

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 11, 2010  
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB10-1274 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 3, strike lines 23 through 27.

2 Strike pages 4 through 8 and substitute:

3 "SECTION 2. 19-1-115.5, Colorado Revised Statutes, is  
4 amended BY THE ADDITION OF THE FOLLOWING NEW  
5 SUBSECTIONS to read:

6 **19-1-115.5. Placement of children out of home - legislative**  
7 **declaration.** (4) (a) THE RESPONSIBLE STATE OR COUNTY DEPARTMENT  
8 OF HUMAN SERVICES SHALL PROVIDE WRITTEN OR ELECTRONIC  
9 NOTIFICATION TO THE CHILD WELFARE EDUCATION LIAISON DESIGNATED  
10 IN A SCHOOL DISTRICT PURSUANT TO SECTION 22-32-138 (2) (a), C.R.S.,  
11 OF THE PENDING ENROLLMENT IN A PUBLIC SCHOOL OF A STUDENT WHO:

12 (I) IS TRANSFERRING FROM A STATE-LICENSED DAY TREATMENT  
13 FACILITY, FACILITY SCHOOL, OR STATE HOSPITAL, AND HAS BEEN  
14 DETERMINED BY THE STATE-LICENSED DAY TREATMENT FACILITY,  
15 FACILITY SCHOOL, STATE HOSPITAL, OR THE COURT TO BE A RISK TO  
16 THEMSELVES OR THE COMMUNITY; AND

17 (II) IS TRANSFERRING TO A PUBLIC SCHOOL.

18 (b) THE NOTIFICATION SHALL ALSO INCLUDE AN INVITATION TO  
19 THE CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE IN THE

1 SCHOOL WHERE THE STUDENT WILL BE ENROLLING, AT LEAST TEN DAYS  
2 PRIOR TO THE STUDENT'S TRANSITION FROM THE STATE LICENSED DAY  
3 TREATMENT FACILITY, FACILITY SCHOOL, OR STATE HOSPITAL AND  
4 SUBSEQUENT ENROLLMENT IN A PUBLIC SCHOOL, TO PARTICIPATE IN THE  
5 DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE  
6 INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON  
7 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, EDUCATIONAL RECORDS  
8 FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF  
9 THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC  
10 SCHOOL SETTING THAT WOULD ASSIST THE SCHOOL DISTRICT IN MEETING  
11 THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. THE  
12 INFORMATION MAY INCLUDE A DESCRIPTION OF MENTAL HEALTH NEEDS  
13 WITH THE CONSENT OF A PARENT OR LEGAL GUARDIAN OR, IF THE STUDENT  
14 IS FIFTEEN YEARS OF AGE OR OLDER, THE STUDENT'S CONSENT.

15 (5) IF A CHANGE OF PUBLIC PLACEMENT IS REQUIRED FOR THE  
16 SAFETY OF THE IDENTIFIED STUDENT, THE RESPONSIBLE STATE OR COUNTY  
17 DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE INFORMATION TO THE  
18 CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION  
19 22-32-138 (2) (a), C.R.S., OF THE RECEIVING SCHOOL DISTRICT, CHARTER  
20 SCHOOL, OR INSTITUTE CHARTER SCHOOL AT LEAST FIVE BUSINESS DAYS  
21 FOLLOWING THE STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO  
22 THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT  
23 BE LIMITED TO, EDUCATIONAL RECORDS FROM THE TRANSFERRING  
24 EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S  
25 TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING  
26 THAT WOULD ASSIST THE DISTRICT IN MEETING THE STUDENT'S NEEDS AND  
27 ENSURING A SUCCESSFUL TRANSITION. THE INFORMATION MAY INCLUDE  
28 A DESCRIPTION OF MENTAL HEALTH NEEDS WITH THE CONSENT OF A  
29 PARENT OR LEGAL GUARDIAN OR, IF THE STUDENT IS FIFTEEN YEARS OR  
30 OLDER, THE STUDENT'S CONSENT.

31 (6) THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN SERVICES  
32 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE  
33 CHARTER SCHOOL SHALL WORK COOPERATIVELY TO ENSURE AN  
34 APPROPRIATE PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE  
35 PURSUANT TO THIS SECTION AND SECTIONS 22-20-108 AND 22-32-138,  
36 C.R.S., AS APPLICABLE.

37 (7) WITHIN THE CONFIDENTIALITY AND PRIVACY PARAMETERS OF  
38 STATE AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF  
39 HUMAN SERVICES OR THE SENDING SCHOOL DISTRICT, CHARTER SCHOOL,

1 OR INSTITUTE CHARTER SCHOOL SHALL PROVIDE INFORMATION ABOUT THE  
2 STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING AN  
3 APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

4 (8) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN  
5 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A  
6 MEMORANDUM OF UNDERSTANDING CONCERNING THE ENROLLMENT OF  
7 STUDENTS WHO MEET THE REQUIREMENTS OF SUBSECTION (4) OF THIS  
8 SECTION IN THE PUBLIC SCHOOL SYSTEM. THE MEMORANDUM OF  
9 UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

10 (a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND  
11 TO SHARING MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC  
12 ACHIEVEMENT DATA ABOUT STUDENTS, WITHIN THE PARAMETERS OF  
13 STATE AND FEDERAL LAW, BETWEEN SCHOOL DISTRICTS, CHARTER  
14 SCHOOLS, INSTITUTE CHARTER SCHOOLS, AND COUNTY DEPARTMENTS OF  
15 HUMAN SERVICES FOR THE PURPOSES OF COLLABORATION IN THE  
16 PLACEMENT OF A STUDENT PURSUANT TO THIS SECTION AND SECTION  
17 22-20-108, C.R.S., AND TO FACILITATE THE CREATION OF A TRANSITION  
18 PLAN FOR A STUDENT AND TO FACILITATE THE CREATION OF A TRANSITION  
19 PLAN FOR THE SUCCESS OF THE STUDENT WHILE BALANCING THE SAFETY  
20 OF THE STUDENTS AND STAFF IN THE SCHOOL COMMUNITY.

21 (b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA  
22 AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

23 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING  
24 DATA CONCERNING THE IMPLEMENTATION OF NOTIFICATIONS AND  
25 INVITATIONS REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION,  
26 THE NUMBER OF EMERGENCY CHANGE OF PLACEMENTS OCCURRING IN A  
27 CALENDAR YEAR, AND THE SHARING OF INFORMATION PURSUANT TO THIS  
28 SECTION;

29 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND  
30 COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTION  
31 19-1-115.5 AND SECTION 22-20-108, C.R.S.;

32 (e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA  
33 THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL  
34 ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN  
35 COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND  
36 REGULATIONS CONCERNING THE PRIVACY OF INFORMATION; AND

1 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL  
2 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION  
3 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT  
4 COULD BE UTILIZED FOR THIS PURPOSE.

5 (9) (a) NOTHING IN THE SECTION SHALL ALTER THE RIGHTS AND  
6 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION OR ANY LOCAL AGENCY  
7 CREATED PURSUANT TO TITLE 22, C.R.S.; 20 U.S.C. SEC. 1400 ET SEQ.; 29  
8 U.S.C. ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675 ET  
9 SEQ., AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO  
10 SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

11 (b) THE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES  
12 SHALL CEASE TO HAVE RESPONSIBILITIES FOR A STUDENT PURSUANT TO  
13 THIS SECTION WHEN THE STUDENT IS NO LONGER UNDER THE SUPERVISION  
14 AND MONITORING BY THE STATE OR COUNTY DEPARTMENT OF HUMAN  
15 SERVICES.

16 **SECTION 3.** Part 1 of article 2 of title 22, Colorado Revised  
17 Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
18 read:

19 **22-2-138. Department of education - out-of-home placement**  
20 **- commitment - school enrollment - memorandum of understanding.**

21 (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES  
22 AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM  
23 OF UNDERSTANDING CONCERNING THE ENROLLMENT OF STUDENTS IN THE  
24 PUBLIC SCHOOL SYSTEM. THE MEMORANDUM OF UNDERSTANDING SHALL  
25 INCLUDE, BUT NEED NOT BE LIMITED TO:

26 (a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND  
27 TO SHARING MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC  
28 ACHIEVEMENT DATA ABOUT STUDENTS, WITHIN THE PARAMETERS OF  
29 STATE AND FEDERAL LAW, BETWEEN SCHOOL DISTRICTS, CHARTER  
30 SCHOOLS, INSTITUTE CHARTER SCHOOLS, AND COUNTY DEPARTMENTS OF  
31 HUMAN SERVICES FOR THE PURPOSES OF COLLABORATION IN THE  
32 PLACEMENT OF STUDENTS PURSUANT TO THIS SECTION AND SECTION  
33 22-20-108, BETTER FACILITATION OF THE CREATION OF TRANSITION PLANS  
34 FOR STUDENTS, AND ENSURING THE SAFETY OF THE PEOPLE IN THE SCHOOL  
35 COMMUNITY;

1 (b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA  
2 AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

3 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING  
4 DATA CONCERNING THE IMPLEMENTATION OF THE NOTIFICATIONS AND  
5 INVITATION REQUIRED PURSUANT TO SECTION 19-1-115.5 (4) (a) AND (4)  
6 (b), C.R.S., THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A  
7 CALENDAR YEAR, AND THE SHARING OF INFORMATION UNDER THIS  
8 SECTION;

9 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND  
10 COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTION  
11 19-1-115.5, C.R.S. AND SECTION 22-20-108;

12 (e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA  
13 THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL  
14 ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN  
15 COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND  
16 REGULATIONS CONCERNING THE PRIVACY OF INFORMATION; AND

17 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL  
18 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION  
19 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT  
20 COULD BE UTILIZED FOR THIS PURPOSE.

21 (2) NOTHING IN THE SECTION SHALL ALTER THE RIGHTS AND  
22 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION OR ANY LOCAL AGENCY  
23 CREATED PURSUANT TO TITLE 22, C.R.S.; 20 U.S.C. SEC. 1400 ET SEQ.; 29  
24 U.S.C. ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675 ET  
25 SEQ., AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO  
26 SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

27 **SECTION 4.** 22-32-138 (2) (a), Colorado Revised Statutes, is  
28 amended to read:

29 **22-32-138. Out-of-home placement students - transfer**  
30 **procedures - absences - exemptions.** (2) (a) Each school district and  
31 the state charter school institute, created pursuant to section 22-30.5-503,  
32 shall designate an employee of the school district or the institute to act as  
33 the child welfare education liaison for the district or for state charter  
34 schools. In lieu of designating an employee, a school district or the state  
35 charter school institute may contract with an individual to act as the child

1 welfare education liaison. SCHOOL DISTRICTS AND THE STATE CHARTER  
2 SCHOOL INSTITUTE SHALL REPORT BY AUGUST 15, 2010, AND EACH  
3 AUGUST 15 THEREAFTER, THE NAME AND CONTACT INFORMATION OF THE  
4 CHILD WELFARE EDUCATION LIAISON TO THE STATE DEPARTMENT. THE  
5 STATE DEPARTMENT SHALL BE RESPONSIBLE FOR POSTING THAT  
6 INFORMATION ON THE STATE DEPARTMENT WEB SITE AND PROVIDING THE  
7 INFORMATION TO THE DEPARTMENT OF HUMAN SERVICES. The child  
8 welfare education liaison shall be responsible for working with child  
9 placement agencies, county departments, and the state department to  
10 facilitate the prompt and appropriate placement, transfer, and enrollment  
11 in school of students in out-of-home placement within the school district  
12 or who are enrolled or enrolling in institute charter schools. The specific  
13 duties of the child welfare education liaison shall include, but need not be  
14 limited to:

15 (I) Working with social workers from county departments,  
16 juvenile probation officers, and foster care parents to ensure the prompt  
17 school enrollment of students in out-of-home placement and the prompt  
18 transfer of their education information and records when students are  
19 required to change school enrollment due to changes in placement;

20 (II) Ensuring that the education information and records of a  
21 student in out-of-home placement are delivered to the student's new  
22 school within five school days after receiving a request for the transfer of  
23 the student's education information and records from a county department  
24 as required in subsection (3) of this section; AND

25 (III) RECEIVING THE REQUIRED NOTIFICATION AND INVITATION TO  
26 PARTICIPATE AND ACTUAL PARTICIPATION IN A TRANSITION PLANNING  
27 MEETING REGARDING THE ENROLLMENT IN A PUBLIC SCHOOL OF A  
28 STUDENT IN AN OUT-OF-HOME PLACEMENT PURSUANT TO SECTION  
29 22-2-138.

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

33 Page 1 of the printed bill, line 102, strike "JUVENILES" and substitute  
34 "STUDENTS".

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