

CHAPTER 216

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 26-125

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also REPRESENTATIVE(S) Bacon and Phillips, Boesenecker, Camacho, Clifford, Duran, English, Goldstein, Jackson, Lieder, Lindsay, Lukens, Marshall, Nguyen, Rutinel, Valdez, Zokaie.

AN ACT**CONCERNING DISABILITY RIGHTS PROTECTIONS IN PUBLIC SCHOOLS.**

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

SECTION 1. In Colorado Revised Statutes, **add** article 29.5 to title 22 as follows:

ARTICLE 29.5**Disability Rights Protections in Public Elementary and Secondary Schools****22-29.5-101. Legislative declaration.**

(1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION REQUIRES THE STATE TO MAINTAIN A THOROUGH AND UNIFORM SYSTEM OF FREE PUBLIC SCHOOLS THAT SERVES ALL CHILDREN IN COLORADO, INCLUDING STUDENTS WITH DISABILITIES;

(b) ENSURING EQUAL ACCESS TO EDUCATIONAL PROGRAMS, SERVICES, AND ACTIVITIES IS ESSENTIAL TO FULFILLING THIS CONSTITUTIONAL MANDATE, ADVANCING THE STATE'S LONGSTANDING COMMITMENT TO EDUCATIONAL EQUITY AND NONDISCRIMINATION, PROMOTING ACADEMIC ACHIEVEMENT AMONG STUDENTS WITH DISABILITIES, AND CLOSING OPPORTUNITY GAPS;

(c) COLORADO HAS A STRONG CONSTITUTIONAL TRADITION OF PROTECTING INDIVIDUAL RIGHTS AS SET FORTH IN ARTICLE 2 OF THE STATE CONSTITUTION,

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.

INCLUDING THE GUARANTEES OF EQUALITY OF RIGHTS, DUE PROCESS OF LAW, AND SECURITY OF PERSONS;

(d) STUDENTS WITH DISABILITIES HAVE HISTORICALLY RELIED ON FEDERAL CIVIL RIGHTS LAWS, INCLUDING SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973" AND TITLE II OF THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", TO SAFEGUARD THEIR ACCESS TO EDUCATIONAL OPPORTUNITIES AND PROTECT THEMSELVES FROM DISCRIMINATION;

(e) INCORPORATING CORE PROTECTIONS OF THESE FEDERAL LAWS INTO STATE STATUTE STRENGTHENS COLORADO'S ENFORCEMENT FRAMEWORK, ENSURES CONTINUITY OF RIGHTS REGARDLESS OF CHANGES TO FEDERAL ENFORCEMENT PRIORITIES, AND PROMOTES CLARITY AND CONSISTENCY FOR STUDENTS, FAMILIES, AND LOCAL EDUCATION PROVIDERS;

(f) IT IS IN THE INTEREST OF THE STATE TO CODIFY FEDERAL DISABILITY-BASED NONDISCRIMINATION REQUIREMENTS APPLICABLE TO PUBLIC ELEMENTARY AND SECONDARY EDUCATION, TO AFFIRM THE RIGHT OF EACH QUALIFIED STUDENT WITH A DISABILITY TO A FREE APPROPRIATE PUBLIC EDUCATION, AND TO ESTABLISH CLEAR OBLIGATIONS FOR LOCAL EDUCATION PROVIDERS CONCERNING IDENTIFICATION, EVALUATION, EDUCATIONAL PLACEMENT, REASONABLE ACCOMMODATIONS, EFFECTIVE COMMUNICATION, PHYSICAL ACCESSIBILITY, AND PROTECTIONS AGAINST HARASSMENT AND RETALIATION; AND

(g) PROVIDING STATE-LEVEL REMEDIES, OVERSIGHT, AND ENFORCEMENT MECHANISMS, INCLUDING A UNIFORM COMPLAINT PROCESS ADMINISTERED BY THE STATE DEPARTMENT OF EDUCATION, COMPLEMENTS FEDERAL SAFEGUARDS, PROMOTES TIMELY AND LOCAL RESOLUTION OF CONCERNS, AND ENSURES THAT STUDENTS WITH DISABILITIES HAVE RELIABLE AND ACCESSIBLE AVENUES FOR ADDRESSING VIOLATIONS OF THEIR RIGHTS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT THE PURPOSE OF THIS ARTICLE 29.5 IS TO:

(a) UPHOLD THE STATE'S CONSTITUTIONAL OBLIGATION TO PROVIDE A THOROUGH AND UNIFORM SYSTEM OF FREE PUBLIC SCHOOLS;

(b) AFFIRM THE STATE'S COMMITMENT TO EQUAL EDUCATIONAL OPPORTUNITY AND NONDISCRIMINATION FOR STUDENTS WITH DISABILITIES;

(c) ENSURE THAT PUBLIC SCHOOLS PROVIDE QUALIFIED STUDENTS WITH DISABILITIES WITH THE AIDS, BENEFITS, SERVICES, AND OPPORTUNITIES NECESSARY TO PARTICIPATE FULLY AND MEANINGFULLY IN EDUCATIONAL PROGRAMS;

(d) CREATE CLEAR, CONSISTENT STATEWIDE STANDARDS AND PROCEDURES THAT ALIGN WITH FEDERAL REQUIREMENTS WHILE PROVIDING INDEPENDENT STATE PROTECTIONS; AND

(e) ENSURE THAT ALL STUDENTS WITH DISABILITIES IN THE STATE ARE EDUCATED IN ENVIRONMENTS THAT RESPECT THEIR DIGNITY, INDEPENDENCE, AND RIGHT TO PARTICIPATE FULLY IN THE LIFE OF THEIR SCHOOLS AND COMMUNITIES.

22-29.5-102. Definitions.

AS USED IN THIS ARTICLE 29.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AMERICANS WITH DISABILITIES ACT" OR "ADA" MEANS THE FEDERAL "AMERICANS WITH DISABILITIES ACT OF 1990", 42 U.S.C. SEC. 12101 ET SEQ.

(2) "APPROPRIATE PUBLIC EDUCATION" MEANS THE PROVISION OF PUBLIC EDUCATION AND RELATED AIDS AND SERVICES THAT ARE DESIGNED TO MEET THE INDIVIDUAL EDUCATIONAL NEEDS OF A QUALIFIED STUDENT WITH A DISABILITY AS ADEQUATELY AS THE NEEDS OF A STUDENT WITHOUT A DISABILITY AND ARE BASED ON ADHERENCE TO PROCEDURES THAT SATISFY THE REQUIREMENTS OF THIS ARTICLE 29.5.

(3) "DAYS" MEANS CALENDAR DAYS.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

(5) "DISABILITY" MEANS A PHYSICAL OR MENTAL IMPAIRMENT THAT SUBSTANTIALLY LIMITS ONE OR MORE MAJOR LIFE ACTIVITIES, A RECORD OF SUCH AN IMPAIRMENT, OR BEING REGARDED AS HAVING SUCH AN IMPAIRMENT.

(6) "FACILITIES" MEANS ALL OR ANY PORTION OF BUILDINGS, STRUCTURES, EQUIPMENT, ROADS, WALKS, PARKING LOTS, OR OTHER REAL OR PERSONAL PROPERTY OR INTERESTS IN SUCH PROPERTY.

(7) "FREE EDUCATION" MEANS THE PROVISION OF EDUCATIONAL AND RELATED SERVICES WITHOUT COST TO A QUALIFIED STUDENT WITH A DISABILITY OR TO THE STUDENT'S PARENT OR GUARDIAN, EXCEPT FOR THE FEES THAT ARE IMPOSED ON STUDENTS WITHOUT A DISABILITY OR THEIR PARENT OR GUARDIAN. A FREE EDUCATION MAY CONSIST OF EITHER THE PROVISION OF FREE SERVICES THROUGH A PROGRAM OPERATED BY A LOCAL EDUCATION PROVIDER OR THE LOCAL EDUCATION PROVIDER PLACING A STUDENT WITH A DISABILITY OR REFERRING THE STUDENT FOR AID, BENEFITS, OR SERVICES NOT OPERATED OR PROVIDED BY THE LOCAL EDUCATION PROVIDER AS ITS MEANS OF CARRYING OUT THE REQUIREMENTS OF THIS ARTICLE 29.5 FOR PAYMENT OF THE COSTS OF THE AID, BENEFITS, OR SERVICES. FUNDS AVAILABLE FROM ANY PUBLIC OR PRIVATE AGENCY MAY BE USED TO MEET THE REQUIREMENTS OF THIS ARTICLE 29.5. NOTHING IN THIS SECTION SHALL BE CONSTRUCTED TO RELIEVE AN INSURER OR SIMILAR THIRD PARTY FROM AN OTHERWISE VALID OBLIGATION TO PROVIDE OR PAY FOR SERVICES TO A QUALIFIED STUDENT WITH A DISABILITY.

(8) "INDIVIDUALIZED EDUCATION PROGRAM" OR "IEP" HAS THE MEANING SET FORTH IN SECTION 22-20-103 (15).

(9) "INDIVIDUALS WITH DISABILITIES EDUCATION ACT" OR "IDEA" MEANS THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ.

(10) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, THE STATE CHARTER SCHOOL INSTITUTE ESTABLISHED IN SECTION 22-30.5-503, A STATE-OPERATED PROGRAM, AS DEFINED IN SECTION 22-20-103, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS; EXCEPT THAT, FOR MATTERS INVOLVING THE PROVISION OF A FREE EDUCATION TO A QUALIFIED STUDENT WITH A DISABILITY, "LOCAL EDUCATION PROVIDER" HAS THE SAME MEANING AS "ADMINISTRATIVE UNIT" AS DEFINED IN SECTION 22-20-103 (1) FOR THE PURPOSES OF THIS ARTICLE 29.5.

(11) "PARENT" HAS THE MEANING IN SECTION 22-20-103 (19.7).

(12) "QUALIFIED STUDENT WITH A DISABILITY" MEANS A STUDENT WHO HAS A DISABILITY AND WHO IS ENTITLED TO A FREE PUBLIC EDUCATION PURSUANT TO SECTION 22-33-103.

(13) "SECTION 504" MEANS SECTION 504 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 794 ET SEQ.

(14) "SECTION 504 PLAN" MEANS A PLAN MADE PURSUANT TO SECTION 504 THAT PROVIDES ACCOMMODATIONS, SERVICES, AND OTHER SUPPORT FOR A QUALIFIED STUDENT WITH A DISABILITY.

22-29.5-103. Discrimination prohibited.

(1) NO QUALIFIED STUDENT WITH A DISABILITY SHALL, ON THE BASIS OF DISABILITY, BE EXCLUDED FROM PARTICIPATION IN, DENIED THE BENEFITS OF, OR OTHERWISE SUBJECTED TO DISCRIMINATION UNDER ANY PROGRAM, SERVICE, OR ACTIVITY BY A LOCAL EDUCATION PROVIDER.

(2) A LOCAL EDUCATION PROVIDER, IN PROVIDING ANY AID, BENEFIT, OR SERVICE, MAY NOT, DIRECTLY OR THROUGH CONTRACTUAL, LICENSING, OR OTHER ARRANGEMENTS, BASED ON DISABILITY:

(a) DENY A QUALIFIED STUDENT WITH A DISABILITY THE OPPORTUNITY TO PARTICIPATE IN OR BENEFIT FROM THE AID, BENEFIT, OR SERVICE;

(b) AFFORD A QUALIFIED STUDENT WITH A DISABILITY AN OPPORTUNITY TO PARTICIPATE IN OR BENEFIT FROM THE AID, BENEFIT, OR SERVICE THAT IS NOT EQUAL TO THAT AFFORDED TO OTHERS;

(c) PROVIDE A QUALIFIED STUDENT WITH A DISABILITY WITH AN AID, BENEFIT, OR SERVICE THAT IS NOT AS EFFECTIVE AS THAT PROVIDED TO OTHERS;

(d) PROVIDE DIFFERENT OR SEPARATE AID, BENEFITS, OR SERVICES TO A QUALIFIED STUDENT WITH A DISABILITY OR TO ANY CLASS OF QUALIFIED STUDENTS WITH A DISABILITY UNLESS SUCH ACTION IS NECESSARY TO PROVIDE A QUALIFIED

STUDENT WITH A DISABILITY WITH AIDS, BENEFITS, OR SERVICES THAT ARE AS EFFECTIVE AS THOSE PROVIDED TO OTHERS;

(e) AID OR PERPETUATE DISCRIMINATION AGAINST A QUALIFIED STUDENT WITH A DISABILITY BY PROVIDING SIGNIFICANT ASSISTANCE TO AN AGENCY, ORGANIZATION, OR PERSON THAT DISCRIMINATES ON THE BASIS OF DISABILITY IN PROVIDING ANY AID, BENEFIT, OR SERVICE TO BENEFICIARIES OF THE LOCAL EDUCATION PROVIDER'S EDUCATIONAL PROGRAM OR ACTIVITY; OR

(f) OTHERWISE LIMIT A QUALIFIED STUDENT WITH A DISABILITY IN THE ENJOYMENT OF ANY RIGHT, PRIVILEGE, ADVANTAGE, OR OPPORTUNITY ENJOYED BY OTHERS RECEIVING AN EDUCATIONAL AID, BENEFIT, OR SERVICE.

(3) FOR PURPOSES OF THIS ARTICLE 29.5, AN AID, BENEFIT, OR SERVICE, TO BE EQUALLY EFFECTIVE, IS NOT REQUIRED TO PRODUCE THE IDENTICAL RESULT OR LEVEL OF ACHIEVEMENT FOR QUALIFIED STUDENTS WITH A DISABILITY AND STUDENTS WITHOUT A DISABILITY, BUT MUST AFFORD A QUALIFIED STUDENT WITH A DISABILITY EQUAL OPPORTUNITY TO OBTAIN THE SAME RESULT, TO GAIN THE SAME BENEFIT, OR TO REACH THE SAME LEVEL OF ACHIEVEMENT IN THE MOST INTEGRATED SETTING APPROPRIATE TO THE STUDENT'S NEEDS.

(4) DESPITE THE EXISTENCE OF SEPARATE OR DIFFERENT AIDS, BENEFITS, OR SERVICES PROVIDED IN ACCORDANCE WITH THIS TITLE 22, A LOCAL EDUCATION PROVIDER MAY NOT DENY A QUALIFIED STUDENT WITH A DISABILITY THE OPPORTUNITY TO PARTICIPATE IN SUCH AIDS, BENEFITS, OR SERVICES THAT ARE NOT SEPARATE OR DIFFERENT.

(5) A LOCAL EDUCATION PROVIDER SHALL NOT, DIRECTLY OR THROUGH CONTRACTUAL OR OTHER ARRANGEMENTS, USE CRITERIA OR METHODS OF ADMINISTRATION THAT:

(a) HAVE THE EFFECT OF SUBJECTING A QUALIFIED STUDENT WITH A DISABILITY TO DISCRIMINATION ON THE BASIS OF THEIR DISABILITY;

(b) HAVE THE PURPOSE OR EFFECT OF DEFEATING OR SUBSTANTIALLY IMPAIRING THE ACCOMPLISHMENT OF THE OBJECTIVES OF THE LOCAL EDUCATION PROVIDER'S PROGRAM OR ACTIVITY WITH RESPECT TO A QUALIFIED STUDENT WITH A DISABILITY; OR

(c) PERPETUATE THE DISCRIMINATION OF ANOTHER LOCAL EDUCATION PROVIDER IF BOTH LOCAL EDUCATION PROVIDERS ARE SUBJECT TO COMMON ADMINISTRATIVE CONTROL OR ARE AGENCIES OF THE STATE.

(6) IN DETERMINING THE SITE OR LOCATION OF A FACILITY, A LOCAL EDUCATION PROVIDER SHALL NOT MAKE SELECTIONS THAT:

(a) HAVE THE EFFECT OF EXCLUDING A QUALIFIED STUDENT WITH A DISABILITY FROM A FACILITY OR DENYING A QUALIFIED STUDENT WITH A DISABILITY THE BENEFITS OF A FACILITY, OR OTHERWISE SUBJECTING A QUALIFIED STUDENT WITH A DISABILITY TO DISCRIMINATION; OR

(b) HAVE THE PURPOSE OR EFFECT OF DEFEATING OR SUBSTANTIALLY IMPAIRING THE ACCOMPLISHMENT OF THE OBJECTIVES OF THE PROGRAM OR ACTIVITY WITH RESPECT TO A QUALIFIED STUDENT WITH A DISABILITY.

(7) A LOCAL EDUCATION PROVIDER SHALL CONDUCT EVALUATIONS AND REEVALUATIONS OF A STUDENT IN THE STUDENT'S PRIMARY LANGUAGE. A LOCAL EDUCATION PROVIDER SHALL COMMUNICATE WITH A PARENT WITH LIMITED ENGLISH PROFICIENCY IN A MANNER THAT PROVIDES THE PARENT WITH MEANINGFUL ACCESS TO INFORMATION THAT IS PROVIDED TO OTHER PARENTS, INCLUDING INFORMATION ABOUT PROGRAMS, SERVICES, AND ACTIVITIES.

22-29.5-104. Grievance process - coordinator - training.

(1) A LOCAL EDUCATION PROVIDER SHALL:

(a) ADOPT A GRIEVANCE PROCESS THAT INCORPORATES APPROPRIATE DUE PROCESS STANDARDS AND PROVIDES FOR THE PROMPT AND EQUITABLE RESOLUTION OF COMPLAINTS ALLEGING ANY ACTION PROHIBITED BY SECTION 504, WHICH MAY BE SATISFIED BY ADOPTING A SECTION 504 GRIEVANCE PROCESS THAT FULFILLS THE REQUIREMENTS OF 34 CFR 104.7. THE LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO APPLY ITS GRIEVANCE PROCEDURE TO ALLEGATIONS RELATED TO THE IDENTIFICATION, EVALUATION, PLACEMENT, OR PROVISION OF FREE EDUCATION PURSUANT TO AN IEP.

(b) DESIGNATE AT LEAST ONE RESPONSIBLE EMPLOYEE TO OVERSEE COMPLIANCE WITH THIS ARTICLE 29.5 AND SERVE AS A POINT OF CONTACT FOR STUDENTS, PARENTS, THE DEPARTMENT, AND THIRD PARTIES SUBJECT TO THE FOLLOWING:

(I) THE RESPONSIBLE EMPLOYEE MUST RECEIVE TRAINING ABOUT HOW TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE 29.5, INCLUDING CREATING INCLUSIVE AND RESPECTFUL ENVIRONMENTS FOR STUDENTS WITH DISABILITIES, DISABILITY RIGHTS, AND THE DISABILITY RIGHTS GRIEVANCE PROCESS WITHIN SIXTY DAYS OF BEING DESIGNATED;

(II) IN ADDITION TO OVERSEEING COMPLIANCE WITH THIS ARTICLE 29.5 AND SERVING AS A POINT OF CONTACT FOR STUDENTS, PARENTS, AND THIRD PARTIES WHO HAVE QUESTIONS OR CONCERNS ABOUT THE REQUIREMENTS OF THIS ARTICLE 29.5, THE RESPONSIBLE EMPLOYEE MAY ALSO SERVE AS THE RESPONSIBLE EMPLOYEE REQUIRED BY 34 CFR 104.7 (a); AND

(III) A LOCAL EDUCATION PROVIDER SHALL PROVIDE THE RESPONSIBLE EMPLOYEE WITH THE NECESSARY TIME, RESOURCES, AND AUTHORITY TO FULFILL THE OBLIGATIONS SET FORTH IN THIS ARTICLE 29.5;

(c) PROVIDE INITIAL AND CONTINUING NOTIFICATION TO STUDENTS AND PARENTS THAT THE LOCAL EDUCATION PROVIDER MUST NOT DISCRIMINATE ON THE BASIS OF DISABILITY. THE NOTIFICATION SHALL INCLUDE THE NAME, TITLE, PHONE NUMBER, AND EMAIL ADDRESS OF THE RESPONSIBLE EMPLOYEE DESIGNATED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION. A LOCAL EDUCATION PROVIDER SHALL PROVIDE THE INITIAL NOTIFICATION REQUIRED BY THIS SUBSECTION (1)(c) ON OR BEFORE APRIL 1, 2027. METHODS OF INITIAL AND CONTINUING NOTIFICATION

INCLUDE THE PUBLIC POSTING OF HARD-COPY NOTICES IN SCHOOLS AND IN THE CENTRAL OFFICE BUILDING OF A SCHOOL; INCLUSION IN STUDENT AND EMPLOYEE HANDBOOKS; INCLUSION IN NEWSLETTERS, MASS EMAILS, AND INFORMATION SENT HOME TO PARENTS; PLACEMENT OF NOTICES IN THE LOCAL EDUCATION PROVIDER'S PUBLICATIONS AND ONLINE MATERIALS, INCLUDING THE LOCAL EDUCATION PROVIDER'S WEBSITE AND SOCIAL MEDIA; OR DISTRIBUTION OF MEMORANDA OR OTHER WRITTEN COMMUNICATIONS. THIS NOTICE REQUIREMENT MAY BE MET IN CONJUNCTION WITH ANY NOTICE REQUIRED BY 34 CFR 104.8, OR 28 CFR 35.106.

(d) TRAIN RELEVANT STAFF ANNUALLY ABOUT THE ESSENTIAL REQUIREMENTS OF THIS ARTICLE 29.5. FOR PURPOSES OF THIS SECTION, "RELEVANT STAFF" INCLUDES THE EMPLOYEE DESIGNATED PURSUANT TO THIS SECTION, AT LEAST ONE ADMINISTRATOR OR DESIGNEE FROM EACH EDUCATIONAL BUILDING ON THE LOCAL EDUCATION PROVIDER'S PREMISES, AND AT LEAST ONE OTHER STAFF REGULARLY INVOLVED WITH DEVELOPING, IMPLEMENTING, AND COORDINATING PLANS IN ACCORDANCE WITH THIS ARTICLE 29.5. IF A LOCAL EDUCATION PROVIDER HAS A BUILDING-SPECIFIC COORDINATOR RESPONSIBLE FOR COMPLIANCE WITH SECTION 504 AND THIS ARTICLE 29.5, THAT INDIVIDUAL MAY ATTEND THE TRAINING INSTEAD OF A BUILDING ADMINISTRATOR.

22-29.5-105. Reasonable accommodations.

(1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, A LOCAL EDUCATION PROVIDER SHALL MAKE A REASONABLE ACCOMMODATION TO A POLICY, PRACTICE, OR PROCEDURE WHEN THE ACCOMMODATION IS NECESSARY TO AVOID DISCRIMINATING AGAINST A QUALIFIED STUDENT WITH A DISABILITY ON THE BASIS OF DISABILITY, UNLESS THE LOCAL EDUCATION PROVIDER CAN DEMONSTRATE THAT MAKING THE REASONABLE ACCOMMODATION WOULD FUNDAMENTALLY ALTER THE NATURE OF THE SERVICE, PROGRAM, OR ACTIVITY COVERED BY THE POLICY, PRACTICE, OR PROCEDURE, OR CAUSE AN UNDUE FINANCIAL OR ADMINISTRATIVE BURDEN ON THE LOCAL EDUCATION PROVIDER.

(2) A LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO MAKE A REASONABLE ACCOMMODATION TO A POLICY, PRACTICE, OR PROCEDURE TO AVOID DISCRIMINATING AGAINST AN INDIVIDUAL WHO IS ONLY REGARDED AS HAVING A DISABILITY PURSUANT TO THE ADA.

(3) A LOCAL EDUCATION PROVIDER SHALL PROVIDE REASONABLE ACCOMMODATIONS TO A PARENT WITH A DISABILITY, INCLUDING A COMMUNICATION-RELATED DISABILITY, WHO IS SEEKING APPROPRIATE ACCESS TO PROGRAMS OR ACTIVITIES FOR PARENTS IN RELATION TO THAT PARENT'S CHILD. COMMUNICATION-RELATED DISABILITY ACCOMMODATIONS MUST BE CONSISTENT WITH THE STANDARDS STATED IN SECTION 22-29.5-106.

(4) A LOCAL EDUCATION PROVIDER MUST PROVIDE INTERPRETATION AND TRANSLATION SERVICES FOR COMMUNICATION WITH A PARENT WITH LIMITED ENGLISH PROFICIENCY.

22-29.5-106. Effective communication.

(1) A LOCAL EDUCATION PROVIDER SHALL ENSURE THAT COMMUNICATION WITH A QUALIFIED STUDENT WITH A DISABILITY IS AS EFFECTIVE AS COMMUNICATION WITH A STUDENT WITHOUT A DISABILITY.

(2) A LOCAL EDUCATION PROVIDER SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD A QUALIFIED STUDENT WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY OF THE LOCAL EDUCATION PROVIDER.

(3) THE TYPE OF AUXILIARY AID OR SERVICE NECESSARY TO ENSURE EFFECTIVE COMMUNICATION WITH A QUALIFIED STUDENT WITH A DISABILITY MAY VARY IN ACCORDANCE WITH THE:

(a) METHOD OF COMMUNICATION USED BY THE QUALIFIED STUDENT WITH A DISABILITY;

(b) NATURE, LENGTH, AND COMPLEXITY OF THE INVOLVED COMMUNICATION; AND

(c) CONTEXT IN WHICH THE COMMUNICATION IS TAKING PLACE.

(4) IN DETERMINING WHAT TYPES OF AUXILIARY AIDS AND SERVICES ARE NECESSARY TO ENSURE EFFECTIVE COMMUNICATION WITH A QUALIFIED STUDENT WITH A DISABILITY, A LOCAL EDUCATION PROVIDER SHALL GIVE PRIMARY CONSIDERATION TO THE REQUEST OF OR ON BEHALF OF A QUALIFIED STUDENT WITH A DISABILITY. TO BE EFFECTIVE, AN AUXILIARY AID OR SERVICE MUST BE PROVIDED IN A FORMAT THAT IS ACCESSIBLE TO A QUALIFIED STUDENT WITH A DISABILITY, IN A TIMELY MANNER, AND IN SUCH A WAY AS TO PROTECT THE PRIVACY AND INDEPENDENCE OF THE QUALIFIED STUDENT WITH A DISABILITY.

(5) (a) A LOCAL EDUCATION PROVIDER SHALL NOT REQUIRE A QUALIFIED STUDENT WITH A DISABILITY TO PROVIDE AN INTERPRETER.

(b) A LOCAL EDUCATION PROVIDER SHALL NOT RELY ON AN ADULT ACCOMPANYING A QUALIFIED STUDENT WITH A DISABILITY TO INTERPRET OR FACILITATE COMMUNICATION, EXCEPT:

(I) IN AN EMERGENCY INVOLVING AN IMMINENT THREAT TO THE SAFETY OR WELFARE OF AN INDIVIDUAL OR THE PUBLIC AND NO INTERPRETER IS AVAILABLE; OR

(II) WHEN THE QUALIFIED STUDENT WITH A DISABILITY SPECIFICALLY REQUESTS THAT THE ACCOMPANYING ADULT INTERPRET OR FACILITATE COMMUNICATION, THE ACCOMPANYING ADULT AGREES TO PROVIDE SUCH ASSISTANCE, AND RELIANCE ON THAT ADULT FOR SUCH ASSISTANCE IS APPROPRIATE UNDER THE CIRCUMSTANCES.

(c) A LOCAL EDUCATION PROVIDER SHALL NOT RELY ON A MINOR TO INTERPRET OR FACILITATE COMMUNICATION, EXCEPT IN AN EMERGENCY INVOLVING AN IMMINENT THREAT TO THE SAFETY OR WELFARE OF AN INDIVIDUAL OR THE PUBLIC AND NO INTERPRETER IS AVAILABLE.

22-29.5-107. Physical accessibility - definition.

NO QUALIFIED STUDENT WITH A DISABILITY MAY BE DENIED THE BENEFITS OF, BE EXCLUDED FROM PARTICIPATION IN, OR OTHERWISE BE SUBJECTED TO DISCRIMINATION UNDER A LOCAL EDUCATION PROVIDER'S PROGRAMS OR ACTIVITIES BECAUSE THE LOCAL EDUCATION PROVIDER'S FACILITIES ARE INACCESSIBLE TO OR CANNOT BE ACCESSED SAFELY BY PERSONS WITH DISABILITIES. IN IMPLEMENTING THIS SECTION, LOCAL EDUCATION PROVIDERS MAY REFER TO THE SECTION 504 REGULATIONS AT SUBPART C, THE ADA REGULATIONS AT SUBPART D, AND ACCESSIBILITY STANDARDS SUCH AS THE UNIFORM FEDERAL ACCESSIBILITY STANDARDS, THE 1991 ADA STANDARDS FOR ACCESSIBLE DESIGN, AND THE 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN.

22-29.5-108. Free and appropriate public education.

(1)(a) A LOCAL EDUCATION PROVIDER SHALL PROVIDE A FREE AND APPROPRIATE PUBLIC EDUCATION TO EACH QUALIFIED STUDENT WITH A DISABILITY WHO IS IN THE LOCAL EDUCATION PROVIDER'S JURISDICTION, REGARDLESS OF THE NATURE OR SEVERITY OF THE STUDENT'S DISABILITY.

(b) IMPLEMENTATION OF AN IEP DEVELOPED IN ACCORDANCE WITH THE IDEA IS ONE WAY OF MEETING THE INDIVIDUAL EDUCATIONAL NEEDS OF A STUDENT WITH A DISABILITY AS ADEQUATELY AS THE NEEDS OF A STUDENT WITHOUT A DISABILITY ARE MET.

(2) A LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A QUALIFIED STUDENT WITH A DISABILITY WITHIN THAT LOCAL EDUCATION PROVIDER'S JURISDICTION RECEIVES AN APPROPRIATE EDUCATION EVEN IF THE STUDENT IS PLACED OR REFERRED TO A PROGRAM, AID, BENEFIT, OR SERVICE OTHER THAN ONE OPERATED BY THE LOCAL EDUCATION PROVIDER.

(3) A FREE EDUCATION MAY CONSIST OF EITHER THE PROVISION OF FREE SERVICES OR PAYMENT TO A THIRD PARTY IF THE LOCAL EDUCATION PROVIDER PLACES A QUALIFIED STUDENT WITH A DISABILITY IN A PROGRAM OTHER THAN ONE OPERATED BY THE LOCAL EDUCATION PROVIDER.

(4) IF A LOCAL EDUCATION PROVIDER PLACES A QUALIFIED STUDENT WITH A DISABILITY OR REFERS SUCH STUDENT FOR AID, BENEFITS, OR SERVICES AT A FACILITY NOT OPERATED OR PROVIDED BY THE LOCAL EDUCATION PROVIDER AS A MEANS OF PROVIDING A FREE AND APPROPRIATE PUBLIC EDUCATION, THE REFERRING LOCAL EDUCATION PROVIDER SHALL ENSURE THAT THE QUALIFIED STUDENT WITH A DISABILITY HAS ADEQUATE TRANSPORTATION TO AND FROM THE FACILITY WHERE THE AID, BENEFITS, OR SERVICES ARE PROVIDED. THE TRANSPORTATION MUST BE PROVIDED AT NO GREATER COST THAN WOULD BE INCURRED BY THE QUALIFIED STUDENT WITH A DISABILITY OR THEIR PARENT IF THE STUDENT RECEIVED THE AID, BENEFITS, OR SERVICES FROM THE REFERRING LOCAL EDUCATION PROVIDER.

(5) IF IT IS NECESSARY FOR A QUALIFIED STUDENT WITH A DISABILITY TO BE PLACED IN A PUBLIC OR PRIVATE RESIDENTIAL FACILITY TO PROVIDE THE STUDENT WITH A FREE AND APPROPRIATE PUBLIC EDUCATION, AS DETERMINED BY A SECTION 504 TEAM OR IEP TEAM, THE PLACEMENT, INCLUDING NONMEDICAL CARE AND ROOM AND BOARD, SHALL BE PROVIDED AT NO COST TO THE STUDENT OR THEIR PARENTS OR GUARDIANS.

(6) IF A LOCAL EDUCATION PROVIDER HAS MADE AVAILABLE A FREE AND APPROPRIATE PUBLIC EDUCATION TO A QUALIFIED STUDENT WITH A DISABILITY PURSUANT TO THIS SECTION AND THE STUDENT'S PARENTS OR GUARDIANS CHOOSE TO PLACE THE STUDENT IN A PRIVATE SCHOOL, THE LOCAL EDUCATION PROVIDER IS NOT REQUIRED TO PAY FOR THE STUDENT'S EDUCATION IN THE PRIVATE SCHOOL.

22-29.5-109. Least restrictive environment - academic settings - nonacademic settings - comparable facilities.

(1) A LOCAL EDUCATION PROVIDER SHALL PROVIDE A FREE AND APPROPRIATE PUBLIC EDUCATION TO EACH QUALIFIED STUDENT WITH A DISABILITY WITHIN ITS JURISDICTION WITH STUDENTS WITHOUT DISABILITIES TO THE MAXIMUM EXTENT APPROPRIATE BASED ON THE NEEDS OF THE QUALIFIED STUDENT WITH A DISABILITY. A LOCAL EDUCATION PROVIDER SHALL PLACE A QUALIFIED STUDENT WITH A DISABILITY IN THE REGULAR EDUCATIONAL ENVIRONMENT OPERATED BY THE LOCAL EDUCATION PROVIDER UNLESS IT IS DEMONSTRATED THAT THE EDUCATION OF THE STUDENT IN THAT ENVIRONMENT CANNOT BE ACHIEVED SATISFACTORILY, EVEN WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES. WHENEVER A LOCAL EDUCATION PROVIDER PLACES A STUDENT IN A SETTING OTHER THAN THE REGULAR EDUCATIONAL ENVIRONMENT PURSUANT TO THIS SUBSECTION (1), IT SHALL CONSIDER THE PROXIMITY OF THE ALTERNATE SETTING TO THE STUDENT'S HOME.

(2) IN PROVIDING OR ARRANGING FOR THE PROVISION OF NONACADEMIC SERVICES AND ACTIVITIES, INCLUDING MEALS, SPECIALS, RECESS PERIODS, AND EXTRACURRICULAR ACTIVITIES, A LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A QUALIFIED STUDENT WITH A DISABILITY PARTICIPATES IN SUCH ACTIVITIES AND SERVICES WITH STUDENTS WITHOUT DISABILITIES TO THE MAXIMUM EXTENT APPROPRIATE BASED ON THE NEEDS OF THE QUALIFIED STUDENT WITH A DISABILITY.

(3) IF A LOCAL EDUCATION PROVIDER, IN COMPLIANCE WITH SUBSECTION (1) OF THIS SECTION, OPERATES A FACILITY THAT IS IDENTIFIABLE AS BEING FOR STUDENTS WITH DISABILITIES, THE LOCAL EDUCATION PROVIDER SHALL ENSURE THE FACILITY AND THE SERVICES AND ACTIVITIES PROVIDED THEREIN ARE COMPARABLE TO THE FACILITIES, SERVICES, AND ACTIVITIES OF THE LOCAL EDUCATION PROVIDER.

22-29.5-110. Nonacademic and extracurricular services and activities - counseling services - physical education - athletics.

(1) A LOCAL EDUCATION PROVIDER SHALL PROVIDE NONACADEMIC AND EXTRACURRICULAR SERVICES AND ACTIVITIES IN SUCH A MANNER AS IS NECESSARY TO AFFORD A QUALIFIED STUDENT WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN THE SERVICES AND ACTIVITIES. NONACADEMIC AND EXTRACURRICULAR SERVICES AND ACTIVITIES INCLUDE COUNSELING SERVICES, TRANSPORTATION, HEALTH SERVICES, ATHLETICS, COURSES, SPECIAL INTEREST GROUPS OR CLUBS, REFERRALS, AND EMPLOYMENT OF STUDENTS.

(2) A LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A QUALIFIED STUDENT WITH A DISABILITY IS NOT COUNSELED TOWARD MORE RESTRICTIVE CAREER OBJECTIVES THAN ARE STUDENTS WITHOUT DISABILITIES WITH SIMILAR INTERESTS AND ABILITIES.

(3) A LOCAL EDUCATION PROVIDER THAT PROVIDES SEPARATE OR DIFFERENT PHYSICAL EDUCATION AND ATHLETIC ACTIVITIES TO STUDENTS WITH DISABILITIES MAY DO SO ONLY IF CONSISTENT WITH THE LEAST RESTRICTIVE ENVIRONMENT REQUIREMENTS IN SECTION 22-29.5-109 AND ONLY IF A QUALIFIED STUDENT WITH A DISABILITY IS NOT DENIED THE OPPORTUNITY TO COMPETE FOR ATHLETIC TEAMS OR TO PARTICIPATE IN ATHLETICS COURSES THAT ARE NOT SEPARATE OR DIFFERENT FROM THOSE TEAMS OR COURSES OFFERED TO STUDENTS WITHOUT DISABILITIES. COMPETITIVE OR SELECTIVE PROGRAMS MAY REQUIRE A SELECTION PROCESS IF THE PROGRAM CRITERIA IS NOT DISCRIMINATORY.

22-29.5-111. Evaluation - consent - procedure - reevaluation.

(1) AT LEAST ANNUALLY, A LOCAL EDUCATION PROVIDER MUST TAKE APPROPRIATE STEPS TO IDENTIFY AND LOCATE EVERY QUALIFIED STUDENT WITH A DISABILITY WHO RESIDES IN THE LOCAL EDUCATION PROVIDER'S JURISDICTION AND WHO IS NOT RECEIVING A PUBLIC EDUCATION AND TAKE APPROPRIATE STEPS TO NOTIFY THEIR PARENT OF THE LOCAL EDUCATION PROVIDER'S DUTY TO IDENTIFY AND LOCATE THE STUDENT IN ACCORDANCE WITH THIS SECTION.

(2) PRIOR TO EVALUATING A STUDENT UNDER THIS SECTION, A LOCAL EDUCATION PROVIDER SHALL NOTIFY THE STUDENT'S PARENT OF THE PROPOSED EVALUATION AND OBTAIN CONSENT FROM THE PARENT TO EVALUATE THE STUDENT.

(3) IF A STUDENT'S PARENT CONSENTS TO AN EVALUATION PURSUANT TO SUBSECTION (2) OF THIS SECTION, A LOCAL EDUCATION PROVIDER SHALL CONDUCT AN EVALUATION OF ANY STUDENT WHO IS, OR WHO IS BELIEVED TO BE, A QUALIFIED STUDENT WITH A DISABILITY TO DETERMINE IF THE STUDENT IS A QUALIFIED STUDENT WITH A DISABILITY.

(4) A LOCAL EDUCATION PROVIDER SHALL ESTABLISH AND COMPLY WITH STANDARDS AND PROCEDURES FOR EVALUATIONS THAT ARE CONSISTENT WITH THE REQUIREMENTS OF THIS SECTION AND SHALL ENSURE THAT:

(a) TESTS AND OTHER EVALUATION MATERIALS HAVE BEEN VALIDATED FOR THE SPECIFIC PURPOSE FOR WHICH THEY ARE USED AND ARE ADMINISTERED BY TRAINED PERSONNEL IN CONFORMANCE WITH THE INSTRUCTIONS PROVIDED BY THEIR PRODUCER;

(b) TESTS AND OTHER EVALUATION MATERIALS INCLUDE THOSE CRITERIA TAILORED TO ASSESS SPECIFIC AREAS OF EDUCATIONAL NEED AND NOT MERELY THOSE WHICH ARE DESIGNED TO PROVIDE A SINGLE GENERAL INTELLIGENCE QUOTIENT; AND

(c) TESTS ARE SELECTED AND ADMINISTERED TO BEST ENSURE THAT, WHEN A TEST IS ADMINISTERED TO A STUDENT WITH IMPAIRED SENSORY, MANUAL, OR SPEAKING SKILLS, THE TEST RESULTS ACCURATELY REFLECT THE STUDENT'S APTITUDE OR ACHIEVEMENT LEVEL OR OTHER FACTOR THAT THE TEST PURPORTS TO MEASURE, RATHER THAN REFLECTING THE STUDENT'S IMPAIRED SENSORY, MANUAL, OR SPEAKING SKILLS, EXCEPT WHERE THOSE SKILLS ARE THE FACTORS THAT THE TEST PURPORTS TO MEASURE.

(5) IN INTERPRETING EVALUATION DATA AND IN MAKING PLACEMENT DECISIONS, A LOCAL EDUCATION PROVIDER SHALL:

(a) DRAW UPON INFORMATION FROM A VARIETY OF SOURCES, INCLUDING APTITUDE AND ACHIEVEMENT TESTS, TEACHER RECOMMENDATIONS, PHYSICAL CONDITION, SOCIAL OR CULTURAL BACKGROUND, AND ADAPTIVE BEHAVIOR;

(b) ENSURE THAT INFORMATION OBTAINED FROM ALL SUCH SOURCES IS DOCUMENTED AND CAREFULLY CONSIDERED;

(c) ENSURE THAT THE ELIGIBILITY DETERMINATION AND PLACEMENT DECISION IS MADE BY A GROUP OF PERSONS THAT ARE KNOWLEDGEABLE ABOUT THE CHILD, THE MEANING OF THE EVALUATION DATA, AND THE PLACEMENT OPTIONS; AND

(d) ENSURE THAT THE PLACEMENT DECISION IS MADE IN CONFORMITY WITH THE LEAST RESTRICTIVE ENVIRONMENT PROVISIONS IN SECTION 22-29.5-109.

(6) FOR STUDENTS IDENTIFIED AS ELIGIBLE PURSUANT TO THIS ARTICLE 29.5, LOCAL EDUCATION PROVIDERS SHALL CONDUCT REEVALUATIONS AT LEAST EVERY THREE YEARS. CONSENT FROM A PARENT IS NOT REQUIRED FOR A REEVALUATION.

(7) A LOCAL EDUCATION PROVIDER MAY SATISFY THE EVALUATION REQUIREMENTS IF:

(a) THE LOCAL EDUCATION PROVIDER COMPLIES WITH THE PROCEDURAL REQUIREMENTS SPECIFIED IN SECTION 22-29.5-112; AND

(b) A GROUP OF KNOWLEDGEABLE PEOPLE, BASED ON EXISTING EVALUATION DATA, DETERMINE THE STUDENT'S ELIGIBILITY AND PLACEMENT, INCLUDING THE SERVICES AND ACCOMMODATIONS THE STUDENT NEEDS, AND THE LOCAL EDUCATION PROVIDER AND PARENT AGREE.

22-29.5-112. Procedural safeguards.

A LOCAL EDUCATION PROVIDER SHALL ESTABLISH AND IMPLEMENT, WITH RESPECT TO ACTIONS REGARDING THE IDENTIFICATION, EVALUATION, OR EDUCATIONAL PLACEMENT OF A STUDENT WHO MAY HAVE A DISABILITY, A SYSTEM OF PROCEDURAL SAFEGUARDS THAT INCLUDES NOTICE OF THE PROPOSED IDENTIFICATION, EVALUATION DETERMINATION, OR EDUCATIONAL PLACEMENT DECISION, AN OPPORTUNITY FOR A PARENT OF THE STUDENT TO EXAMINE RELEVANT RECORDS, AN IMPARTIAL HEARING WITH OPPORTUNITY FOR PARTICIPATION BY THE STUDENT'S PARENT AND REPRESENTATION BY LEGAL COUNSEL, AND AN OPPORTUNITY TO APPEAL AN IMPARTIAL HEARING OUTCOME. COMPLIANCE WITH THE PROCEDURAL SAFEGUARDS OF THE IDEA IS ONE MEANS OF MEETING THIS REQUIREMENT.

22-29.5-113. Harassment.

(1) A LOCAL EDUCATION PROVIDER SHALL ENSURE THAT A QUALIFIED STUDENT WITH A DISABILITY IS FREE FROM HARASSMENT THAT CREATES A HOSTILE ENVIRONMENT. A "HOSTILE ENVIRONMENT" INCLUDES AN ENVIRONMENT THAT

INTERFERES WITH OR LIMITS THE STUDENT'S ABILITY TO PARTICIPATE IN OR BENEFIT FROM THE LOCAL EDUCATION PROVIDER'S SERVICES, ACTIVITIES, OR OPPORTUNITIES.

(2) WHEN A LOCAL EDUCATION PROVIDER KNOWS OR REASONABLY SHOULD KNOW OF POSSIBLE DISABILITY-BASED HARASSMENT, IT MUST TAKE IMMEDIATE AND APPROPRIATE ACTION TO INVESTIGATE OR OTHERWISE DETERMINE WHAT OCCURRED.

(3) IF THE INVESTIGATION REQUIRED BY SUBSECTION (2) OF THIS SECTION REVEALS THAT DISABILITY-BASED HARASSMENT IS SUFFICIENTLY SERIOUS TO CREATE A HOSTILE ENVIRONMENT, THE LOCAL EDUCATION PROVIDER MUST TAKE PROMPT AND EFFECTIVE STEPS REASONABLY CALCULATED TO END THE DISABILITY-BASED HARASSMENT, ELIMINATE THE HOSTILE ENVIRONMENT, PREVENT HARASSMENT AND A HOSTILE ENVIRONMENT FROM RECURRING, AND, AS APPROPRIATE, REMEDY THE HOSTILE ENVIRONMENT'S EFFECTS.

(4) HARASSMENT ON ANY BASIS MAY ALSO IMPACT A QUALIFIED STUDENT WITH A DISABILITY'S RECEIPT OF A FREE AND APPROPRIATE PUBLIC EDUCATION, IN WHICH CASE THE EFFECTS OF HARASSMENT, EVEN IF NOT BASED ON DISABILITY, MUST BE ADDRESSED BY THE STUDENT'S SECTION 504 TEAM OR IEP TEAM.

22-29.5-114. Training - technical assistance - enforcement - allegation - complaint - dismissal - corrective action - exhaustion of administrative remedies.

(1) THE DEPARTMENT MAY PROVIDE TRAINING AND TECHNICAL ASSISTANCE TO LOCAL EDUCATION PROVIDERS ABOUT THE REQUIREMENTS OF THIS ARTICLE 29.5.

(2) THE DEPARTMENT HAS THE AUTHORITY TO INVESTIGATE AND RESOLVE COMPLAINTS OF ALLEGED VIOLATIONS OF THIS ARTICLE 29.5 AND THE AUTHORITY TO MONITOR THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS ARTICLE 29.5. THIS ARTICLE 29.5 DOES NOT CREATE NEW AUTHORITY FOR MATTERS INVOLVING THE IDENTIFICATION, EVALUATION, PLACEMENT, OR PROVISION OF A FREE EDUCATION PURSUANT TO AN IEP.

(3) A COMPLAINANT MUST ALLEGE VIOLATIONS THAT OCCURRED WITHIN ONE CALENDAR YEAR BEFORE THE DATE THE COMPLAINT IS FILED WITH THE DEPARTMENT, OR WITHIN SIXTY DAYS FOLLOWING RESOLUTION OR TERMINATION OF THE PROCESS DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(4) THE COLORADO CIVIL RIGHTS DIVISION SHALL NOT HAVE JURISDICTION OVER ALLEGATIONS OR COMPLAINTS THAT FALL WITHIN THE SCOPE OF THIS ARTICLE 29.5. THE COLORADO CIVIL RIGHTS DIVISION SHALL ESTABLISH A SYSTEM TO ENSURE SUCH ALLEGATIONS OR COMPLAINTS ARE REFERRED TO THE DEPARTMENT WITHIN TEN DAYS OF RECEIVING AN ALLEGATION OR COMPLAINT.

(5) THE DEPARTMENT SHALL DISMISS AN ALLEGATION IN A COMPLAINT, OR THE ENTIRE COMPLAINT, IF:

(a) (I) THE ALLEGATION, ON ITS FACE OR AS CLARIFIED, FAILS TO STATE A VIOLATION OF THIS ARTICLE 29.5, WHEN THE ALLEGATION, ON ITS FACE OR AS CLARIFIED, LACKS SUFFICIENT FACTUAL DETAIL, OR WHEN THE ALLEGATION IS SO

SPECULATIVE, CONCLUSORY, OR INCOHERENT, THAT THE DEPARTMENT CANNOT REASONABLY INFER THAT A VIOLATION OF THIS ARTICLE 29.5 OCCURRED OR MAY BE OCCURRING; OR

(II) PRIOR TO DISMISSING AN ALLEGATION OR COMPLAINT FOR ONE OF THE REASONS SPECIFIED IN SUBSECTION (5)(a)(I) OF THIS SECTION, THE DEPARTMENT MAY REQUEST FROM THE COMPLAINANT INFORMATION TO FURTHER ASSESS WHETHER THE ALLEGATION OR COMPLAINT SHOULD BE DISMISSED FOR A REASON SPECIFIED IN SUBSECTION (5)(a)(I) OF THIS SECTION. THE COMPLAINANT HAS FOURTEEN DAYS FROM THE DATE OF THE DEPARTMENT'S REQUEST TO PROVIDE THE REQUESTED INFORMATION. THE DEPARTMENT MAY DISMISS AN ALLEGATION OR THE COMPLAINT IF THE INFORMATION IS NOT RECEIVED WITHIN FOURTEEN DAYS OF THE DEPARTMENT'S REQUEST, IF THE INFORMATION DOES NOT ESTABLISH JURISDICTION, OR IF THE INFORMATION DOES NOT SUFFICIENTLY ADDRESS THE FACTORS IN SUBSECTION (5)(a)(I) OF THIS SECTION, IN THE DEPARTMENT'S DISCRETION.

(b) BASED ON ALL OF THE FACTS PROVIDED BY THE COMPLAINANT, THE DEPARTMENT CANNOT REASONABLY CONCLUDE THE LOCAL EDUCATION PROVIDER HAS VIOLATED THIS ARTICLE 29.5;

(c) THE ALLEGATION OR COMPLAINT IS NOT TIMELY FILED WITH THE DEPARTMENT;

(d) THE COMPLAINT IS FILED AGAINST A PERSON OR ENTITY THAT IS NOT A LOCAL EDUCATION PROVIDER;

(e) THE DEATH OF THE COMPLAINANT MAKES IT IMPOSSIBLE TO FULLY INVESTIGATE THE ALLEGATION;

(f) THE DEATH OF THE COMPLAINANT FORECLOSES THE POSSIBILITY OF INDIVIDUAL RELIEF;

(g) THE SAME OR SIMILAR ALLEGATION OR COMPLAINT HAS BEEN FILED WITH OR IS BEING INVESTIGATED BY ANOTHER AGENCY, INCLUDING THE DEPARTMENT'S DISPUTE RESOLUTION OFFICE OR THROUGH THE LOCAL EDUCATION PROVIDER'S INTERNAL GRIEVANCE PROCESS. A COMPLAINANT MAY FILE OR REFILE AN ALLEGATION OR COMPLAINT WITH THE DEPARTMENT WITHIN SIXTY DAYS AFTER THE TERMINATION OF THE DEPARTMENT'S DISPUTE RESOLUTION OFFICE'S PROCESS OR THE LOCAL EDUCATION PROVIDER'S INTERNAL GRIEVANCE PROCESS. THE DEPARTMENT SHALL REVIEW WHETHER THE OTHER AGENCY'S PROCESS MET ACCEPTABLE LEGAL STANDARDS OR MAY CHOOSE TO INVESTIGATE ON ITS OWN.

(h) THE SAME OR SIMILAR ALLEGATION OR COMPLAINT, BASED ON THE SAME FACTS, HAS ALREADY BEEN RESOLVED BY THE DEPARTMENT, ANOTHER AGENCY, OR THROUGH THE DISTRICT'S INTERNAL GRIEVANCE PROCESS, USING ACCEPTABLE LEGAL STANDARDS;

(i) THE SAME OR SIMILAR ALLEGATION OR COMPLAINT, BASED ON THE SAME FACTS, HAS ALREADY BEEN FILED IN STATE OR FEDERAL COURT. IF THE COURT CASE ENDS WITHOUT A DECISION ON THE MERITS OR A SETTLEMENT, THE COMPLAINT MAY BE FILED OR REFILED WITH THE DEPARTMENT WITHIN SIXTY DAYS OF THE END OF THE COURT CASE. FOR PURPOSES OF THIS SECTION, A DISMISSAL WITH PREJUDICE IS

CONSIDERED A DECISION ON THE MERITS AND A DISMISSAL WITHOUT PREJUDICE IS NOT A DECISION ON THE MERITS.

(j) THE DEPARTMENT OBTAINS CREDIBLE INFORMATION INDICATING THAT THE ALLEGATION OR COMPLAINT IS RESOLVED AND THEREFORE NO LONGER APPROPRIATE FOR INVESTIGATION PURSUANT TO THIS ARTICLE 29.5;

(k) A COMPLAINT IS FILED AGAINST A LOCAL EDUCATION PROVIDER THAT RAISES THE SAME OR SIMILAR ALLEGATION BASED ON THE SAME FACTS AGAINST THE SAME LOCAL EDUCATION PROVIDER THAT WAS PREVIOUSLY DISMISSED OR CLOSED BY THE DEPARTMENT;

(l) THE DEPARTMENT RECENTLY INVESTIGATED OR IS CURRENTLY INVESTIGATING THE SAME OR SIMILAR ALLEGATION BASED ON THE SAME FACTS INVOLVING THE SAME LOCAL EDUCATION PROVIDER;

(m) THE COMPLAINANT WITHDRAWS THE COMPLAINT CONTAINING THE ALLEGATION; OR

(n) THE ALLEGATION OR COMPLAINT IS MOOT OR UNRIPE.

(6) (a) THE DEPARTMENT MAY DISMISS AN ALLEGATION OR COMPLAINT IF:

(I) THE DEPARTMENT'S ABILITY TO COMPLETE AN INVESTIGATION IS SUBSTANTIALLY IMPAIRED BY THE COMPLAINANT'S REFUSAL TO PROVIDE INFORMATION THAT IS REASONABLY ACCESSIBLE TO THE COMPLAINANT AND IS NECESSARY FOR INVESTIGATION OF THE COMPLAINT. THE DEPARTMENT SHALL INCLUDE DOCUMENTATION IN THE CASE FILE OF ITS EFFORTS TO CONTACT THE COMPLAINANT BY PHONE, IN WRITING, OR VIA EMAIL TO REQUEST THE NECESSARY INFORMATION AND OF THE COMPLAINANT'S REFUSAL TO PROVIDE THE INFORMATION.

(II) THE DEPARTMENT'S ABILITY TO COMPLETE AN INVESTIGATION IS SUBSTANTIALLY IMPAIRED BY THE COMPLAINANT'S FAILURE TO TIMELY RESPOND TO THE DEPARTMENT'S COMMUNICATIONS. THE DEPARTMENT SHALL INCLUDE DOCUMENTATION IN THE CASE FILE OF ITS UNSUCCESSFUL EFFORTS TO CONTACT THE COMPLAINANT BY PHONE OR IN WRITING TO REQUEST THE NECESSARY INFORMATION.

(III) THE ALLEGATION OR COMPLAINT ALLEGES A VIOLATION FOR WHICH NO RELIEF IS AVAILABLE.

(b) THE DEPARTMENT HAS THE SOLE DISCRETION TO DETERMINE WHETHER DISMISSAL CRITERIA ARE MET.

(7) THE DEPARTMENT HAS THE AUTHORITY TO ENFORCE DECISIONS ISSUED PURSUANT TO THIS SECTION AND REQUIRE A LOCAL EDUCATION PROVIDER TO TAKE CORRECTIVE ACTION IF THERE IS A FINDING OF NONCOMPLIANCE WITH THIS ARTICLE 29.5. IN DETERMINING WHETHER A LOCAL EDUCATION PROVIDER HAS COMPLIED WITH THIS ARTICLE 29.5, THE DEPARTMENT MAY RELY ON INTERPRETATIONS BY FEDERAL COURTS AND AGENCIES OF SECTION 504 AND THE ADA. A LOCAL EDUCATION PROVIDER SHALL CORRECT ITS NONCOMPLIANCE WITH THIS ARTICLE 29.5

AS SOON AS POSSIBLE AND WITHIN A REASONABLE TIME FRAME THAT IS SPECIFIED BY THE DEPARTMENT IN AN ORDER.

(8) NO LATER THAN DECEMBER 31, 2026, THE STATE BOARD OF EDUCATION MAY ADOPT RULES TO ESTABLISH THE DEFINITION OF ANY TERM NOT SPECIFICALLY DEFINED IN THIS ARTICLE 29.5; UNIFORM AND TIMELY METHODS OF COMPLAINT RESOLUTION, INCLUDING RULES PROVIDING FOR THE PROCESS OF FILING A COMPLAINT, WHETHER VOLUNTARY MEDIATION IS AVAILABLE, OR ANY OTHER RELIEF AVAILABLE PRIOR TO THE CONCLUSION OF A FINDING OF NONCOMPLIANCE; AND WHETHER WRITTEN CONSENT TO INVESTIGATE AN ALLEGATION IS REQUIRED. COMPLAINTS MAY BE FILED BY A PARENT, GUARDIAN, STUDENT, OR THIRD PARTY. A THIRD PARTY MAY ONLY FILE A COMPLAINT ALLEGING VIOLATIONS OF THIS ARTICLE 29.5 IF THE ALLEGATIONS ARE SYSTEMIC IN NATURE OR IF THE COMPLAINT IS ON BEHALF OF AN INDIVIDUAL STUDENT THE THIRD PARTY IS REPRESENTING AS AN ATTORNEY OR ADVOCATE. FOR THE COMPLAINT PROCESS, THE TIMELINE SHALL BE NO LONGER THAN ONE HUNDRED EIGHTY DAYS FROM THE DATE OF FILING TO THE DATE OF RESOLUTION, WITH THE ABILITY TO PAUSE THE TIMELINE FOR UP TO SIXTY DAYS PENDING ATTEMPTED RESOLUTION THROUGH OTHER METHODS, INCLUDING VOLUNTARY MEDIATION.

(9) (a) IF THE DEPARTMENT IS ACCEPTING COMPLAINTS, A PARENT, GUARDIAN, STUDENT, OR THIRD PARTY MAY FILE A COMPLAINT WITH THE DEPARTMENT ALLEGING A VIOLATION OF THIS ARTICLE 29.5 ONLY AFTER:

(I) PURSUING RESOLUTION OF THE SAME ALLEGATION THROUGH THE LOCAL EDUCATION PROVIDER'S DISABILITY RIGHTS GRIEVANCE PROCESS DESCRIBED IN SECTION 22-29.5-104; AND

(II) (A) THE LOCAL EDUCATION PROVIDER ISSUES A FINAL DECISION; OR

(B) THE LOCAL EDUCATION PROVIDER'S FINAL DECISION HAS NOT BEEN PROVIDED TO THE COMPLAINANT WITHIN SIXTY DAYS OF THE LOCAL EDUCATION PROVIDER'S RECEIPT OF THE COMPLAINT.

(b) (I) THE REQUIREMENTS OF SUBSECTION (9)(a) OF THIS SECTION MAY BE WAIVED BY THE DEPARTMENT IF:

(A) THE COMPLAINANT DEMONSTRATES THAT USING THE LOCAL EDUCATION PROVIDER'S DISABILITY RIGHTS GRIEVANCE PROCESS WOULD BE FUTILE OR LIKELY CAUSE IRREPARABLE HARM TO THE STUDENT; OR

(B) THE LOCAL EDUCATION PROVIDER DOES NOT HAVE A PROMPT AND EQUITABLE OR READILY AVAILABLE DISABILITY RIGHTS GRIEVANCE PROCESS.

(II) FOR PURPOSES OF THIS ARTICLE 29.5, TO BE CONSIDERED FUTILE, THE COMPLAINANT MUST SHOW THAT PURSUING RESOLUTION WITH THE LOCAL EDUCATION PROVIDER WOULD BE POINTLESS OR INEFFECTIVE IN PROVIDING RELIEF. EXAMPLES WHERE FUTILITY MAY APPLY INCLUDE:

(A) THE LOCAL EDUCATION PROVIDER LACKS THE AUTHORITY TO GRANT THE RELIEF SOUGHT;

(B) THE LOCAL EDUCATION PROVIDER'S PROCESS IS BIASED OR UNFAIR, AND THUS UNLIKELY TO RESULT IN A FAIR OUTCOME; HOWEVER, THE COMPLAINT RECIPIENT AND THE ALLEGED DISCRIMINATORY ENTITY BOTH BEING THE LOCAL EDUCATION PROVIDER, ALONE, IS INSUFFICIENT TO DEMONSTRATE BIAS OR UNFAIRNESS;

(C) THERE IS A PATTERN OF THE LOCAL EDUCATION PROVIDER FAILING TO RESPOND IN A TIMELY OR APPROPRIATE MANNER TO COMPLAINTS; OR

(D) THE LOCAL EDUCATION PROVIDER HAS CLEARLY DEMONSTRATED UNWILLINGNESS TO COMPLY WITH OR PARTICIPATE IN THE PROCESS IN GOOD FAITH.

(10) NOTHING IN THIS ARTICLE 29.5 SHALL BE CONSTRUED TO AFFECT ANY ADMINISTRATIVE EXHAUSTION REQUIREMENTS OF FEDERAL LAW, INCLUDING THE IDEA AND SECTION 504.

(11) NO PUBLIC ENTITY SHALL ASSERT ANY PROVISION OF THIS ARTICLE 29.5 AS A DEFENSE TO A CLAIM BROUGHT PURSUANT TO FEDERAL LAW, INCLUDING PURSUANT TO THE IDEA AND SECTION 504.

22-29.5-114.5. Effective date - repeal of part - gifts, grants, and donations.

(1) THE DEPARTMENT MAY SEEK FUNDING FROM GIFTS, GRANTS, DONATIONS, AND OTHER AGREEMENTS FOR RESOURCES TO SUPPORT THE EXECUTION OF THE PROVISIONS OF SECTIONS 22-29.5-114 AND 22-29.5-115. THE DEPARTMENT MAY CONTRACT WITH THIRD PARTIES AND OTHER STATE AGENCIES TO SUPPORT THE EXECUTION OF THE PROVISIONS OF SECTIONS 22-29.5-114 AND 22-29.5-115.

(2) (a) SECTIONS 22-29.5-114 AND 22-29.5-115 WILL TAKE EFFECT IF THE DEPARTMENT RECEIVES SUFFICIENT FUNDING OR RESOURCES TO SUPPORT THE EXECUTION OF THE PROVISIONS OF SECTIONS 22-29.5-114 AND 22-29.5-115. THE COMMISSIONER OF THE DEPARTMENT SHALL NOTIFY THE REVISOR OF STATUTES IN WRITING OF THE DATE WHEN THE CONDITION SPECIFIED IN THIS SUBSECTION (2)(a) HAS OCCURRED BY EMAILING THE NOTICE TO REVISOROFSTATUTES.GA@COLEG.GOV. SECTIONS 22-29.5-114 AND 22-29.5-115 TAKE EFFECT UPON THE DATE IDENTIFIED IN THE NOTICE THAT THE CONDITION SPECIFIED IN THIS SUBSECTION (2)(a) HAS OCCURRED OR, IF THE NOTICE DOES NOT SPECIFY THAT DATE, UPON THE DATE OF THE NOTICE TO THE REVISOR OF STATUTES.

(b) SECTIONS 22-29.5-114, 22-29.5-115, AND THIS SECTION ARE REPEALED, EFFECTIVE JULY 1, 2028, IF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION HAS NOT NOTIFIED THE REVISOR OF STATUTES THAT THE CONDITION SPECIFIED IN SUBSECTION (2)(a) HAS OCCURRED BY JUNE 30, 2028.

22-29.5-115. Remedies.

(1) IF THE DEPARTMENT FINDS A VIOLATION OF THIS ARTICLE 29.5, IT MAY ORDER:

(a) AN AUDIT OF A LOCAL EDUCATION PROVIDER;

(b) THE ESTABLISHMENT OF CORRECTIVE ACTION PLANS TO BE FOLLOWED BY THE LOCAL EDUCATION PROVIDER;

(c) THAT COMPENSATORY SERVICES OR OTHER INDIVIDUAL REMEDIAL MEASURES BE PROVIDED BY THE LOCAL EDUCATION PROVIDER TO THE QUALIFIED STUDENT WITH A DISABILITY;

(d) TRAINING OF THE LOCAL EDUCATION PROVIDER'S STAFF;

(e) THE LOCAL EDUCATION PROVIDER TO ADOPT NEW OR REVISED POLICIES, PROCEDURES, RULES, AND FORMS;

(f) THE LOCAL EDUCATION PROVIDER TO PROVIDE OR REINSTATE SERVICES OR BENEFITS WRONGFULLY DENIED; AND

(g) ANY OTHER REMEDY NECESSARY, AS DETERMINED BY THE DEPARTMENT, TO REMEDY VIOLATIONS OF THIS ARTICLE 29.5 AND PROSPECTIVELY ENSURE COMPLIANCE.

(2) A LOCAL EDUCATION PROVIDER MAY CONTRACTUALLY DELEGATE ALL COMPLIANCE WITH THIS ARTICLE 29.5 TO ANOTHER LOCAL EDUCATION PROVIDER. NEITHER LOCAL EDUCATION PROVIDER MAY IMPEDE COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE 29.5, AND BOTH LOCAL EDUCATION PROVIDERS MUST COOPERATE WITH ANY COMPLAINT INVESTIGATION PURSUANT TO THIS ARTICLE 29.5.

(3) THE DEPARTMENT MAY MONITOR A LOCAL EDUCATION PROVIDER'S COMPLIANCE WITH THE DEPARTMENT'S ORDER FOR UP TO ONE YEAR AFTER THE FINDING OF A VIOLATION BY THE DEPARTMENT BY REQUIRING THE LOCAL EDUCATION PROVIDER TO IMPLEMENT A CORRECTIVE ACTION PLAN THAT WOULD REMEDY THE VIOLATION.

(4) (a) THE STATE BOARD OF EDUCATION MAY WITHHOLD STATE FUNDS FROM A LOCAL EDUCATION PROVIDER IF THE STATE BOARD OF EDUCATION DETERMINES THAT THE LOCAL EDUCATION PROVIDER HAS INTENTIONALLY VIOLATED THIS ARTICLE 29.5 AND DEMONSTRATED AN UNWILLINGNESS TO ENTER INTO A CORRECTIVE ACTION PLAN TO ADDRESS THE VIOLATION. PRIOR TO INITIATING THE PROCESS TO WITHHOLD FUNDS, THE STATE BOARD MUST PROVIDE WRITTEN NOTICE TO THE LOCAL EDUCATION PROVIDER OF THE VIOLATIONS OF THIS ARTICLE 29.5 AND THE CORRECTIVE ACTION REQUIRED. THE LOCAL EDUCATION PROVIDER MUST BE GIVEN SIXTY DAYS TO RESPOND TO THE NOTICE. A LOCAL EDUCATION PROVIDER MAY APPEAL A STATE BOARD DECISION TO WITHHOLD STATE FUNDS TO THE OFFICE OF ADMINISTRATIVE COURTS. THE STATE BOARD HAS THE BURDEN OF PROOF, BY A PREPONDERANCE OF THE EVIDENCE, TO ESTABLISH THE BASIS OF THE DECISION BEING APPEALED.

(b) NO LATER THAN DECEMBER 31, 2026, THE STATE BOARD OF EDUCATION SHALL ADOPT RULES THAT ESTABLISH PROCEDURES FOR THE WITHHOLDING OF FUNDS PURSUANT TO THIS ARTICLE 29.5.

22-29.5-116. Claim preclusion.

(1) IF AN INDIVIDUAL FILES A COMPLAINT WITH THE DEPARTMENT AND FILES A SUBSTANTIALLY SIMILAR COMPLAINT BASED ON THE SAME ALLEGED FACTS WITH THE

UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS OR THE UNITED STATES DEPARTMENT OF JUSTICE, THE DEPARTMENT MAY:

(a) DISMISS THE COMPLAINT IF THE INDIVIDUAL FILED THE COMPLAINT WITH THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS BEFORE FILING THE COMPLAINT WITH THE DEPARTMENT; OR

(b) NULLIFY, REVOKE, OR VOID ANY FINDINGS MADE OR REMEDIES PRESCRIBED IF THE INDIVIDUAL FILED THE COMPLAINT WITH THE UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS AFTER THE RESOLUTION OF THE COMPLAINT WITH THE DEPARTMENT.

(2) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE RIGHTS OF INDIVIDUALS TO PURSUE CLAIMS UNDER FEDERAL LAW OR OTHER STATE LAW.

22-29.5-117. Retaliation.

(1) A LOCAL EDUCATION PROVIDER SHALL NOT COERCE, INTIMIDATE, THREATEN, OR DISCRIMINATE AGAINST ANY INDIVIDUAL:

(a) FOR THE PURPOSE OF INTERFERING WITH ANY RIGHT OR PRIVILEGE SECURED BY THIS ARTICLE 29.5, THE IDEA, SECTION 504, THE ADA, THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, OR THE "PROTECTION OF STUDENTS FROM RESTRAINT AND SECLUSION ACT", ARTICLE 15.5 OF THIS TITLE 22;

(b) BECAUSE AN INDIVIDUAL MAKES OR HAS MADE, OR BECAUSE A LOCAL EDUCATION PROVIDER BELIEVES AN INDIVIDUAL HAS MADE OR WILL MAKE, A COMPLAINT UNDER THIS ARTICLE 29.5, THE IDEA, THE ADA, THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, OR THE "PROTECTION OF STUDENTS FROM RESTRAINT AND SECLUSION ACT", ARTICLE 15.5 OF THIS TITLE 22; OR

(c) BECAUSE AN INDIVIDUAL TESTIFIES, ASSISTS, OR PARTICIPATES IN ANY MANNER IN AN INVESTIGATION OR PROCEEDING REGARDING AN ALLEGATION OR COMPLAINT PURSUANT TO THIS ARTICLE 29.5, THE IDEA, THE ADA, THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, OR THE "PROTECTION OF STUDENTS FROM RESTRAINT AND SECLUSION ACT", ARTICLE 15.5 OF THIS TITLE 22.

(2) ALLEGATIONS OF COERCION, INTIMIDATION, THREATS, DISCRIMINATION, OR OTHER RETALIATION AS DESCRIBED IN THIS SECTION AGAINST ANY INDIVIDUAL MAY BE FILED WITH THE DEPARTMENT, AND THE DEPARTMENT SHALL PROCESS AND EVALUATE SUCH ALLEGATIONS PURSUANT TO THIS ARTICLE 29.5.

SECTION 2. 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: May 29, 2026