

## CHAPTER 176

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**HUMAN SERVICES - BEHAVIORAL HEALTH**

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**HOUSE BILL 18-1333**

BY REPRESENTATIVE(S) Young, Hamner, Rankin, Arndt, Becker K., Buckner, Herod, Michaelson Jenet, Pettersen, Rosenthal, Valdez;  
also SENATOR(S) Lambert, Lundberg, Moreno, Fields, Kefalas, Martinez Humenik, Merrifield, Tate, Todd, Williams A., Zenzinger.

**AN ACT**

**CONCERNING PART C CHILD FIND RESPONSIBILITIES OF STATE DEPARTMENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, 27-10.5-702, **add** (6.5) as follows:

**27-10.5-702. Definitions.** As used in this part 7, unless the context otherwise requires:

(6.5) "EARLY INTERVENTION EVALUATIONS" MEANS EVALUATIONS CONDUCTED PURSUANT TO THE EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS UNDER PART C OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ.

**SECTION 2.** In Colorado Revised Statutes, **add** 27-10.5-703.5 as follows:

**27-10.5-703.5. Child find from birth through two years of age - responsibilities - rules - interagency operating agreements - funding - report.**  
(1) (a) ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT SHALL ENTER INTO AN INTERAGENCY AGREEMENT, REFERRED TO IN THIS SECTION AS THE "AGREEMENT", WITH THE DEPARTMENT OF EDUCATION TO STUDY THE ADMINISTRATION OF EARLY INTERVENTION EVALUATIONS.

(b) THE AGREEMENT MUST INCLUDE A PROCESS FOR STUDYING THE FOLLOWING, IN RELATION TO CONDUCTING EARLY INTERVENTION EVALUATIONS:

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*Capital letters or bold & italic numbers indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(I) ESTABLISHING CLEAR LINES OF RESPONSIBILITY AND ACCOUNTABILITY USING CONTRACTS AND INTERAGENCY AGREEMENTS;

(II) NECESSARY REPORTING REQUIREMENTS AND REPORT-SHARING REQUIREMENTS, INCLUDING DEADLINES FOR REPORT-SHARING;

(III) A DESCRIPTION OF HOW FUNDING SHOULD BE ALLOCATED BETWEEN THE PARTIES TO THE AGREEMENT;

(IV) MONITORING OF PROGRAM COMPLIANCE AND AGREEMENT COMPLIANCE;

(V) EVALUATION TIMELINE REQUIREMENTS;

(VI) EVALUATION TOOLS;

(VII) THE LOCATION OF EVALUATIONS, INCLUDING A PILOT PROGRAM FOR IN-HOME EVALUATIONS;

(VIII) A PILOT PROGRAM FOR INTEGRATED SERVICES THAT ALLOWS FOR WRAP-AROUND SERVICES;

(IX) PRACTICES TO ENSURE MINIMAL DISRUPTION TO FAMILIES;

(X) DATA COLLECTION FROM LOCAL EDUCATION AGENCIES AND ENTITIES THAT CONDUCT EARLY INTERVENTION EVALUATIONS REGARDING ACTUAL COSTS ASSOCIATED WITH PART C EVALUATIONS AND EARLY INTERVENTION EVALUATIONS; AND

(XI) TRANSITION FOR PART C SERVICES IN THE DEPARTMENT TO PART B SERVICES IN THE DEPARTMENT OF EDUCATION, INCLUDING TIMELINES FOR THIS TRANSITION.

(c) THE EXECUTIVE DIRECTOR, IN CONSULTATION WITH THE COMMISSIONER OF EDUCATION, SHALL HIRE AN INDEPENDENT THIRD PARTY TO FACILITATE AND ASSIST THE DEPARTMENTS ENTERING INTO THE AGREEMENT.

(d) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(d)(II) OF THIS SECTION, ON OR BEFORE NOVEMBER 1, 2018, THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL REPORT TO THE JOINT BUDGET COMMITTEE ON THE AGREEMENT.

(II) IN THE EVENT THAT THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION DO NOT ENTER INTO THE AGREEMENT BY OCTOBER 1, 2018, THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL EACH SUBMIT ALTERNATIVE INTERAGENCY AGREEMENTS TO THE JOINT BUDGET COMMITTEE BY NOVEMBER 1, 2018, FROM WHICH THE JOINT BUDGET COMMITTEE SHALL SELECT AN INTERAGENCY AGREEMENT BEFORE THE BEGINNING OF THE SUCCEEDING CALENDAR YEAR.

(2) ON OR BEFORE JUNE 30, 2019, THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL REPORT TO THE JOINT BUDGET COMMITTEE CONCERNING THE AGREEMENT, INCLUDING RECOMMENDATIONS FOR THE ADMINISTRATION OF EARLY INTERVENTION EVALUATIONS.

**SECTION 3.** In Colorado Revised Statutes, 27-10.5-703, **amend** (3)(c) and (3)(d) as follows:

**27-10.5-703. Early intervention services - administration - duties of department - rules.** (3) In administering early intervention services, the department shall have and perform the following duties:

(c) To ensure eligibility determination for a child with disabilities from birth through two years of age, based in part on information received concerning the screening and evaluation performed by an ~~administrative unit pursuant to section 22-20-118, C.R.S.~~ ENTITY THAT CONDUCTS EARLY INTERVENTION EVALUATIONS;

(d) To ensure that an individualized family service plan is developed for infants and toddlers from birth through two years of age who are eligible for early intervention services. The IFSP shall be developed in compliance with part C REQUIREMENTS and in coordination with part C child find evaluations OR EARLY INTERVENTION EVALUATIONS where applicable, including the mandatory IFSP meeting at which the family receives information concerning the results of the ~~child find evaluation, performed by an administrative unit pursuant to section 22-20-118, C.R.S.~~ The initial IFSP shall be developed in collaboration with a representative from the ~~administrative unit~~ ENTITY that participated in the child's screening and evaluation, ~~performed pursuant to section 22-20-118, C.R.S.~~ The representative shall participate in the initial meeting for the development of the child's IFSP.

**SECTION 4.** In Colorado Revised Statutes, 27-10.5-704, **amend** (2) and (3) as follows:

**27-10.5-704. Child find - responsibilities - interagency operating agreements - rules.** (2) To facilitate the implementation of ~~part C child find activities~~ EARLY INTERVENTION EVALUATIONS that are the responsibility of the department pursuant to this part 7 and to implement an effective and collaborative system of early intervention services, the department shall enter into any necessary interagency operating agreements at the state level and ~~community-centered boards and other local agencies shall enter into any necessary interagency operating agreements at the local level.~~

(3) To facilitate the implementation of part C child find AND EARLY INTERVENTION EVALUATIONS, and the use of medicaid funds, the department and ~~community-centered boards~~ ENTITIES THAT CONDUCT EARLY INTERVENTION EVALUATIONS may, when appropriate, share information with the department of education, the department of health care policy and financing, or ~~administrative units~~ OTHER ENTITIES THAT CONDUCT EARLY INTERVENTION EVALUATIONS OR that offer child find services pursuant to section 22-20-118, ~~C.R.S.~~, so long as each department or local agency acts in compliance with the federal "Health Insurance Portability and Accountability Act of ~~1994~~ 1996", 42 U.S.C. sec. 1320d.

**SECTION 5.** In Colorado Revised Statutes, 27-10.5-706, **amend** (1) introductory portion and (1)(a) as follows:

**27-10.5-706. Coordinated system of payment for early intervention services - duties of departments.** (1) In order to implement the provisions of this part 7, the

department, as lead agency for part C, ~~child find~~; shall be responsible for the following, subject to available appropriations:

(a) Establishing an early intervention state plan for a statewide, comprehensive system of EARLY INTERVENTION EVALUATIONS AND early intervention services in accordance with part C child find;

**SECTION 6.** In Colorado Revised Statutes, 22-20-114, **repeal** (1)(a.5)(I) as follows:

**22-20-114. Funding of programs - legislative intent - definition.** (1) Subject to the provisions of subsection (3) of this section, for the 2005-06 budget year and each budget year thereafter, the total amount appropriated to the department for the payment of costs incurred by administrative units for the provision of special education programs shall be distributed to each administrative unit that provides educational services for children with disabilities as follows:

(a.5) (I) ~~For the 2007-08 budget year, two million two hundred thousand dollars to offset the costs incurred by administrative units in conducting child find activities pursuant to section 22-20-118 for children who are less than three years of age but not for children who are less than three years of age who are being reevaluated for services under part B of IDEA. The department shall allocate said moneys among administrative units based on the number of children less than three years of age who were evaluated in each administrative unit during the 2005-06 budget year and who are or may be eligible for early intervention services under part C of IDEA.~~

**SECTION 7.** In Colorado Revised Statutes, 22-20-118, **add** (1.5) as follows:

**22-20-118. Child find from birth through two years of age - responsibilities - rules - interagency operating agreements - funding.** (1.5) ON OR BEFORE OCTOBER 1, 2018, THE DEPARTMENT SHALL ENTER INTO AN INTERAGENCY AGREEMENT WITH THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 27-10.5-703.5.

**SECTION 8. Appropriation.** For the 2018-19 state fiscal year, \$15,000 is appropriated to the department of human services. This appropriation is from the general fund. To implement this act, the department may use this appropriation for contracting with an entity to facilitate an interagency agreement.

**SECTION 9. 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 30, 2018