SEVERITY OF THE DISABILITY IS SO DISRUPTIVE THAT THE EDUCATION OF

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

OTHER CHILDREN IN SUCH CLASSES WOULD BE SIGNIFICANTLY IMPAIRED.

SECTION 2. 22-20-108 (1) and (5), Colorado Revised Statutes, 1995 Repl. Vol., are amended, and the said 22-20-108 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-20-108. Determination of disability - enrollment. (1) The determination that a child has a disability and the recommendation for placement of that child in an individual educational program shall be made by a committee of professionally qualified personnel designated by the board of education of the school district or by the governing board of the board of cooperative services if the administrative unit encompasses more than a single school district. The composition of the committee shall be prescribed by the state board and may be composed of but not limited to the following: The director of special education for the administrative unit, a psychologist, a social worker, a physician, a school administrator, and a teacher of children with disabilities. THE COMMITTEE SHALL UTILIZE GUIDELINES RECOMMENDED BY THE DEPARTMENT TO DETERMINE THE LEAST RESTRICTIVE ENVIRONMENT IN WHICH TO EDUCATE THE CHILD. In the event that placement in a community center for the retarded and for persons with serious disabilities is considered appropriate for the needs of a child with a disability, a joint placement committee composed of professional personnel, as described in this section, representing the administrative unit and the community center for the retarded and for persons with serious disabilities, may recommend placement in such center. The committee shall give parents of a child with an alleged disability an opportunity to consult with the committee or a representative thereof prior to determination that their child has a disability.

(5) In formulating recommendations for placement of a child with a disability, the committee shall:

(a) DETERMINE, UTILIZING GUIDELINES RECOMMENDED BY THE DEPARTMENT, WHETHER THE NATURE OR SEVERITY OF THE CHILD'S DISABILITY IS SUCH THAT EDUCATION IN REGULAR CLASSES WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES CANNOT BE ACHIEVED SATISFACTORILY, OR, WHEN PROVIDED WITH SUPPLEMENTARY AIDS AND SERVICES, THE NATURE OR SEVERITY OF THE CHILD'S DISABILITY IS SO DISRUPTIVE THAT THE EDUCATION OF OTHER CHILDREN IN SUCH CLASSES WOULD BE SIGNIFICANTLY IMPAIRED;

(b) Work cooperatively with the department of human services, when applicable; ~~and shall~~

(c) Be guided by the legislative declaration contained in section 22-20-102; AND

(d) CONSIDER THE COST TO THE SCHOOL DISTRICT WHEN CHOOSING BETWEEN TWO OR MORE APPROPRIATE PLACEMENTS.

(9) IF A TEACHER OF A CHILD WITH A DISABILITY DETERMINES THAT THE CHILD'S PRESENCE IN A GENERAL EDUCATION CLASSROOM IS SO DISRUPTIVE THAT OTHER

CHILDREN'S LEARNING IN THE CLASS IS SIGNIFICANTLY IMPAIRED, THE TEACHER MAY UTILIZE THE DISTRICT'S REGULAR IN-SCHOOL DISCIPLINARY PROCEDURE UNLESS IT WOULD BE INCONSISTENT WITH THE CHILD'S INDIVIDUAL EDUCATIONAL PROGRAM, OR MAY REQUEST A REVIEW OF THE INDIVIDUAL EDUCATIONAL PROGRAM OR BEHAVIOR PLAN OR BOTH TO CONSIDER CHANGES IN SERVICES OR PLACEMENT. IN MAKING ANY SUCH DETERMINATION FOR PLACEMENT OR PLAN OF DISCIPLINE FOR THE CHILD, THE TEACHER, THE PRINCIPAL, AND THE STAFFING COMMITTEE, IF APPLICABLE, SHALL USE THE GUIDELINES RECOMMENDED BY THE DEPARTMENT.

SECTION 3. The introductory portion to 22-38-104 (1) and 22-38-104 (2) and (3), Colorado Revised Statutes, 1995 Repl. Vol., as amended, are amended to read:

22-38-104. Pilot schools - requirements - authority. (1) The state board may provide for the establishment and operation of not more than ~~two~~ ONE full-time residential pilot ~~schools~~ SCHOOL and not more than ~~two~~ THREE year-round nonresidential pilot schools pursuant to the following provisions:

(2) Not more than ~~two~~ THREE pilot schools shall each have a minimum of sixty students who do not reside at the school, approximately two-thirds of whom shall be expelled students, and the remainder of whom shall be at-risk students admitted by the pilot school in the manner specified in the pilot school application.

(3) ~~Not more than two pilot schools~~ THE RESIDENTIAL PILOT SCHOOL shall ~~each~~ have a minimum of sixty students, two-thirds of which shall be expelled students and one-third of which shall be at-risk students. ~~These schools~~ THE SCHOOL shall make available full-time residential facilities for all expelled students who, in the determination of the pilot school, may benefit from an environment different from those conditions that may have contributed to the student's expulsion. ~~These schools~~ THE RESIDENTIAL PILOT SCHOOL shall only admit expelled and at-risk students who are in the sixth grade or seventh grade if compelling circumstances exist for admitting such students to A residential ~~facilities~~ FACILITY.

SECTION 4. Effective date. This act shall take effect July 1, 1997.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 24, 1997