

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-0195.01 Alana Rosen x2606

HOUSE BILL 24-1063

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House Committees

Education
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A BILL FOR AN ACT

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

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 what constitutes an abbreviated school day and describes the effects of placing children with disabilities on abbreviated school day schedules (abbreviated schedule).

The bill requires the department of education (department) to create and implement a policy that explains the:

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.

SENATE
3rd Reading Unamended
May 2, 2024

SENATE
Amended 2nd Reading
May 1, 2024

HOUSE
3rd Reading Unamended
April 22, 2024

HOUSE
Amended 2nd Reading
April 20, 2024

- Definition of an abbreviated school day;
- Circumstances in which abbreviated schedules are permissible and impermissible;
- Roles of the teams who determine whether to assign children with disabilities to abbreviated schedules;
- Notice requirements that children with disabilities must not be excluded from field trips, school functions, and extracurricular activities due to abbreviated schedules;
- Documentation and maintenance of records relating to children with disabilities' abbreviated schedules;
- Review of abbreviated schedules on a regular basis by the teams who determine whether to assign children with disabilities to abbreviated schedules;
- Information that parents, legal guardians, or custodians of children with disabilities (parents) must receive regarding whether parents may consent to, revoke consent to, or oppose abbreviated schedules; and
- Procedural safeguard information distributed to parents prior to meetings in which abbreviated schedules are discussed.

Each administrative unit shall adopt the department's policy.

The department shall provide annual training and ongoing technical assistance to administrative units.

On or before July 1, 2026, and each July 1 thereafter, administrative units shall submit a report to the department summarizing:

- The number of children with disabilities who were placed on abbreviated schedules during the preceding school year;
- The number of days each child with disabilities was placed on an abbreviated schedule;
- 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 federal law, to the extent possible while maintaining student privacy; and
- The student demographic data collected, disaggregated by race, gender, English language learner status, and disability status pursuant to federal law, to the extent possible while maintaining student privacy.

The bill requires the department to post the reports to the department's website on an annual basis.

Beginning in January 2027, and in January every year thereafter, the department shall include as part of its presentation during its "SMART Act" hearing information concerning abbreviated schedules.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-20-122 as
3 follows:

4 **22-20-122. Abbreviated school days - report - rules - legislative**
5 **declaration - definitions.** (1) (a) THE GENERAL ASSEMBLY FINDS AND
6 DECLARES THAT:

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

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

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

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

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

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

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

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

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

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

26 (c) "SECTION 504 PLAN" MEANS A PLAN PURSUANT TO SECTION 504
27 OF THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET

1 SEQ., AS AMENDED, THAT PROVIDES GUIDANCE AND SUPPORT FOR A CHILD
2 WITH DISABILITIES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (VII) INFORMATION THAT PARENTS, LEGAL GUARDIANS, OR
27 CUSTODIANS OF CHILDREN WITH DISABILITIES MUST RECEIVE REGARDING

1 ABBREVIATED SCHOOL DAY SCHEDULES, WHICH MUST INFORM THE
2 PARENTS, LEGAL GUARDIANS, OR CUSTODIANS OF THEIR RIGHT TO
3 CONSENT TO, REVOKE CONSENT TO, OR OPPOSE THE ABBREVIATED SCHOOL
4 DAY SCHEDULE; AND

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

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

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

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

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

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

26 (6) (a) THE DEPARTMENT, THROUGH ITS GENERAL SUPERVISION
27 AND MONITORING RESPONSIBILITIES REQUIRED PURSUANT TO THE IDEA,

1 SHALL APPLY THE RELEVANT PROVISIONS OF THE IDEA TO ELIMINATE THE
2 FREQUENT AND LONG-TERM USE OF ABBREVIATED SCHOOL DAYS THAT
3 MAY CONSTITUTE THE DENIAL OF A FREE APPROPRIATE PUBLIC EDUCATION
4 FOR CHILDREN WITH DISABILITIES.

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

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

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

16 (9) (a) ON OR BEFORE JULY 1, 2026, AND EACH JULY 1
17 THEREAFTER, LOCAL EDUCATION PROVIDERS, AS DEFINED IN SECTION
18 22-16-103, SHALL SUBMIT A REPORT TO THE DEPARTMENT SUMMARIZING
19 THE FOLLOWING:

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

23 (II) THE NUMBER OF DAYS AND THE PERCENTAGE OF THE SCHOOL
24 YEAR THAT EACH CHILD WITH DISABILITIES WAS PLACED ON AN
25 ABBREVIATED SCHOOL DAY SCHEDULE;

26 (III) THE STUDENT DEMOGRAPHIC INFORMATION FOR EACH CHILD
27 WITH DISABILITIES PLACED ON AN ABBREVIATED SCHOOL DAY SCHEDULE,

1 INCLUDING RACE, GENDER, ENGLISH LANGUAGE LEARNER STATUS, AND
2 WHETHER THE CHILD HAS A DISABILITY PURSUANT TO SECTION 504 OR THE
3 IDEA, TO THE EXTENT POSSIBLE WHILE MAINTAINING STUDENT PRIVACY;
4 AND

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

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

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

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

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

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

26 **22-2-310. Data reporting - instructional hours - report.**

27 (1) (a) BY THE BEGINNING OF THE 2025-26 SCHOOL YEAR, THE

1 DEPARTMENT SHALL STANDARDIZE THE REPORTING METHOD THAT
2 SCHOOLS OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOLS, SCHOOL
3 DISTRICTS, INSTITUTE CHARTER SCHOOLS, AND THE STATE CHARTER
4 SCHOOL INSTITUTE USE TO COLLECT AND REPORT DATA CONCERNING:

- 5 (I) INSTRUCTIONAL HOURS;
- 6 (II) SCHOOL CALENDARS; AND
- 7 (III) THE NUMBER OF HOURS STUDENTS SPEND ON INSTRUCTIONAL
8 TIME DURING THE SCHOOL YEAR.

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

- 14 (I) DAYS OF INSTRUCTION FOR ELEMENTARY AND SECONDARY
15 SCHOOLS;
- 16 (II) INSTRUCTIONAL HOURS FOR ELEMENTARY AND SECONDARY
17 SCHOOLS;
- 18 (III) ESTIMATED NON-INSTRUCTIONAL HOURS, SCHOOL CLOSURES,
19 SNOW DAYS, AND TIME SPENT ON LUNCH AND PASSING BETWEEN CLASSES;
20 AND
- 21 (IV) THE NUMBER OF DAYS AND PERCENTAGE OF THE SCHOOL
22 YEAR STUDENTS WERE PLACED ON ABBREVIATED SCHOOL DAY SCHEDULES,
23 AS DEFINED IN SECTION 22-20-122.

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

27 **SECTION 3. Appropriation.** (1) For the 2024-25 state fiscal

1 year, \$250,108 is appropriated to the department of education. This
2 appropriation is from the general fund. To implement this act, the
3 department may use this appropriation as follows:

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

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

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