

**Date:** May 22, 2021

**To:** Chairperson Fields  
Members of the Senate Health and Human Services Committee

**From:** Consortium of Directors of Special Education  
Colorado Association of School Executives  
Colorado Association of School Boards  
Colorado Education Association  
Colorado Rural Schools Alliance  
Colorado BOCES

**Subject:** SB 21-275, Child Find Responsibilities

**cc:** Senator Moreno  
Senator Rankin

The Consortium of Directors of Special Education (Consortium), representing 100% of public school special education directors in Colorado, is in support of Senate Bill 21-275, regarding the transfer of child find responsibilities from the Department of Education to the Department of Human Services. Our education stakeholder partners, CASE, CASB, the Rural Alliance, the BOCES Association, and CEA are also in support of the Bill.

This legislation comes as result of HB18-1333, which required the Department of Education and Department of Human Services to develop a plan related to responsibilities for Part C child find, for children 0-3, as required by federal law under the Individuals with Disabilities Education Act (IDEA).

By way of brief background, as a result of then Governor Owens' 2007 Executive Order, the Department of Human Services was designated as the lead agency overseeing Part C child find for children ages 0-3, while administrative units, under the Department of Education, were primarily responsible for conducting these evaluations. After the 2018 legislation, HB 1333, the two agencies worked together to determine the best path forward for conducting child find activities, providing evaluations and determining eligibility for Part C services for children with disabilities ages 0-3.

Over the past year, with significant participation from the Consortium, child find representatives from administrative units as well as representatives from community center boards, in coordination with leaders from both Departments, the general consensus was for Part C responsibilities to transfer to the Department of Human Services, effective July 1, 2022. This means that the Department of Human Services will both oversee the Part C requirements as well

as be responsible for conducting the evaluations and determining eligibility for Part C services, as well as continuing to provide the necessary services and supports for these children and families.

The collaborative work identified critical areas that need to be included in an interagency operating agreement between the Department of Education and the Department of Human Services, primarily because of the need to consistently ensure a smooth transition for families and children from Part C to Part B at age three. Part B services, under IDEA, are provided through the Department of Education by administrative units for children with disabilities ages 3-21. These components of the interagency agreement are included in this legislation. As stakeholders, we felt it was critical to identify and require these components to ensure that they be included in the interagency operating agreement. This includes common understandings across agencies around eligibility for Part C and for Part B services, standardized communication for parents to ensure a smooth transition from services under one agency to another, requirements around critical notification timelines to ensure adequate staff and supports are available at the time the child turns three, a process for dispute resolution related to satisfaction of the agreement requirements, a process for contracting with administrative units in the event of a shortage of staff to complete Part C evaluations, as well as other areas identified in this legislation.

Because the transfer between agencies for Part C responsibilities will be effective July 1, 2022, the provision for a transfer of a portion of the 2021-22 appropriation under this legislation is to help offset the unfunded costs for Part C evaluations incurred by administrative units for Part C evaluations this next year. A 2019 survey by the Consortium with 100% administrative units responding, revealed that, beyond the state appropriation for Part C evaluations, administrative units are covering at least \$6M in unfunded costs for Part C evaluations. This one-time transfer of funds will cover unfunded costs for the 2021-22 fiscal year.

We recognize that with the possible new Department of Early Childhood, being considered during this legislative session, one might question why SB 21-275 is important. Regardless of where responsibility for Part C evaluations and services reside at some point in the future, the elements detailed in this Bill are still critical. We believe it is a priority to ensure a smooth transition for children and families from Part C to Part B, as well as for those agencies serving them. Regardless of what agency is responsible in the future, the federal requirements will remain the same. Children, families and the staff serving them will benefit from the actions required in SB 21-275.

As education stakeholders, we support SB 21-275 and urge your support as well.

Thank you