

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

**REREVISED**

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

LLS NO. 23-0418.01 Alana Rosen x2606

**SENATE BILL 23-219**

**SENATE SPONSORSHIP**

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**Senate Committees**  
Appropriations

**House Committees**  
Appropriations

HOUSE  
3rd Reading Unamended  
April 6, 2023

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**A BILL FOR AN ACT**

101      **CONCERNING SERVICES TO SUPPORT STUDENTS ELIGIBLE TO ENROLL**  
102                    **IN FACILITY SCHOOLS, AND, IN CONNECTION THEREWITH,**  
103                    **MAKING AND REDUCING AN APPROPRIATION.**

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HOUSE  
2nd Reading Unamended  
April 5, 2023

**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/>.)*

SENATE  
3rd Reading Unamended  
March 30, 2023

**Joint Budget Committee.** Current law allows approved facility schools (approved schools) to include day treatment centers, residential child care facilities, facilities licensed by the department of human services, or hospitals licensed by the department of public health and environment. The bill creates the specialized day school as a type of

SENATE  
2nd Reading Unamended  
March 29, 2023

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.*

approved school. The facility schools board (board) shall promulgate rules for a facility to become authorized to operate as a specialized day school.

Current law requires the board to adopt accountability measures. The bill requires the board to adopt accountability and accreditation measures for approved schools. Beginning December 1, 2026, the state board of education shall begin accrediting approved schools based on recommendations of the board. The bill requires the board to create an accreditation outcome report for each approved school. The office of facility schools (office) must publish the reports annually.

The bill requires the department of education, department of human services, the department of health care policy and financing, and the department of public health and environment to collaborate and create an interagency resource guide to provide assistance to facilities that are pursuing licensing or authorization to operate as an approved school. The bill requires the state agencies to identify and recommend legislation and changes to each department's respective rules and administrative processes to facilitate licensing, authorization, and approval processes for facilities seeking to operate as approved schools.

The bill creates the shared operational services grant program (grant program) to award grants to eligible applicants to contract for 2 years with an organization that coordinates shared operational services. An approved school in conjunction with one or more schools may apply to the grant program for a grant to procure shared operational services that support schools, such as food services, janitorial services, shared office spaces, billing, technical assistance on medicaid services, technology, security, transportation, or purchasing. An organization that provides or coordinates services for approved schools or an agency that oversees approved schools may also apply to the grant program.

The bill creates the technical assistance center (center) in the office to provide technical assistance support to school districts and related administrative units, with a priority to serve rural and remote school districts and related administrative units. Beginning in the 2023-24 budget year, the center is required to assess the needs of school districts and related administrative units. Beginning in the 2024-25 budget year, the center shall provide technical assistance support to school districts and related administrative units and prioritize service to rural and remote school districts.

The bill creates additional responsibilities for the facility school work group (work group). The work group shall monitor the implementation of changes to the facility school system and educational services for students with exceptionally severe or specialized needs. The bill expands work group participation to include parents, guardians, and legal custodians of students with exceptionally severe or specialized needs and therapeutic facilities for students with exceptionally severe or

specialized needs that are not approved schools.

The bill requires the office to contract with a qualified third-party evaluator (evaluator) to evaluate and report whether the work group recommendations resulted in more effective services and better access to those services for students with exceptionally severe and specialized needs.

The bill requires the department of health care policy and financing to recommend a plan to provide guidance to approved schools on the eligibility standards required to request and receive medicaid reimbursement funding for therapeutic services to the maximum extent feasible.

The bill creates a new baseline funding model for approved schools. The bill requires reporting on the new baseline funding model for approved schools.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-2-401, **add** (4) as  
3 follows:

4 **22-2-401. Legislative declaration.** (4) (a) THE GENERAL  
5 ASSEMBLY FURTHER FINDS THAT THE NUMBER OF APPROVED FACILITY  
6 SCHOOLS AND PLACEMENTS OF STUDENTS IN FACILITY SCHOOLS IN  
7 COLORADO HAS SUBSTANTIALLY DECLINED DUE IN PART TO COUNTY  
8 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES AND OTHER STATE AND  
9 LOCAL AGENCIES REDUCING THE USE OF CONGREGATE CARE PLACEMENTS.  
10 HOWEVER, A SMALL PERCENTAGE OF STUDENTS WITH EXCEPTIONALLY  
11 SEVERE OR SPECIALIZED NEEDS, WHO MAY HAVE BEEN SERVED IN  
12 APPROVED FACILITY SCHOOLS IN THE PAST, STILL REQUIRE SPECIALIZED  
13 SERVICES BEYOND THE LEVEL AVAILABLE FROM THEIR SCHOOL DISTRICT  
14 OF RESIDENCE.

15 (b) THEREFORE, THE GENERAL ASSEMBLY FURTHER FINDS THAT IT  
16 IS IN THE BEST INTERESTS OF STUDENTS WITH EXCEPTIONALLY SEVERE OR  
17 SPECIALIZED NEEDS TO STABILIZE AND ENHANCE THE NUMBER OF

1 APPROVED FACILITY SCHOOL PLACEMENTS AND TO IMPROVE STUDENT  
2 SERVICES BY:

3 (I) PROVIDING ADEQUATE AND PREDICTABLE FUNDING FOR  
4 APPROVED FACILITY SCHOOLS;

5 (II) ESTABLISHING AN INTERAGENCY RESOURCE GUIDE FOR  
6 FACILITIES SEEKING LICENSURE OR AUTHORIZATION TO OPERATE AS  
7 APPROVED FACILITY SCHOOLS;

8 (III) REQUIRING STATE AGENCIES TO ESTABLISH CONSISTENT  
9 ADMINISTRATIVE PRACTICES TO LICENSE, AUTHORIZE, APPROVE, AND FUND  
10 APPROVED FACILITY SCHOOLS THAT MAY RESULT FROM THE DEVELOPMENT  
11 OF THE INTERAGENCY RESOURCE GUIDE DESCRIBED IN SUBSECTION  
12 (4)(b)(II) OF THIS SECTION;

13 (IV) ALLOWING STATE AGENCIES TO RECOMMEND CHANGES TO  
14 LAW, RULE, POLICY, AND PRACTICE BASED ON THE ESTABLISHMENT OF  
15 CONSISTENT ADMINISTRATIVE PRACTICES DESCRIBED IN SUBSECTION  
16 (4)(a)(III) OF THIS SECTION;

17 (V) REQUIRING THE DEPARTMENT OF HEALTH CARE POLICY AND  
18 FINANCING, IN CONSULTATION WITH THE WORK GROUP, TO RECOMMEND A  
19 PLAN TO PROVIDE GUIDANCE TO APPROVED FACILITY SCHOOLS ON THE  
20 ELIGIBILITY STANDARDS REQUIRED TO REQUEST AND RECEIVE MEDICAID  
21 REIMBURSEMENT FUNDING FOR THERAPEUTIC SERVICES TO THE MAXIMUM  
22 EXTENT POSSIBLE TO REDUCE RELIANCE ON SCHOOL DISTRICT REVENUE  
23 FOR THERAPEUTIC SERVICES;

24 (VI) AUTHORIZING THE FACILITY SCHOOLS BOARD TO AUTHORIZE  
25 A FACILITY TO OPERATE AS A SPECIALIZED DAY SCHOOL;

26 (VII) AUTHORIZING THE FACILITY SCHOOLS BOARD TO ADOPT  
27 ACCREDITATION MEASURES FOR APPROVED FACILITY SCHOOLS; AND

1 (VIII) EXPANDING TECHNICAL ASSISTANCE FOR SCHOOL DISTRICTS  
2 AND ADMINISTRATIVE UNITS, WITH A PRIORITY TO SERVE RURAL SCHOOL  
3 DISTRICTS, REMOTE SCHOOL DISTRICTS, OR SCHOOL DISTRICTS THAT FACE  
4 SIGNIFICANT OBSTACLES PROVIDING INTENSIVE SUPPORTS TO SERVE  
5 STUDENTS WITH EXCEPTIONALLY SEVERE OR SPECIALIZED NEEDS.

6 **SECTION 2.** In Colorado Revised Statutes, 22-2-402, **amend** (3);  
7 **repeal** (8); and **add** (3.9), (4.5), (5.5), and (7.5) as follows:

8 **22-2-402. Definitions.** As used in this part 4, unless the context  
9 otherwise requires:

10 (3) "Facility" means a day treatment center, residential child care  
11 facility or other facility licensed by the department of human services  
12 pursuant to section 26-6-905, ~~or~~ a hospital licensed by the department of  
13 public health and environment pursuant to section 25-1.5-103, OR A  
14 SPECIALIZED DAY SCHOOL AUTHORIZED BY THE OFFICE.

15 (3.9) "OFFICE" MEANS THE OFFICE OF FACILITY SCHOOLS CREATED  
16 WITHIN THE DEPARTMENT PURSUANT TO SECTION 22-2-403.

17 (4.5) "PUBLIC ENTITY" MEANS A PUBLIC ENTITY RESPONSIBLE FOR  
18 REFERRING STUDENTS TO OR PLACING STUDENTS IN OUT-OF-HOME, DAY  
19 TREATMENT, RESIDENTIAL TREATMENT, HOSPITAL, AND SPECIALIZED DAY  
20 SCHOOL PLACEMENTS WITH PROVIDERS.

21 (5.5) "SPECIALIZED DAY SCHOOL" MEANS A SCHOOL THAT SERVES  
22 STUDENTS WHO ARE REFERRED TO OR PLACED BY A PUBLIC ENTITY OR  
23 PLACED IN A SPECIALIZED DAY SCHOOL BY A HOSPITAL, HEALTH-CARE  
24 PROVIDER, BEHAVIORAL HEALTH PROVIDER, CASE MANAGEMENT SERVICE,  
25 COURT, DIVISION OF YOUTH SERVICES, SCHOOL DISTRICT, COUNTY  
26 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, OR OTHER STATE AGENCY  
27 BECAUSE THE STUDENTS' BEHAVIORAL AND EDUCATIONAL NEEDS ARE

1 BEYOND THE CAPACITY OF THE STUDENTS' CURRENT EDUCATIONAL  
2 PLACEMENT DUE TO THE SEVERITY OF THE STUDENTS' NEEDS OR THE  
3 REQUIREMENT FOR HIGHLY SPECIALIZED PROGRAMMING.

4 (7.5) "STUDENT WITH EXCEPTIONALLY SEVERE OR SPECIALIZED  
5 NEEDS" MEANS A STUDENT WITH EXCEPTIONALLY SEVERE OR SPECIALIZED  
6 NEEDS THAT A SCHOOL DISTRICT IS UNABLE TO SERVE ADEQUATELY  
7 WITHIN THE SCHOOL DISTRICT'S REGULAR OR SPECIALIZED EDUCATIONAL  
8 SERVICES.

9 (8) ~~"Unit" means the facility schools unit created within the~~  
10 ~~department pursuant to section 22-2-403.~~

11 **SECTION 3.** In Colorado Revised Statutes, **amend** 22-2-403 as  
12 follows:

13 **22-2-403. Office of facility schools - created.** (1) There is  
14 ~~hereby~~ created within the department the OFFICE OF facility schools. ~~unit.~~  
15 The head of the ~~unit shall be~~ OFFICE IS the director of facility schools and  
16 ~~shall be~~ IS appointed by the commissioner of education in accordance  
17 with section 13 of article XII of the state constitution.

18 (2) The OFFICE OF facility schools ~~unit~~ and the office of the  
19 director of facility schools exercise their powers and perform their duties  
20 and functions under the department, the commissioner of education, and  
21 the state board of education. The OFFICE OF facility schools ~~unit~~ and the  
22 office of the director of facility schools are **type 2** entities, as defined in  
23 section 24-1-105.

24 **SECTION 4.** In Colorado Revised Statutes, 22-2-404, **amend** (1)  
25 as follows:

26 **22-2-404. Facility schools board - created - membership.**  
27 (1) There is created the facility schools board to adopt curriculum

1 standards and set graduation requirements for facility schools and to  
2 collaborate with and advise the ~~unit~~ OFFICE. The facility schools board  
3 consists of seven members appointed by the state board as ~~provided~~ SET  
4 FORTH in this section. The state board shall appoint the initial members  
5 of the facility schools board on or before November 1, 2008. The facility  
6 schools board is a **type 1** entity, as defined in section 24-1-105, and  
7 exercises its powers and performs its duties and functions under the  
8 department of education.

9 **SECTION 5.** In Colorado Revised Statutes, 22-2-405, **amend** (1)  
10 introductory portion, (1)(a), and (2) introductory portion; and **add** (3), (4),  
11 and (5) as follows:

12 **22-2-405. Facility schools office - duties.** (1) In addition to any  
13 other duties that may be required by law, the ~~unit~~ OFFICE shall:

14 (a) Develop and maintain, as ~~provided~~ DESCRIBED in section  
15 22-2-407, the list of approved facility schools AND THE LIST OF APPROVED  
16 FACILITY SCHOOLS THAT RECEIVE ACCREDITATION;

17 (2) In complying with the duties specified in ~~paragraph (d) of~~  
18 ~~subsection (1)~~ SUBSECTION (1)(d) of this section, the ~~unit~~ OFFICE shall:

19 (3) THE OFFICE SHALL CREATE, MAINTAIN, AND ANNUALLY  
20 PUBLISH:

21 (a) THE ACCREDITATION OUTCOME REPORTS THAT THE OFFICE  
22 DEVELOPS FOR EACH APPROVED FACILITY SCHOOL PURSUANT TO SECTION  
23 22-2-406 (4)(c) ON THE OFFICE'S PUBLIC WEBSITE; AND

24 (b) A LIST OF INDEPENDENT NATIONAL ACCREDITATION  
25 ORGANIZATIONS THAT ARE APPROVED BY THE FACILITY SCHOOLS BOARD  
26 PURSUANT TO 22-2-406 (4)(c).

27 (4) (a) THE OFFICE SHALL CONTRACT WITH A QUALIFIED

1 THIRD-PARTY EVALUATOR TO EVALUATE AND REPORT WHETHER THE  
2 WORK GROUP RECOMMENDATIONS MADE PURSUANT TO SECTION  
3 22-2-407.5 RESULTED IN MORE EFFECTIVE SERVICES AND BETTER ACCESS  
4 TO THOSE SERVICES FOR STUDENTS WITH EXCEPTIONALLY SEVERE AND  
5 SPECIALIZED NEEDS. THE OFFICE SHALL CONSULT WITH THE WORK GROUP  
6 AND QUALIFIED THIRD-PARTY EVALUATOR TO EVALUATE AND REPORT THE  
7 FOLLOWING:

8 (I) WHETHER THE NUMBER OF APPROVED FACILITY SCHOOL  
9 PLACEMENTS FOR STUDENTS WITH EXCEPTIONALLY SEVERE OR  
10 SPECIALIZED NEEDS HAS STABILIZED OR INCREASED;

11 (II) WHETHER RELIANCE ON HOMEBOUND AND OUT-OF-STATE  
12 PLACEMENTS HAS DECREASED;

13 (III) WHETHER ADMINISTRATIVE UNITS THAT ARE UNABLE TO  
14 ACCESS APPROVED FACILITY SCHOOL PLACEMENTS DUE TO GEOGRAPHIC  
15 OR OTHER CONSTRAINTS RECEIVE SUFFICIENT SUPPORT FROM THE  
16 TECHNICAL ASSISTANCE CENTER CREATED IN SECTION 22-2-412 TO  
17 PROVIDE EFFECTIVE SERVICES TO STUDENTS WITH EXCEPTIONALLY SEVERE  
18 OR SPECIALIZED NEEDS;

19 (IV) WHETHER PARENTS, GUARDIANS, ADVOCATES, COUNTY  
20 DEPARTMENTS OF HUMAN OR SOCIAL SERVICES, AND OTHER INTERESTED  
21 PARTIES ASSESS THAT THE WORK GROUP'S IMPLEMENTATION PLAN  
22 DESCRIBED IN SECTION 22-2-407.5 (4) HAS HAD A POSITIVE IMPACT ON  
23 SERVICES FOR STUDENTS WITH EXCEPTIONALLY SEVERE OR SPECIALIZED  
24 NEEDS; AND

25 (V) ANY OTHER MEASURE OF SUCCESS THE OFFICE, WORK GROUP,  
26 AND THIRD-PARTY EVALUATOR DETERMINE NECESSARY.

27 (b) ON OR BEFORE SEPTEMBER 1, 2025, THE QUALIFIED



1 THIRD-PARTY EVALUATOR SHALL SUBMIT A REPORT TO THE WORK GROUP  
2 AND THE OFFICE SUMMARIZING THE MEASURES AND RECOMMENDATIONS  
3 DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION. THE REPORT MUST BE  
4 INCLUDED IN THE OCTOBER 1, 2025, REPORT REQUIRED PURSUANT TO  
5 SECTION 22-2-407.5 (4)(e).

6 (5) (a) THE OFFICE SHALL ASSEMBLE STAKEHOLDERS, INCLUDING  
7 MEMBERS OF THE WORK GROUP, TO ANALYZE AND RECOMMEND CHANGES  
8 TO THE METHODS USED FOR CALCULATING TUITION COSTS FOR APPROVED  
9 FACILITY SCHOOLS PURSUANT TO SECTION 22-20-109 (2).

10 (b) AS PART OF THE OCTOBER 1, 2023, REPORT REQUIRED  
11 PURSUANT TO SECTION 22-2-407.5 (4)(e), THE OFFICE SHALL SUMMARIZE  
12 THE STAKEHOLDER RECOMMENDATIONS DESCRIBED IN SUBSECTION (5)(a)  
13 OF THIS SECTION, INCLUDING WHETHER STATUTORY OR RULE UPDATES ARE  
14 REQUIRED TO IMPLEMENT THE RECOMMENDATIONS.

15 (c) ON OR BEFORE JULY 1, 2024, THE STATE BOARD SHALL  
16 CONSIDER THE PROPOSED CHANGES AND PROMULGATE RULES  
17 IMPLEMENTING THE NEW METHODS USED FOR CALCULATING TUITION  
18 COSTS.

19 (d) AS PART OF THE OCTOBER 1, 2024, REPORT REQUIRED  
20 PURSUANT TO SECTION 22-2-407.5 (4)(e), THE OFFICE SHALL INCLUDE AN  
21 UPDATE DESCRIBING THE TUITION CHANGES ADOPTED AS OF JULY 1, 2024.

22 **SECTION 6.** In Colorado Revised Statutes, 22-2-406, **amend** (1),  
23 (2)(h), (2)(i), and (3); and **add** (2)(j), (4), and (5) as follows:

24 **22-2-406. Facility schools board duties - curriculum -**  
25 **graduation standards - report - rules.** (1) In addition to any other  
26 duties provided by law, the facility schools board shall:

27 (a) Adopt curriculum to be provided by approved facility schools.

1 At a minimum, the facility schools board shall align the curriculum for  
2 the core subjects of reading, writing, mathematics, science, history, and  
3 geography with the state content standards adopted pursuant to section  
4 22-7-1005 and the state assessments OR ALTERNATE ASSESSMENTS  
5 administered as ~~provided~~ DESCRIBED in section 22-7-1006.3 (3). The  
6 curriculum must include a range of course work from which an approved  
7 facility school may select courses that meet the needs of the students who  
8 are placed at the facility, INCLUDING A VARIETY OF INSTRUCTIONAL  
9 METHODS AND STRATEGIES TO MEET STUDENT NEEDS.

10 (b) Adopt accountability AND ACCREDITATION measures, including  
11 academic performance measures, to be applied to approved facility  
12 schools and the students receiving educational services through the  
13 approved facility schools; ~~and~~

14 (c) Award a high school diploma to a student who, while receiving  
15 services through an approved facility school, meets the graduation  
16 requirements the facility schools board shall establish pursuant to  
17 subsection (3) of this section and who applies for the award of a high  
18 school diploma from the facility schools board; AND

19 (d) DEVELOP PROCEDURES TO AUTHORIZE FACILITIES TO OPERATE  
20 AS SPECIALIZED DAY SCHOOLS.

21 (2) The facility schools board may make recommendations to the  
22 state board and to the department of human services regarding any of the  
23 following issues:

24 (h) The oversight and monitoring of approved facility schools; ~~and~~

25 (i) Any other issues that are determined by the facility schools  
26 board to be within its purview and that are intended to improve  
27 educational outcomes for students receiving educational services from

1 approved facility schools or to promote the efficient delivery of  
2 educational services to students who are placed in facilities; AND

3 (j) THE CREATION OF AN INTERAGENCY RESOURCE GUIDE TO ASSIST  
4 FACILITIES IN BECOMING LICENSED OR AUTHORIZED AS APPROVED  
5 FACILITY SCHOOLS, WHICH MUST BE ADOPTED BY THE DEPARTMENT, THE  
6 DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF HEALTH CARE  
7 POLICY AND FINANCING, AND THE DEPARTMENT OF PUBLIC HEALTH AND  
8 ENVIRONMENT AS SET FORTH IN SECTION 22-2-410.

9 (3) The facility schools board shall promulgate rules in  
10 accordance with the "State Administrative Procedure Act", article 4 of  
11 title 24, ~~C.R.S.~~, to establish procedures by which a student who  
12 participates in an approved facility school may apply to receive a high  
13 school diploma awarded by the facility schools board. The facility schools  
14 board shall also, by rule, establish the graduation requirements that a  
15 student receiving educational services through an approved facility school  
16 shall meet to be awarded the facility school's high school diploma. In  
17 adopting the graduation requirements, the facility schools board shall take  
18 into consideration the recommendations of the ~~unit~~ OFFICE and shall  
19 ensure that the graduation requirements follow the guidelines for high  
20 school graduation requirements specified by the state board pursuant to  
21 section 22-2-106 (1)(a.5).

22 (4) (a) (I) IN COMPLYING WITH THE DUTIES SPECIFIED IN  
23 SUBSECTION (1)(b) OF THIS SECTION, ON OR BEFORE DECEMBER 1, 2026,  
24 THE FACILITY SCHOOLS BOARD SHALL REVIEW THE IMPLEMENTATION OF  
25 ACCOUNTABILITY MEASURES BY AN APPROVED FACILITY SCHOOL THAT  
26 HAS BEEN APPROVED FOR AT LEAST ONE YEAR AND RECOMMEND TO THE  
27 STATE BOARD WHETHER TO ACCREDIT THE APPROVED FACILITY SCHOOL.

1 THE STATE BOARD MAY GRANT ACCREDITATION TO THE APPROVED  
2 FACILITY SCHOOL BASED ON THE FACILITY SCHOOLS BOARD  
3 RECOMMENDATION.

4 (II) IF A FACILITY SCHOOL HAS BEEN AN APPROVED FACILITY  
5 SCHOOL PURSUANT TO SECTION 22-2-407 (2)(b) FOR LESS THAN ONE YEAR  
6 AS OF DECEMBER 1, 2026, THE APPROVED FACILITY SCHOOL SHALL  
7 IMPLEMENT ACCOUNTABILITY MEASURES WITHIN ONE YEAR OF APPROVAL  
8 BEFORE THE FACILITY SCHOOLS BOARD REVIEW PURSUANT TO SUBSECTION  
9 (4)(a)(I) OF THIS SECTION.

10 (III) IF A FACILITY SCHOOL BECOMES AN APPROVED FACILITY  
11 SCHOOL PURSUANT TO SECTION 22-2-407 (2)(b) AFTER DECEMBER 1, 2026,  
12 THE APPROVED FACILITY SCHOOL HAS ONE YEAR TO IMPLEMENT THE  
13 ACCOUNTABILITY MEASURES BEFORE A REVIEW BY THE FACILITY SCHOOLS  
14 BOARD AND ACCREDITATION APPROVAL BY THE STATE BOARD PURSUANT  
15 TO SUBSECTION (4)(a)(I) OF THIS SECTION.

16 (IV) (A) THE FACILITY SCHOOLS BOARD SHALL APPROVE A LIST OF  
17 RECOGNIZED INDEPENDENT NATIONAL ACCREDITATION ORGANIZATIONS  
18 THAT ACCREDIT APPROVED FACILITY SCHOOLS.

19 (B) IF A RECOGNIZED INDEPENDENT NATIONAL ACCREDITATION  
20 ORGANIZATION ACCREDITS AN APPROVED FACILITY SCHOOL, THE FACILITY  
21 SCHOOLS BOARD MAY CONSIDER THE RECOGNIZED INDEPENDENT  
22 NATIONAL ACCREDITATION AS PART OF THE FACILITY SCHOOLS BOARD'S  
23 ACCREDITATION REVIEW OF THE APPROVED FACILITY SCHOOL PURSUANT  
24 TO THIS SUBSECTION (4)(a)(I).

25 (C) THE OFFICE SHALL POST THE LIST OF RECOGNIZED  
26 INDEPENDENT NATIONAL ACCREDITATION ORGANIZATIONS TO THE  
27 OFFICE'S WEBSITE PURSUANT TO SECTION 22-2-405 (3).

1           (b)(I) NOTWITHSTANDING SUBSECTION (4)(b)(II) OF THIS SECTION,  
2           ON OR AFTER DECEMBER 1, 2026, A SCHOOL DISTRICT OR AN  
3           ADMINISTRATIVE UNIT SHALL ONLY PLACE A STUDENT IN AN APPROVED  
4           FACILITY SCHOOL THAT RECEIVES ACCREDITATION FROM THE STATE  
5           BOARD OR AN INDEPENDENT NATIONAL ACCREDITATION ORGANIZATION,  
6           UNLESS THE SCHOOL DISTRICT OR ADMINISTRATIVE UNIT DETERMINES  
7           THAT THERE IS NOT AN ACCREDITED FACILITY AVAILABLE AND THE  
8           SELECTED PLACEMENT IS IN THE BEST INTERESTS OF THE STUDENT.

9           (II) IF A STUDENT IS A STUDENT IN AN OUT-OF-HOME PLACEMENT,  
10          AS DEFINED IN SECTION 22-32-138, AND THE CHANGE OF EDUCATIONAL  
11          PLACEMENT IS A RESULT OF PLACEMENT IN OUT-OF-HOME CARE, THE  
12          PROCEDURES SET FORTH IN SECTION 22-32-138 MUST BE FOLLOWED.

13          (c) (I) ON OR AFTER OCTOBER 1, 2026, AND EACH OCTOBER 1  
14          THEREAFTER, THE FACILITY SCHOOLS BOARD SHALL CREATE AN  
15          ACCREDITATION OUTCOME REPORT FOR EACH APPROVED FACILITY SCHOOL  
16          AS PART OF THE PROCESS TO DETERMINE WHETHER AN APPROVED FACILITY  
17          SCHOOL REMAINS ACCREDITED. THE ACCREDITATION OUTCOME REPORT  
18          MUST INCLUDE INFORMATION ON STUDENT OUTCOMES, POSTSECONDARY  
19          AND WORKFORCE READINESS, AND STUDENT ENGAGEMENT.

20          (II) ON OR AFTER DECEMBER 1, 2026, AND EACH DECEMBER 1  
21          THEREAFTER, THE FACILITY SCHOOLS BOARD SHALL SUBMIT THE  
22          ACCREDITATION OUTCOME REPORTS AND ACCREDITATION  
23          RECOMMENDATIONS TO THE STATE BOARD.

24          (III) THE STATE BOARD MAY APPROVE ACCREDITATION, DENY  
25          ACCREDITATION, OR GRANT CONDITIONAL ACCREDITATION. IF  
26          ACCREDITATION IS CONDITIONAL OR DENIED BY THE STATE BOARD, AN  
27          APPROVED FACILITY SCHOOL MAY RESPOND TO THE OFFICE WITHIN SIXTY

1 DAYS AFTER RECEIVING THE REPORT. THE FACILITY SCHOOLS BOARD AND  
2 STATE BOARD MAY RECONSIDER AN APPROVED FACILITY SCHOOL'S  
3 ACCREDITATION STATUS BASED ON THE ACCREDITATION OUTCOME REPORT  
4 AND ANY OTHER DATA SUBMITTED BY AN APPROVED FACILITY SCHOOL OR  
5 THE OFFICE.

6 (IV) THE OFFICE SHALL ANNUALLY UPDATE ON THE OFFICE'S  
7 WEBSITE THE ACCREDITATION OUTCOME REPORTS FOR EACH APPROVED  
8 FACILITY SCHOOL PURSUANT TO SECTION 22-2-405 (3).

9 (5) (a) IN DEVELOPING PROCEDURES AS SET FORTH IN SUBSECTION  
10 (1)(d) OF THIS SECTION, THE FACILITY SCHOOLS BOARD SHALL  
11 PROMULGATE RULES FOR THE CREATION AND MAINTENANCE OF A LIST OF  
12 SCHOOLS THAT ARE AUTHORIZED TO OPERATE AS SPECIALIZED DAY  
13 SCHOOLS AND ARE APPROVED AS FACILITY SCHOOLS TO RECEIVE  
14 REIMBURSEMENT FOR PROVIDING EDUCATIONAL SERVICES TO STUDENTS  
15 PLACED IN THE SPECIALIZED DAY SCHOOL. THE FACILITY SCHOOLS BOARD  
16 SHALL PROMULGATE RULES SPECIFYING THE FOLLOWING PROCEDURES:

17 (I) HOW TO AUTHORIZE A FACILITY TO OPERATE, BECOME  
18 ACCREDITED, AND BE MAINTAINED AS A SPECIALIZED DAY SCHOOL;

19 (II) HOW TO SECURE HEALTH AND SAFETY INSPECTIONS OF A  
20 SPECIALIZED DAY SCHOOL;

21 (III) HOW TO SECURE ZONING APPROVAL IN CITIES AND COUNTIES  
22 FOR A SPECIALIZED DAY SCHOOL;

23 (IV) HOW TO PROCURE EMPLOYEE BACKGROUND CHECKS; AND

24 (V) HOW TO TRACK AND REPORT INCIDENTS AT SPECIALIZED DAY  
25 SCHOOLS.

26 (b) THE FACILITY SCHOOLS BOARD MAY ENTER INTO INTERAGENCY  
27 AGREEMENTS WITH THE DEPARTMENT OF HUMAN SERVICES, DEPARTMENT

1 OF PUBLIC HEALTH AND ENVIRONMENT, AND OTHER STATE AND LOCAL  
2 GOVERNMENT AGENCIES TO IMPLEMENT THIS SUBSECTION (5).

3 (c) IF A FACILITY MEETS THE CRITERIA TO BECOME AUTHORIZED TO  
4 OPERATE, BECOME ACCREDITED, AND BE MAINTAINED AS A SPECIALIZED  
5 DAY SCHOOL PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, THE  
6 OFFICE SHALL AUTHORIZE THE FACILITY TO OPERATE AS A SPECIALIZED  
7 DAY SCHOOL. THE OFFICE SHALL PERIODICALLY, AS PROVIDED BY RULE OF  
8 THE FACILITY SCHOOLS BOARD, REVIEW EACH SPECIALIZED DAY SCHOOL  
9 TO DETERMINE WHETHER THE SPECIALIZED DAY SCHOOL IS IN COMPLIANCE  
10 WITH THE REQUIREMENTS SET FORTH IN SUBSECTION (5)(a) OF THIS  
11 SECTION. THE FACILITY SCHOOLS BOARD SHALL PROMULGATE RULES  
12 SPECIFYING THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE  
13 RENEWAL OF SPECIALIZED DAY SCHOOLS.

14 **SECTION 7.** In Colorado Revised Statutes, 22-2-407, **amend**  
15 (2)(a)(I), (2)(b), (3)(c), and (4); and **add** (3)(b.5) as follows:

16 **22-2-407. List of approved facility schools - application -**  
17 **criteria - rules.** (2) (a) The facility schools board by rule shall specify:

18 (I) The procedures by which a facility school may apply to the ~~unit~~  
19 OFFICE for placement on the list of approved facility schools;

20 (b) The ~~unit~~ OFFICE shall review the applications received  
21 pursuant to ~~paragraph (a) of this subsection (2)~~ SUBSECTION (2)(a) OF THIS  
22 SECTION and shall place on the list of approved facility schools those  
23 applicants that meet the criteria specified by rule of the facility schools  
24 board. The ~~unit~~ OFFICE shall notify each applicant regarding placement on  
25 the list of approved facility schools. If the ~~unit~~ OFFICE denies an applicant  
26 placement on the list, the ~~unit~~ OFFICE shall explain the basis for the denial.  
27 An applicant that is denied may reapply for placement on the list

1 following correction of the cause for denial.

2 (3) An approved facility school shall comply with the following  
3 requirements in order to remain on the list of approved facility schools:

4 (b.5) DEMONSTRATE COMPLIANCE WITH THE ACCOUNTABILITY  
5 AND ACCREDITATION MEASURES WITHIN THE TIME FRAMES ADOPTED BY  
6 THE FACILITY SCHOOLS BOARD PURSUANT TO SECTION 22-2-406 (4);

7 (c) Comply with the reporting and records tracking requirements  
8 specified by the ~~unit~~ OFFICE pursuant to section 22-2-405 (1)(d) and (2);  
9 and

10 (4) The ~~unit~~ OFFICE shall periodically, as provided by rule of the  
11 facility schools board, review each approved facility school to determine  
12 whether the approved facility school is in compliance with the  
13 requirements specified in subsection (3) of this section. If the ~~unit~~ OFFICE  
14 determines that an approved facility school is out of compliance, the ~~unit~~  
15 OFFICE shall give the approved facility school notice of the lack of  
16 compliance. If the approved facility school does not come into  
17 compliance within thirty days after receiving the notice, the ~~unit~~ OFFICE  
18 shall remove the facility school from the list of approved facility schools.  
19 A facility school that is removed from the list of approved facility schools  
20 may reapply for placement on the list as provided in subsection (2) of this  
21 section.

22 **SECTION 8.** In Colorado Revised Statutes, 22-2-407.5, **amend**  
23 (1)(b) introductory portion, (1)(b)(VII), and (4)(e); and **add** (1)(b)(IX),  
24 (1)(b)(X), and (5) as follows:

25 **22-2-407.5. Facility schools - sustainable model of education**  
26 **for facility students - work group - created - membership - duties -**  
27 **reporting requirements - funding.** (1) (b) The work group shall obtain



1 input from parents and students who reflect the diversity of the state with  
2 regard to race, ethnicity, immigration status, income, and disability. The  
3 work group must include THE FOLLOWING representatives: ~~from the~~  
4 ~~following entities:~~

5 (VII) The department of human services, including the division  
6 of youth services; ~~and~~

7 (IX) PARENTS, GUARDIANS, AND LEGAL CUSTODIANS OF STUDENTS  
8 WITH EXCEPTIONALLY SEVERE OR SPECIALIZED NEEDS; AND

9 (X) THERAPEUTIC FACILITIES FOR STUDENTS WITH EXCEPTIONALLY  
10 SEVERE OR SPECIALIZED NEEDS THAT ARE NOT APPROVED FACILITY  
11 SCHOOLS.

12 (4) (e) (I) On or before October 1, 2023, and on or before each  
13 October 1 during the implementation phase of the model, the department  
14 shall submit a written report concerning the progress of the model's  
15 implementation, including but not limited to, the status of each  
16 deliverable identified in the implementation plan, any modifications to the  
17 implementation plan, and any statutory changes and funding necessary in  
18 the upcoming fiscal year in order to successfully implement each phase  
19 of the model. THE DEPARTMENT SHALL DRAFT THE REPORT WITH ONGOING  
20 INPUT FROM THE WORK GROUP. THE DEPARTMENT SHALL SUBMIT THE  
21 REPORTS TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
22 REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES,  
23 THE JOINT BUDGET COMMITTEE, AND THE STATE BOARD. THE OFFICE  
24 SHALL POST THE REPORTS ON THE OFFICE'S WEBSITE.

25 (II) AS PART OF THE OCTOBER 1, 2023, REPORT REQUIRED  
26 PURSUANT TO SUBSECTION (4)(e)(I) OF THIS SECTION, THE OFFICE SHALL  
27 INCLUDE RECOMMENDATIONS TO CHANGE THE METHOD USED FOR

1 CALCULATING TUITION COSTS FOR APPROVED FACILITY SCHOOLS AS  
2 DESCRIBED IN SECTION 22-2-405 (5) OF THIS SECTION AND IDENTIFY NEXT  
3 STEPS. THE DEPARTMENT SHALL STATE WHETHER STATUTORY OR RULE  
4 UPDATES ARE REQUIRED TO IMPLEMENT CHANGES TO THE METHODS FOR  
5 CALCULATING TUITION COSTS.

6 (III) (A) AS PART OF THE OCTOBER 1, 2024, REPORT REQUIRED  
7 PURSUANT TO SUBSECTION (4)(e)(I) OF THIS SECTION, THE DEPARTMENT  
8 SHALL INCLUDE AN UPDATE DESCRIBING THE TUITION CHANGES DESCRIBED  
9 IN SUBSECTION (4)(e)(II) OF THIS SECTION THAT ARE ADOPTED AS OF JULY  
10 1, 2024, PURSUANT TO SECTION 22-2-405 (5).

11 (B) AS PART OF THE OCTOBER 1, 2024, REPORT REQUIRED  
12 PURSUANT TO SUBSECTION (4)(e)(I) OF THIS SECTION, THE DEPARTMENT  
13 SHALL INCLUDE THE REPORT SUMMARIZING THE IMPLEMENTATION OF THE  
14 INTERAGENCY RESOURCE GUIDE DESCRIBED IN SECTION 22-2-410 (2).

15 (IV) AS PART OF THE OCTOBER 1, 2025, REPORT REQUIRED  
16 PURSUANT TO SUBSECTION (4)(e)(I) OF THIS SECTION, THE DEPARTMENT  
17 SHALL INCLUDE THE REPORT SUMMARIZING THE EVALUATION MEASURES  
18 AND RECOMMENDATIONS DESCRIBED IN SECTION 22-2-405 (4).

19 (V) AS PART OF THE OCTOBER 1, 2025, AND OCTOBER 1, 2026,  
20 REPORTS REQUIRED PURSUANT TO (4)(e)(I) OF THIS SECTION, THE  
21 DEPARTMENT SHALL INCLUDE THE REPORT SUMMARIZING INFORMATION  
22 SUBMITTED TO THE DEPARTMENT, AS DESCRIBED IN SECTION 22-2-411 (7),  
23 BY ELIGIBLE APPLICANTS WHO RECEIVED GRANT MONEY FROM THE  
24 SHARED OPERATIONAL SERVICES GRANT PROGRAM CREATED IN SECTION  
25 22-2-411 (2).

26 (5) THE WORK GROUP SHALL CONSULT WITH THE DEPARTMENT OF  
27 HEALTH CARE POLICY AND FINANCING PURSUANT TO SECTION 25.5-1-104

1 (6) ON A PLAN TO PROVIDE GUIDANCE TO APPROVED FACILITY SCHOOLS ON  
2 THE ELIGIBILITY STANDARDS REQUIRED TO REQUEST AND RECEIVE  
3 MEDICAID REIMBURSEMENT FUNDING FOR THERAPEUTIC SERVICES TO THE  
4 MAXIMUM EXTENT POSSIBLE TO REDUCE RELIANCE ON SCHOOL DISTRICT  
5 REVENUE FOR THERAPEUTIC SERVICES.

6 **SECTION 9.** In Colorado Revised Statutes, 22-2-408, **amend** (2)  
7 as follows:

8 **22-2-408. Approved facility schools - funding.** (2) (a) For the  
9 2009-10 budget year, ~~and for each budget year thereafter~~ THROUGH THE  
10 2021-22 BUDGET YEAR, the department shall annually withhold two  
11 percent of the amount payable to each approved facility school. FOR THE  
12 2022-23 BUDGET YEAR, THE DEPARTMENT SHALL WITHHOLD FOUR  
13 PERCENT OF THE AMOUNT PAYABLE TO EACH APPROVED FACILITY SCHOOL.  
14 The amount withheld shall be allocated to the ~~unit~~ OFFICE to offset the  
15 costs incurred by the ~~unit~~ OFFICE and the facility schools board in  
16 implementing this part 4.

17 (b) FOR THE 2023-24 BUDGET YEAR, AND FOR EACH BUDGET YEAR  
18 THEREAFTER, FUNDING FOR THE ADMINISTRATION OF THE OFFICE IS  
19 PROVIDED THROUGH A SEPARATE APPROPRIATION.

20 **SECTION 10.** In Colorado Revised Statutes, **add** 22-2-410,  
21 22-2-411, and 22-2-412 as follows:

22 **22-2-410. Administration - licensing - reports.** (1) ON OR  
23 BEFORE NOVEMBER 1, 2023, THE DEPARTMENT, IN COLLABORATION WITH  
24 THE DEPARTMENT OF HUMAN SERVICES, DEPARTMENT OF HEALTH CARE  
25 POLICY AND FINANCING, AND DEPARTMENT OF PUBLIC HEALTH AND  
26 ENVIRONMENT, SHALL DEVELOP AN INTERAGENCY RESOURCE GUIDE TO  
27 ASSIST FACILITIES TO BECOME LICENSED OR AUTHORIZED AND FUNDED AS

1 AN APPROVED FACILITY SCHOOL AND THAT MUST BE ADOPTED ACROSS  
2 DEPARTMENTS TO SUPPORT EFFICIENT LICENSURE AND APPROVAL FOR THE  
3 FOLLOWING TYPES OF FACILITIES:

4 (a) A HOSPITAL LICENSED BY THE DEPARTMENT OF PUBLIC HEALTH  
5 AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103;

6 (b) A RESIDENTIAL CHILD CARE FACILITY, DAY TREATMENT  
7 PROGRAM, OR OTHER FACILITY LICENSED BY THE DEPARTMENT OF HUMAN  
8 SERVICES PURSUANT TO SECTION 26-6-905; AND

9 (c) A SPECIALIZED DAY SCHOOL AUTHORIZED BY THE OFFICE  
10 PURSUANT TO SECTION 22-2-406 (5).

11 (2) ON OR BEFORE NOVEMBER 1, 2023, THE DEPARTMENT SHALL  
12 SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
13 REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES,  
14 AND THE JOINT BUDGET COMMITTEE, SUMMARIZING THE FOLLOWING:

15 (a) A PLAN FOR THE IMPLEMENTATION OF THE INTERAGENCY  
16 RESOURCE GUIDE DESCRIBED IN SUBSECTION (1) OF THIS SECTION; AND

17 (b) ANY RECOMMENDED CHANGES TO STATUTES, RULES, OR  
18 ADMINISTRATIVE PROCEDURES AS DETERMINED BY EACH DEPARTMENT  
19 PARTICIPATING IN THE DEVELOPMENT OF THE INTERAGENCY RESOURCE  
20 GUIDE PURSUANT TO SUBSECTION (1) OF THIS SECTION TO IMPROVE  
21 ADMINISTRATIVE EFFICIENCY AND ELIMINATE DUPLICATION OR OTHER  
22 UNNECESSARY ADMINISTRATIVE OBSTACLES TO THE LICENSING,  
23 AUTHORIZATION, APPROVAL, AND FUNDING OF APPROVED FACILITY  
24 SCHOOLS.

25 (3) ON OR BEFORE OCTOBER 1, 2024, THE DEPARTMENT SHALL  
26 SUBMIT A REPORT SUMMARIZING THE IMPLEMENTATION OF THE  
27 INTERAGENCY RESOURCE GUIDE DESCRIBED IN SUBSECTION (1) OF THIS

1 SECTION TO THE EDUCATION COMMITTEES OF THE HOUSE OF  
2 REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES,  
3 AND THE JOINT BUDGET COMMITTEE. THE REPORT MAY BE SUBMITTED AS  
4 PART OF THE REPORT REQUIRED PURSUANT TO SECTION 22-2-407.5 (4)(e).

5 (4) THE OFFICE SHALL PROMINENTLY POST THE INTERAGENCY  
6 RESOURCE GUIDE DESCRIBED IN SUBSECTION (1) OF THIS SECTION ON THE  
7 OFFICE'S WEBSITE.

8 **22-2-411. Shared operational services grant program -**  
9 **creation - report - rules - definitions - repeal.** (1) AS USED IN THIS  
10 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

11 (a) "AGENCY" MEANS AN INDEPENDENT AGENCY THAT OVERSEES  
12 APPROVED FACILITY SCHOOLS.

13 (b) "ELIGIBLE APPLICANT" MEANS AN APPROVED FACILITY SCHOOL  
14 THAT APPLIES TO THE GRANT PROGRAM ON BEHALF OF ITSELF AND ONE OR  
15 MORE OTHER APPROVED FACILITY SCHOOLS, AN ORGANIZATION, OR AN  
16 AGENCY.

17 (c) "GRANT PROGRAM" MEANS THE SHARED OPERATIONAL  
18 SERVICES GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

19 (d) "ORGANIZATION" MEANS A PUBLIC OR PRIVATE ORGANIZATION  
20 THAT PROVIDES OR COORDINATES OPERATIONAL SERVICES FOR GRANTEEES.

21 (e) "SHARED OPERATIONAL SERVICES" MEANS SERVICES THAT  
22 SUPPORT APPROVED FACILITY SCHOOLS, INCLUDING BUT NOT LIMITED TO  
23 FOOD SERVICES, JANITORIAL SERVICES, SHARED OFFICE SPACE, BILLING,  
24 TECHNICAL ASSISTANCE ON MEDICAID SERVICES, TECHNOLOGY, SECURITY,  
25 TRANSPORTATION, OR PURCHASING. SHARED OPERATIONAL SERVICES MAY  
26 INCLUDE PURCHASING AND SHARING ITEMS SUCH AS OFFICE SUPPLIES AND  
27 TECHNOLOGY.

1           (2) (a) (I) THERE IS CREATED IN THE DEPARTMENT THE SHARED  
2 OPERATIONAL SERVICES GRANT PROGRAM TO AWARD AN ELIGIBLE  
3 APPLICANT GRANT MONEY FOR THE SPAN OF TWO BUDGET YEARS TO  
4 CONTRACT WITH AN ORGANIZATION THAT PROVIDES OR COORDINATES  
5 SHARED OPERATIONAL SERVICES FOR GRANTEEES.

6           (II) IN THE FIRST YEAR OF THE GRANT PROGRAM, AN ELIGIBLE  
7 APPLICANT WHO IS AWARDED A GRANT SHALL DETERMINE THE SHARED  
8 OPERATIONAL SERVICES NEEDED BY APPROVED FACILITY SCHOOLS AND  
9 CONTRACT WITH AN ORGANIZATION TO PROVIDE OR COORDINATE  
10 SERVICES. IN THE SECOND YEAR OF THE GRANT PROGRAM, THE GRANTEE  
11 SHALL WORK WITH THE ORGANIZATION TO PROVIDE THE SHARED  
12 OPERATIONAL SERVICES FOR THE APPROVED FACILITY SCHOOLS.

13           (b) THE DEPARTMENT SHALL IMPLEMENT A TIMELINE FOR THE  
14 GRANT PROGRAM, WHICH MUST INCLUDE THE FOLLOWING:

15           (I) THE DATE THE DEPARTMENT ANNOUNCES THE GRANT PROGRAM  
16 AND BEGINS ACCEPTING APPLICATIONS FROM ELIGIBLE APPLICANTS;

17           (II) THE DATE THE ELIGIBLE APPLICANTS MUST SUBMIT  
18 APPLICATIONS BY; AND

19           (III) THE DATE THE DEPARTMENT BEGINS DISTRIBUTING GRANT  
20 MONEY TO THE ELIGIBLE APPLICANTS THAT ARE AWARDED A GRANT.

21           (c) AN ELIGIBLE APPLICANT THAT CHOOSES TO APPLY FOR A GRANT  
22 MUST SUBMIT AN APPLICATION TO THE DEPARTMENT. THE APPLICATION  
23 MUST INCLUDE, AT A MINIMUM, THE FOLLOWING INFORMATION:

24           (I) THE TYPES OF SHARED OPERATIONAL SERVICES NEEDED BY  
25 APPROVED FACILITY SCHOOLS;

26           (II) THE NAME OF THE ORGANIZATION THE ELIGIBLE APPLICANT  
27 PLANS ON CONTRACTING WITH FOR SHARED OPERATIONAL SERVICES;

1 (III) PROJECTED BUDGET AND COST SAVINGS BY IMPLEMENTING  
2 SHARED OPERATIONAL SERVICES BETWEEN APPROVED FACILITY SCHOOLS;  
3 AND

4 (IV) THE SUSTAINABILITY OF THE SHARED OPERATIONAL SERVICES  
5 AFTER THE GRANT PROGRAM CONCLUDES.

6 (3) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS  
7 SUBMITTED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION AND MAKE  
8 RECOMMENDATIONS TO THE STATE BOARD. THE STATE BOARD SHALL TAKE  
9 INTO CONSIDERATION THE RECOMMENDATIONS OF THE DEPARTMENT IN  
10 SELECTING ELIGIBLE APPLICANTS THAT RECEIVE GRANTS AND  
11 DETERMINING THE AMOUNT OF EACH GRANT.

12 (4) IN SELECTING GRANTEEES, THE STATE BOARD SHALL GIVE  
13 PRIORITY TO ELIGIBLE APPLICANTS WHO:

14 (a) CREATE A DETAILED PLAN TO MEET THE VARIOUS NEEDS OF  
15 APPROVED FACILITY SCHOOLS THAT REQUIRE SHARED OPERATIONAL  
16 SERVICES; AND

17 (b) ANTICIPATE THE SUSTAINABILITY OF SHARED OPERATIONAL  
18 SERVICES AFTER THE GRANT PROGRAM CONCLUDES BASED ON THE  
19 INFORMATION SUBMITTED PURSUANT TO SUBSECTION (2)(c)(IV) OF THIS  
20 SECTION.

21 (5) THE STATE BOARD MAY PROMULGATE RULES AS NECESSARY  
22 FOR THE IMPLEMENTATION OF THIS SECTION.

23 (6) TO ENSURE ACCOUNTABILITY, THE DEPARTMENT SHALL  
24 CONDUCT AN AUDIT OF AN ELIGIBLE APPLICANT WHO RECEIVES GRANT  
25 MONEY.

26 (7) (a) ON OR BEFORE SEPTEMBER 1, 2024, EACH ELIGIBLE  
27 APPLICANT THAT IS AWARDED GRANT MONEY SHALL SUBMIT AN INTERIM

1 REPORT TO THE DEPARTMENT. ON OR BEFORE SEPTEMBER 1, 2025, EACH  
2 ELIGIBLE APPLICANT THAT IS AWARDED GRANT MONEY SHALL SUBMIT A  
3 FINAL REPORT TO THE DEPARTMENT. THE INTERIM AND FINAL REPORTS  
4 MUST INCLUDE THE FOLLOWING INFORMATION:

5 (I) THE TYPES OF SHARED OPERATIONAL SERVICES THAT WERE  
6 PROVIDED OR COORDINATED BY THE ORGANIZATION;

7 (II) A PERFORMANCE REVIEW OF THE ORGANIZATION THAT  
8 PROVIDED OR COORDINATED SHARED OPERATIONAL SERVICES BETWEEN  
9 APPROVED FACILITY SCHOOLS;

10 (III) AN ANALYSIS OF COST SAVINGS BASED ON THE  
11 IMPLEMENTATION OF THE SHARED OPERATIONAL SERVICES; AND

12 (IV) THE PROJECTED SUSTAINABILITY OF THE SHARED  
13 OPERATIONAL SERVICES AFTER THE GRANT PROGRAM CONCLUDES.

14 (b) AS PART OF THE OCTOBER 1, 2024 AND OCTOBER 1, 2025  
15 REPORTS REQUIRED PURSUANT TO SECTION 22-2-407.5 (4)(e), THE  
16 DEPARTMENT SHALL SUBMIT INFORMATION THAT, AT A MINIMUM,  
17 SUMMARIZES THE INFORMATION RECEIVED BY THE DEPARTMENT  
18 PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION.

19 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

20 **22-2-412. Technical assistance center - creation - definitions.**

21 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
22 REQUIRES:

23 (a) "ADMINISTRATIVE UNIT" HAS THE SAME MEANING AS SET  
24 FORTH IN SECTION 22-20-103.

25 (b) "BOARD OF COOPERATIVE SERVICES" OR "BOCES" MEANS A  
26 BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF  
27 THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.



1 (c) "CENTER" MEANS THE TECHNICAL ASSISTANCE CENTER  
2 CREATED IN SUBSECTION (2) OF THIS SECTION.

3 (d) "REMOTE SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN  
4 COLORADO, IRRESPECTIVE OF PUPIL ENROLLMENT, THAT IS MORE THAN  
5 FIFTY MILES FROM THE NEAREST LARGE, URBANIZED AREA.

6 (e) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN  
7 COLORADO THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE  
8 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT, THE DISTANCE OF THE SCHOOL  
9 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND A TOTAL  
10 ENROLLMENT OF SIX THOUSAND FIVE HUNDRED OR FEWER STUDENTS.

11 (2) (a) THERE IS CREATED IN THE OFFICE THE TECHNICAL  
12 ASSISTANCE CENTER TO PROVIDE TECHNICAL ASSISTANCE TO SCHOOL  
13 DISTRICTS AND RELATED ADMINISTRATIVE UNITS SERVING STUDENTS WITH  
14 EXCEPTIONALLY SEVERE OR SPECIALIZED NEEDS WHO NEED TO BE SERVED  
15 BY AN APPROVED FACILITY SCHOOL BUT ARE UNABLE TO ACCESS AN  
16 APPROVED FACILITY SCHOOL DUE TO LACK OF PROXIMITY TO AN APPROVED  
17 FACILITY SCHOOL OR OTHER FACTORS. THE CENTER SHALL PRIORITIZE  
18 TECHNICAL ASSISTANCE TO RURAL SCHOOL DISTRICTS, REMOTE SCHOOL  
19 DISTRICTS, AND OTHER SCHOOL DISTRICTS AND RELATED ADMINISTRATIVE  
20 UNITS THAT FACE SIGNIFICANT OBSTACLES TO PROVIDING SUPPORTS TO  
21 SERVE STUDENTS WITH EXCEPTIONALLY SEVERE OR SPECIALIZED NEEDS.

22 (b) TECHNICAL ASSISTANCE MAY INCLUDE:

23 (I) TRAINING;

24 (II) PROFESSIONAL DEVELOPMENT;

25 (III) COACHING;

26 (IV) SUPPORTS FOR RESOURCE SHARING AND COLLABORATION  
27 BETWEEN ADMINISTRATIVE UNITS, APPROVED FACILITY SCHOOLS, SCHOOL

1 DISTRICTS, OR BOCES; AND

2 (V) DIRECT SUPPORTS TO ADMINISTRATIVE UNITS TO ENSURE THE  
3 ADMINISTRATIVE UNIT PROVIDES A FREE AND APPROPRIATE PUBLIC  
4 EDUCATION FOR STUDENTS WITH EXCEPTIONALLY SEVERE OR SPECIALIZED  
5 NEEDS.

6 (3) (a) BEGINNING IN THE 2023-24 BUDGET YEAR, THE CENTER  
7 SHALL ASSESS THE NEEDS OF SCHOOL DISTRICTS, PRIORITIZING RURAL  
8 SCHOOL DISTRICTS, REMOTE SCHOOL DISTRICTS, AND OTHER SCHOOL  
9 DISTRICTS AND RELATED ADMINISTRATIVE UNITS THAT FACE SIGNIFICANT  
10 OBSTACLES TO PROVIDING SUPPORTS TO SERVE STUDENTS WITH  
11 EXCEPTIONALLY SEVERE OR SPECIALIZED NEEDS.

12 (b) BEGINNING IN THE 2024-25 BUDGET YEAR, THE CENTER SHALL  
13 PROVIDE TECHNICAL ASSISTANCE TO SCHOOL DISTRICTS, PRIORITIZING  
14 RURAL SCHOOL DISTRICTS, REMOTE SCHOOL DISTRICTS, AND OTHER  
15 SCHOOL DISTRICTS AND RELATED ADMINISTRATIVE UNITS THAT FACE  
16 SIGNIFICANT OBSTACLES TO PROVIDING SUPPORTS TO SERVE STUDENTS  
17 WITH EXCEPTIONALLY SEVERE OR SPECIALIZED NEEDS.

18 (4) THE QUALIFIED THIRD-PARTY EVALUATOR DESCRIBED IN  
19 SECTION 22-2-405 (4) SHALL STUDY THE EFFECTIVENESS OF THE CENTER,  
20 WHICH MUST INCLUDE FEEDBACK FROM SCHOOL DISTRICTS AND  
21 ADMINISTRATIVE UNITS THAT USE THE SERVICES OF THE CENTER.

22 (5) SUBJECT TO AVAILABLE APPROPRIATIONS, THE CENTER MAY  
23 EXTEND SUPPORT SERVICES TO SCHOOL DISTRICTS AND RELATED  
24 ADMINISTRATIVE UNITS TO IMPROVE SERVICES FOR STUDENTS WITH  
25 EXCEPTIONALLY SEVERE OR SPECIALIZED NEEDS, INCLUDING THROUGH  
26 GRANT PROGRAMS AND DIRECT AND CONTRACTED SERVICES.

27 **SECTION 11.** In Colorado Revised Statutes, 22-54-129, **amend**

1 (2)(c)(II), (3), and (4); and **add** (1)(a.5), (2)(c)(III), and (2.5) as follows:

2 **22-54-129. Facility school funding - definitions - legislative**  
3 **declaration.** (1) As used in this section, unless the context otherwise  
4 requires:

5 (a.5) "BASELINE FUNDING" MEANS A FUNDING AMOUNT BASED ON  
6 STUDENT ENROLLMENT PROJECTIONS THAT IS INTENDED TO PROVIDE  
7 SUFFICIENT FUNDING FOR MINIMUM EDUCATION PROGRAM SERVICES FOR  
8 AN APPROVED FACILITY SCHOOL.

9 (2) (c) (II) For the 2013-14 budget year and each budget year  
10 thereafter, each ~~approved facility school~~ and state program that meets the  
11 requirements of this section must receive education program funding,  
12 which must be distributed pursuant to subsection (4) of this section. The  
13 amount of funding available for all ~~approved facility schools~~ and state  
14 programs in a budget year is an amount equal to the pupil enrollment of  
15 each ~~approved facility school~~ and state program for the applicable budget  
16 year multiplied by an amount equal to one and seventy-three hundredths  
17 of the statewide base per pupil funding for the applicable budget year.

18 (III) FOR THE 2013-14 BUDGET YEAR THROUGH THE 2022-23  
19 BUDGET YEAR, EACH APPROVED FACILITY SCHOOL THAT COMPLIES WITH  
20 THE REQUIREMENTS OF THIS SECTION MUST RECEIVE EDUCATION PROGRAM  
21 FUNDING, WHICH MUST BE DISTRIBUTED PURSUANT TO SUBSECTION (4) OF  
22 THIS SECTION. THE AMOUNT OF FUNDING AVAILABLE FOR ALL APPROVED  
23 FACILITY SCHOOLS IN A BUDGET YEAR IS AN AMOUNT EQUAL TO THE PUPIL  
24 ENROLLMENT OF EACH APPROVED FACILITY SCHOOL FOR THE APPLICABLE  
25 BUDGET YEAR MULTIPLIED BY AN AMOUNT EQUAL TO ONE AND  
26 SEVENTY-THREE HUNDREDTHS OF THE STATEWIDE BASE PER PUPIL  
27 FUNDING FOR THE APPLICABLE BUDGET YEAR.

1           (2.5) (a) (I) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET  
2 YEAR THEREAFTER, EACH APPROVED FACILITY SCHOOL THAT MEETS THE  
3 REQUIREMENTS OF THIS SECTION MUST RECEIVE EDUCATION PROGRAM  
4 FUNDING, WHICH MUST BE DISTRIBUTED PURSUANT TO THIS SUBSECTION  
5 (2.5). THE AMOUNT OF STATE FUNDING AVAILABLE FOR ALL APPROVED  
6 FACILITY SCHOOLS IN A BUDGET YEAR IS AN AMOUNT EQUAL TO THE SUM  
7 OF THE BASELINE FUNDING OF EACH APPROVED FACILITY SCHOOL FOR THE  
8 APPLICABLE BUDGET YEAR, BASED ON STUDENT ENROLLMENT  
9 PROJECTIONS FOR EACH APPROVED FACILITY SCHOOL AND PER PUPIL  
10 FUNDING FOR EACH APPROVED FACILITY SCHOOL, IF APPLICABLE, OFFSET  
11 BY OTHER REVENUE SOURCES DESCRIBED IN SUBSECTION (2.5)(a)(III) OF  
12 THIS SECTION.

13           (II) THE BASELINE FUNDING AMOUNT MUST BE CALCULATED BY  
14 USING STUDENT ENROLLMENT PROJECTIONS. THE BASELINE FUNDING  
15 AMOUNT MAY INCLUDE FUNDING FOR SPECIAL EDUCATION DIRECTORS,  
16 LICENSED TEACHERS, RELEVANT THERAPEUTIC STAFF, CLASSROOM  
17 TEACHING AIDES, SCHOOL ADMINISTRATION, NONPERSONNEL COSTS, AND  
18 ANY OTHER ELEMENTS REQUIRED TO PROVIDE MINIMUM EDUCATION  
19 PROGRAM SERVICES FOR AN APPROVED FACILITY SCHOOL.

20           (III) THE BASELINE FUNDING AMOUNT PAID BY THE STATE MUST BE  
21 OFFSET BY A PORTION OF THE TUITION RECEIVED FOR THE COST OF  
22 ENROLLED STUDENTS PER DAY FOR SPECIAL EDUCATION SERVICES FROM  
23 SCHOOL DISTRICTS PURSUANT TO SECTION 22-20-109 AND BY A PORTION  
24 OF HOSPITAL REVENUE FOR THE COST OF ENROLLED STUDENTS PER DAY  
25 FROM OTHER SOURCES FOR HOSPITAL-BASED APPROVED FACILITY  
26 SCHOOLS.

27           (b) THE OFFICE OF FACILITY SCHOOLS MAY SUSPEND, REDUCE, OR

1 RECOUP MONTHLY PAYMENTS FROM AN APPROVED FACILITY SCHOOL IF  
2 THE OFFICE OF FACILITY SCHOOLS DETERMINES THAT AN APPROVED  
3 FACILITY SCHOOL DOES NOT PROVIDE SERVICES FOR WHICH THE APPROVED  
4 FACILITY SCHOOL IS FUNDED OR SERVES SIGNIFICANTLY FEWER STUDENTS  
5 THAN WERE ANTICIPATED WHEN THE APPROVED FACILITY SCHOOL'S  
6 BASELINE FUNDING WAS APPROVED.

7 (c) BASELINE FUNDING MUST BE ADJUSTED BASED ON THRESHOLDS  
8 FOR STUDENT ENROLLMENT COUNT, BUT AN APPROVED FACILITY SCHOOL  
9 SHALL RECEIVE FUNDING FOR NO FEWER THAN EIGHT STUDENTS. BASELINE  
10 FUNDING MUST BE ADJUSTED EACH YEAR FOR INFLATIONARY IMPACTS ON  
11 EACH COST ELEMENT INCLUDED IN THE CALCULATION. STUDENT  
12 ENROLLMENT THRESHOLDS PROVIDE FOR FUNDING ADJUSTMENTS FOR:

13 (I) UP TO EIGHT STUDENTS;

14 (II) NINE TO SIXTEEN STUDENTS; AND

15 (III) SEVENTEEN OR MORE STUDENTS.

16 (d) (I) STUDENT ENROLLMENT PROJECTIONS MUST BE BASED ON  
17 ACTUAL STUDENT ENROLLMENT COUNTS FROM PRIOR YEARS, CAPACITY  
18 ADJUSTMENTS, OR ANY OTHER FACTORS RELEVANT TO PROJECTING THE  
19 AVERAGE STUDENT ENROLLMENT FOR EACH APPROVED FACILITY SCHOOL  
20 IN A BUDGET YEAR.

21 (II) INITIAL FUNDING LEVELS AND MONTHLY PAYMENTS TO  
22 APPROVED FACILITY SCHOOLS MUST BE BASED ON ACTUAL STUDENT  
23 ENROLLMENT COUNTS FROM PRIOR YEARS, WHICH MAY BE ADJUSTED BY  
24 THE OFFICE OF FACILITY SCHOOLS TO ADDRESS KNOWN CHANGES IN THE  
25 CAPACITY OF AN APPROVED FACILITY SCHOOL. IF THE STUDENT  
26 ENROLLMENT COUNT FOR AN APPROVED FACILITY SCHOOL IS  
27 SIGNIFICANTLY DIFFERENT THAN THE PROJECTED STUDENT ENROLLMENT

1 COUNT, THE AMOUNT OF FUNDING MUST BE ADJUSTED TO ACCOUNT FOR  
2 THE CHANGE.

3 (III) THE DEPARTMENT MAY REQUEST ADDITIONAL FUNDS FOR THE  
4 CURRENT BUDGET YEAR OR THE NEXT BUDGET YEAR AS PART OF ITS  
5 MID-YEAR BUDGET SUBMISSION IF REQUIRED BASED ON EXPENDITURE  
6 PROJECTIONS DUE TO CUMULATIVE STUDENT ENROLLMENT DATA THROUGH  
7 NOVEMBER OF A GIVEN BUDGET YEAR.

8 (e) (I) FOR THE 2023-24 BUDGET YEAR, THE STATE SHALL PAY  
9 BASELINE FUNDING AMOUNTS TO APPROVED FACILITY SCHOOLS WITH  
10 STUDENT ENROLLMENT THRESHOLDS AS FOLLOWS:

11 (A) UP TO EIGHT STUDENTS MUST BE NO MORE THAN FIFTY  
12 THOUSAND ONE HUNDRED FORTY-NINE DOLLARS PER MONTH LESS THE  
13 OFFSET AMOUNT CALCULATED PURSUANT TO SUBSECTION (2.5)(a)(III) OF  
14 THIS SECTION AND SET FORTH IN SUBSECTION (2.5)(e)(II) OF THIS SECTION;

15 (B) NINE TO SIXTEEN STUDENTS MUST BE NO MORE THAN  
16 FIFTY-NINE THOUSAND SIX HUNDRED NINETY-SEVEN DOLLARS PER MONTH  
17 LESS THE OFFSET AMOUNT CALCULATED PURSUANT TO SUBSECTION  
18 (2.5)(a)(III) OF THIS SECTION AND SET FORTH IN SUBSECTION (2.5)(e)(II)  
19 OF THIS SECTION;

20 (C) THE PAYMENT FOR EACH ADDITIONAL STUDENT ABOVE  
21 SIXTEEN STUDENTS MUST BE NO MORE THAN TWO THOUSAND FIVE  
22 HUNDRED FORTY-ONE DOLLARS PER MONTH PER STUDENT IN ADDITION TO  
23 THE FIFTY-NINE THOUSAND SIX HUNDRED NINETY-SEVEN DOLLARS PER  
24 MONTH DESCRIBED IN SUBSECTION (2.5)(e)(I)(B) OF THIS SECTION, LESS  
25 THE OFFSET AMOUNT CALCULATED PURSUANT TO SUBSECTION (2.5)(a)(III)  
26 OF THIS SECTION AND SET FORTH IN SUBSECTION (2.5)(e)(II) OF THIS  
27 SECTION. THE AMOUNT PER STUDENT FOR EACH ADDITIONAL STUDENT

1 PURSUANT TO THIS SUBSECTION (2.5)(e)(I)(C) MUST DECREASE BASED ON  
2 STUDENT ENROLLMENT THRESHOLDS ESTABLISHED BY THE DEPARTMENT.

3 (II) THE OFFSET AMOUNTS DESCRIBED IN SUBSECTION (2.5)(a)(III)  
4 MUST BE CALCULATED AS FIFTY-FIVE DOLLARS PER ENROLLED STUDENT  
5 PER DAY FOR SPECIAL EDUCATION SERVICES FROM SCHOOL DISTRICTS AND  
6 SEVENTY-FIVE DOLLARS PER ENROLLED STUDENT PER DAY FOR THE  
7 PORTION OF THE HOSPITAL REVENUE FROM OTHER SOURCES FOR  
8 HOSPITAL-BASED APPROVED FACILITY SCHOOLS.

9 (III) FOR FUTURE BUDGET YEARS AFTER THE 2023-24 BUDGET  
10 YEAR, INFLATIONARY ADJUSTMENTS AND OTHER ADJUSTMENTS TO THE  
11 AMOUNTS SET FORTH IN THIS SUBSECTION (2.5)(e) MUST BE SET IN THE  
12 ANNUAL APPROPRIATIONS BILL.

13 (f) SUBJECT TO AVAILABLE APPROPRIATIONS, FUNDING FOR EACH  
14 APPROVED FACILITY SCHOOL MAY BE PRORATED PROPORTIONATELY BASED  
15 ON STUDENT ENROLLMENT.

16 (3) To receive education program funding pursuant to this section,  
17 an approved facility school, THROUGH THE 2022-23 BUDGET YEAR, or a  
18 state program shall submit its pupil enrollment for the applicable budget  
19 year to the department on or before November 10, 2008, and on or before  
20 October 5 of each budget year thereafter.

21 (4) (a) In addition to the requirements of subsection (3) of this  
22 section, on or before the fifteenth day of each month, an approved facility  
23 school or a state program shall report to the department, in a manner to be  
24 determined by the department, the actual number of students who  
25 received educational services at the approved facility school or through  
26 the state program during the prior calendar month and the corresponding  
27 number of full-time equivalent students to which the approved facility

1 school or state program provided such services. The department may  
2 accept amended monthly reports from an approved facility school or a  
3 state program prior to making the distribution of funding for the  
4 applicable month pursuant to ~~paragraph (b) of this subsection (4)~~  
5 SUBSECTION (4)(b) OF THIS SECTION. BEGINNING IN THE 2023-24 BUDGET  
6 YEAR, FUNDING FOR AN APPROVED FACILITY SCHOOL MUST BE  
7 DISTRIBUTED PURSUANT TO SUBSECTION (2.5) OF THIS SECTION.

8 (b) (I) On or before the fifteenth day of the month following the  
9 month in which ~~an approved facility school or~~ a state program reported  
10 the number of students to which it provided educational services and the  
11 number of full-time equivalent students to which the ~~approved facility~~  
12 ~~school or~~ state program provided services pursuant to ~~paragraph (a) of~~  
13 ~~this subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION, the department  
14 shall pay the ~~approved facility school or~~ state program a proportional  
15 amount of the total amount of education program funding as determined  
16 pursuant to subsection (2) of this section, based on the ~~approved facility~~  
17 ~~school's or~~ state program's reported number of full-time equivalent  
18 students.

19 (II) FOR THE 2013-14 BUDGET YEAR THROUGH THE 2022-23  
20 BUDGET YEAR ONLY, ON OR BEFORE THE FIFTEENTH DAY OF THE MONTH  
21 FOLLOWING THE MONTH IN WHICH AN APPROVED FACILITY SCHOOL  
22 REPORTED THE NUMBER OF STUDENTS TO WHOM IT PROVIDED  
23 EDUCATIONAL SERVICES AND THE NUMBER OF FULL-TIME EQUIVALENT  
24 STUDENTS TO WHOM THE APPROVED FACILITY SCHOOL PROVIDED SERVICES  
25 PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, THE DEPARTMENT  
26 SHALL PAY THE APPROVED FACILITY SCHOOL A PROPORTIONAL AMOUNT OF  
27 THE TOTAL AMOUNT OF EDUCATION PROGRAM FUNDING AS DETERMINED



1 PURSUANT TO SUBSECTION (2) OF THIS SECTION BASED ON THE APPROVED  
2 FACILITY SCHOOL'S REPORTED NUMBER OF FULL-TIME EQUIVALENT  
3 STUDENTS.

4 (III) BEGINNING IN THE 2023-24 BUDGET YEAR, THE DEPARTMENT  
5 SHALL PAY AN APPROVED FACILITY SCHOOL MONTHLY AS SET FORTH IN  
6 SUBSECTION (2.5) OF THIS SECTION.

7 (c) The department may prorate the payments made pursuant to  
8 ~~paragraph (b) of this subsection (4)~~ SUBSECTIONS (4)(b)(I) AND (4)(b)(II)  
9 OF THIS SECTION, if the department determines that such action is  
10 necessary to accommodate a projected shortfall in education program  
11 funding as calculated pursuant to subsection (2) of this section.

12 **SECTION 12.** In Colorado Revised Statutes, 25-1.5-103, **add** (6)  
13 as follows:

14 **25-1.5-103. Health facilities - powers and duties of department**  
15 **reports - rules - limitations on rules - definitions - repeal.** (6) (a) THE  
16 DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF  
17 EDUCATION, THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING,  
18 AND THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP AN  
19 INTERAGENCY RESOURCE GUIDE PURSUANT TO SECTION 22-2-410 TO  
20 ASSIST FACILITIES TO BECOME LICENSED OR AUTHORIZED AS APPROVED  
21 FACILITY SCHOOLS AND TO RECOMMEND CHANGES RELATED TO THE  
22 INTERAGENCY RESOURCE GUIDE TO THE DEPARTMENT'S STATUTE, RULE,  
23 OR ADMINISTRATIVE PROCEDURES.

24 (b) THE DEPARTMENT SHALL PROMINENTLY POST THE  
25 INTERAGENCY RESOURCE GUIDE CREATED PURSUANT TO SUBSECTION  
26 (6)(a) OF THIS SECTION ON THE DEPARTMENT'S WEBSITE.

27 **SECTION 13.** In Colorado Revised Statutes, 25.5-1-104, **add** (6)

1 as follows:

2 **25.5-1-104. Department of health care policy and financing**  
3 **created - executive director - powers, duties, and functions - report.**

4 (6) (a) (I) THE STATE DEPARTMENT SHALL COLLABORATE WITH THE  
5 DEPARTMENT OF EDUCATION, THE DEPARTMENT OF PUBLIC HEALTH AND  
6 ENVIRONMENT, AND THE DEPARTMENT OF HUMAN SERVICES TO DEVELOP  
7 AN INTERAGENCY RESOURCE GUIDE PURSUANT TO SECTION 22-2-410 TO  
8 ASSIST FACILITIES TO BECOME LICENSED OR AUTHORIZED AS APPROVED  
9 FACILITY SCHOOLS AND TO RECOMMEND CHANGES RELATED TO THE  
10 INTERAGENCY RESOURCE GUIDE TO THE STATE DEPARTMENT'S STATUTE,  
11 RULE, OR ADMINISTRATIVE PROCEDURES.

12 (II) THE STATE DEPARTMENT SHALL PROMINENTLY POST THE  
13 INTERAGENCY RESOURCE GUIDE CREATED PURSUANT TO SUBSECTION  
14 (6)(a)(I) OF THIS SECTION ON THE DEPARTMENT'S WEBSITE.

15 (b) ON OR BEFORE NOVEMBER 1, 2023, THE STATE DEPARTMENT,  
16 AFTER CONSULTING WITH THE FACILITY SCHOOL WORK GROUP CREATED IN  
17 SECTION 22-2-407.5, SHALL RECOMMEND A PLAN TO PROVIDE GUIDANCE  
18 TO APPROVED FACILITY SCHOOLS ON THE ELIGIBILITY STANDARDS  
19 REQUIRED TO REQUEST AND RECEIVE MEDICAID REIMBURSEMENT FUNDING  
20 FOR THERAPEUTIC SERVICES TO THE MAXIMUM EXTENT POSSIBLE TO  
21 REDUCE RELIANCE ON SCHOOL DISTRICT REVENUES FOR TUITION  
22 PAYMENTS REQUIRED PURSUANT TO SECTION 22-20-109. THE PLAN MUST  
23 INCLUDE BEST PRACTICES FROM OTHER STATES, RECOMMENDATIONS ON  
24 REQUIRED FEDERAL OR STATE AUTHORITY CHANGES, COST ESTIMATES,  
25 AND COST-SAVING POTENTIALS.

26 **SECTION 14.** In Colorado Revised Statutes, 26-6-905, **add** (12)

27 as follows:

1           **26-6-905. Licenses - out-of-state notices and consent -**  
2 **demonstration pilot program - report - rules - definition.** (12)(a) THE  
3 STATE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF  
4 EDUCATION, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT,  
5 AND THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO  
6 DEVELOP AN INTERAGENCY RESOURCE GUIDE PURSUANT TO SECTION  
7 22-2-410 TO ASSIST FACILITIES TO BECOME LICENSED OR AUTHORIZED AS  
8 APPROVED FACILITY SCHOOLS AND TO RECOMMEND CHANGES RELATED TO  
9 THE INTERAGENCY RESOURCE GUIDE TO THE STATE DEPARTMENT'S  
10 STATUTE, RULE, OR ADMINISTRATIVE PROCEDURES.

11           (b) THE STATE DEPARTMENT SHALL PROMINENTLY POST THE  
12 INTERAGENCY RESOURCE GUIDE CREATED PURSUANT TO SUBSECTION  
13 (12)(a) OF THIS SECTION ON THE DEPARTMENT'S WEBSITE.

14           **SECTION 15.** In Colorado Revised Statutes, 22-2-103, **amend**  
15 (1)(g) as follows:

16           **22-2-103. Department of education.** (1) The department of  
17 education shall include the following:

18           (g) The OFFICE OF facility schools ~~unit~~ created in section  
19 22-2-403;

20           **SECTION 16.** In Colorado Revised Statutes, 22-2-107, **amend**  
21 (1)(q) as follows:

22           **22-2-107. State board - power.** (1) The state board has the  
23 power:

24           (q) To promulgate rules and regulations to define the types and  
25 amounts of costs in excess of applicable revenues that a school district of  
26 residence of a child with a disability shall pay as tuition to educate that  
27 child elsewhere within Colorado at a facility, as defined by the

1 department in its regulations, approved by the OFFICE OF facility schools  
2 unit in the department pursuant to section 22-2-407, or at an  
3 administrative unit as defined in section 22-20-103 (1) other than the  
4 administrative unit of residence; however, a school district may pay a  
5 higher amount, as provided in section 22-20-109 (1);

6 **SECTION 17.** In Colorado Revised Statutes, 22-20-109, **amend**  
7 (2)(b) as follows:

8 **22-20-109. Tuition - rules.** (2) (b) The state board shall  
9 promulgate rules to define the contract approval process and the method  
10 for determining the tuition rate that a school district of residence of a  
11 child with a disability shall pay as tuition to educate that child at an  
12 approved facility school. The rules for determining a tuition rate must  
13 include, but need not be limited to, the limitations on the number of staff  
14 members per number of students, the number of school days, all special  
15 education expenditures as defined in section 22-20-103 (22.7) and  
16 specified by the child's IEP, other education costs, and applicable  
17 revenues associated with the approved facility school's educational  
18 program. The rules may not require that, in calculating the amount of the  
19 tuition charge for educating a child with a disability in an approved  
20 facility school, the costs incurred by the approved facility school in  
21 providing the special education program be reduced by the amount of  
22 revenues, if any, received by the approved facility school as donations or  
23 special education grants. The school district of residence is responsible  
24 for paying as tuition any excess costs above the amount the department  
25 pays to provide these services pursuant to ~~section 22-54-129 (2)~~ SECTION  
26 22-54-129.

27 **SECTION 18.** In Colorado Revised Statutes, 24-1-115, **amend**

1 (12) as follows:

2 **24-1-115. Department of education - creation.** (12) The  
3 department of education includes the OFFICE OF facility schools unit and  
4 the office of the director of the OFFICE OF facility schools unit established  
5 in section 22-2-403. The OFFICE OF facility schools unit and the office of  
6 the director of the facility schools unit are **type 2** entities, as defined in  
7 section 24-1-105, and exercise their powers and perform their duties and  
8 functions under the department, the commissioner of education, and the  
9 state board of education.

10 **SECTION 19. Appropriation - adjustments to 2023 long bill.**

11 (1) To implement this act, appropriations made in the annual general  
12 appropriation act for the 2023-24 state fiscal year to the department of  
13 education are adjusted as follows. The appropriation for use by the  
14 facility schools office and facility schools board is decreased by \$216,625  
15 and the related FTE is decreased by 3.0 FTE. This appropriation is from  
16 reappropriated funds transferred from the facility school funding line item  
17 and the state school funding line item appropriations.

18 (2) For the 2023-24 state fiscal year, \$18,780,654 is appropriated  
19 to the department of education. This appropriation is from the state  
20 education fund created in section 17 (4)(a) of article IX of the state  
21 constitution. To implement this act, the department may use this  
22 appropriation as follows:

23 (a) \$738,482 for the facility schools office, facility schools board,  
24 and facility schools technical assistance center, which amount is based on  
25 an assumption that the department will require an additional 7.1 FTE;

26 (b) \$200,000 for the facility schools shared operational services  
27 grant program;

1           (c) \$100,000 for facility schools work group and program  
2 evaluation contracts; and

3           (d) \$17,742,172 for facility school funding.

4           (3) Any money appropriated in subsection (2)(b) of this section  
5 that is not expended prior to July 1, 2024, is further appropriated to the  
6 department for the 2024-25 state fiscal year for the same purpose.

7           **SECTION 20. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, or safety.