

Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO

REVISED

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

LLS NO. 18-1156.01 Jerry Barry x4341

SENATE BILL 18-231

SENATE SPONSORSHIP

Lambert and Moreno, Lundberg

HOUSE SPONSORSHIP

Young, Hamner, Rankin

Senate Committees

Appropriations

House Committees

Public Health Care & Human Services
Appropriations

A BILL FOR AN ACT

101 CONCERNING A TASK FORCE ON THE TRANSITION OF PERSONS WITH
102 INTELLECTUAL AND DEVELOPMENTAL DISABILITIES FROM
103 EDUCATIONAL SERVICES TO HOME- AND COMMUNITY-BASED
104 SERVICES, AND, IN CONNECTION THEREWITH, MAKING AN
105 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/>.)

Joint Budget Committee. The bill establishes a task force for transition planning to make recommendations on improvements for the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
May 4, 2018

SENATE
3rd Reading Unamended
April 17, 2018

SENATE
2nd Reading Unamended
April 16, 2018

transition of individuals with disabilities who are receiving services and supports in an educational setting to receiving services and supports through home- and community-based services. It specifies membership on the task force and duties including making a report to specified committees of the general assembly.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-10-102 as
3 follows:

4 **25.5-10-102. Transition planning - task force - legislative**
5 **declaration - report - definitions - repeal.** (1) THE GENERAL ASSEMBLY
6 FINDS AND DECLARES THAT:

7 (a) CURRENTLY, CHILDREN WITH DISABILITIES BETWEEN THREE
8 AND TWENTY-ONE YEARS OF AGE ARE SERVED BY EDUCATIONAL
9 PROVIDERS UNDER PART B OF THE FEDERAL "INDIVIDUALS WITH
10 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400. THIS ACT ENSURES
11 THAT CHILDREN WITH DISABILITIES HAVE A FREE AND APPROPRIATE PUBLIC
12 EDUCATION TO PREPARE THEM FOR FURTHER EDUCATION, EMPLOYMENT,
13 AND INDEPENDENT LIVING.

14 (b) ADULTS WITH INTELLECTUAL AND DEVELOPMENTAL
15 DISABILITIES OVER TWENTY-ONE YEARS OF AGE ARE SERVED BY THE
16 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING THROUGH HOME-
17 AND COMMUNITY-BASED SERVICES WAIVER PROGRAMS INTENDED TO
18 PROVIDE ADDITIONAL SUPPORTS TO THESE ADULTS TO ALLOW THEM TO
19 REMAIN LIVING IN THE COMMUNITY;

20 (c) CHILDREN WITH DISABILITIES AND THEIR PARENTS EXPERIENCE
21 DIFFICULTIES IN TRANSITIONING FROM RECEIVING SERVICES IN THE
22 EDUCATIONAL SETTING TO RECEIVING SERVICES THROUGH THE
23 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

1 (d) ADDITIONALLY, THE DEPARTMENT OF HEALTH CARE POLICY
2 AND FINANCING HAS NO WAY OF DETERMINING THE NUMBER OF CHILDREN
3 WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES WHO WILL BE
4 TRANSITIONING INTO ITS SYSTEM; AND

5 (e) IT IS THEREFORE APPROPRIATE TO CONVENE A TASK FORCE
6 COMPOSED OF INTERESTED PARTIES TO DETERMINE WHAT CAN BE DONE TO
7 EASE THE TRANSITION FROM THE EDUCATIONAL SETTING AND TO INFORM
8 THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING OF THE
9 NUMBER OF CHILDREN WITH INTELLECTUAL AND DEVELOPMENTAL
10 DISABILITIES WHO MAY BE IN NEED OF ITS SERVICES IN ANY YEAR.

11 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
12 REQUIRES:

13 (a) "INDIVIDUALIZED EDUCATION PROGRAM" OR "IEP" MEANS A
14 WRITTEN STATEMENT FOR A CHILD WITH A DISABILITY THAT IS DEVELOPED,
15 REVIEWED, AND REVISED IN ACCORDANCE WITH PART 1 OF ARTICLE 20 OF
16 TITLE 22 AND THE RULES PROMULGATED BY THE STATE BOARD OF
17 EDUCATION.

18 (b) "TASK FORCE" MEANS THE TASK FORCE FOR TRANSITION
19 PLANNING CREATED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

20 (c) "TRANSITION" MEANS THE TRANSITION FROM AN EDUCATIONAL
21 SETTING TO A HOME- AND COMMUNITY-BASED SETTING.

22 (3) (a) THERE IS CREATED IN THE OFFICE THE TASK FORCE FOR
23 TRANSITION PLANNING TO MAKE RECOMMENDATIONS ON IMPROVEMENTS
24 FOR THE TRANSITION OF INDIVIDUALS WITH DISABILITIES WHO ARE
25 RECEIVING SERVICES AND SUPPORTS IN AN EDUCATIONAL SETTING TO
26 RECEIVING SERVICES AND SUPPORTS THROUGH HOME- AND
27 COMMUNITY-BASED SERVICES UNDER THIS TITLE 25.5. THE TASK FORCE

1 CONSISTS OF:

2 (I) THE DIRECTOR OF COMMUNITY LIVING, OR THE DIRECTOR'S
3 DESIGNEE;

4 (II) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HEALTH
5 CARE POLICY AND FINANCING, OR THE DIRECTOR'S DESIGNEE;

6 (III) THE COMMISSIONER OF EDUCATION, OR THE COMMISSIONER'S
7 DESIGNEE;

8 (IV) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION OF
9 SCHOOL BOARDS, APPOINTED BY THE ORGANIZATION;

10 (V) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION
11 REPRESENTING PRACTICING DIRECTORS OF SPECIAL EDUCATION,
12 APPOINTED BY THE ORGANIZATION;

13 (VI) A REPRESENTATIVE OF COMMUNITY-CENTERED BOARDS,
14 APPOINTED BY THE DIRECTOR OF COMMUNITY LIVING;

15 (VII) A PROVIDER OF SERVICES UNDER THIS PART 10, APPOINTED
16 BY THE DIRECTOR OF COMMUNITY LIVING;

17 (VIII) A PERSON WITH AN INTELLECTUAL AND DEVELOPMENTAL
18 DISABILITY, APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
19 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING;

20 (IX) A PARENT OR GUARDIAN OF A STUDENT WITH AN
21 INTELLECTUAL AND DEVELOPMENTAL DISABILITY, APPOINTED BY THE
22 COMMISSIONER OF EDUCATION;

23 (X) A REPRESENTATIVE OF AN APPROVED SERVICE AGENCY,
24 APPOINTED BY THE DIRECTOR OF COMMUNITY LIVING; AND

25 (XI) A REPRESENTATIVE OF A STATEWIDE ORGANIZATION
26 ADVOCATING FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL
27 DISABILITIES, APPOINTED BY THE ORGANIZATION.

1 (b) IN MAKING THE APPOINTMENTS, THE APPOINTING AUTHORITIES
2 ARE TO CONSIDER THE NEED FOR REPRESENTATION ACROSS ALL
3 GEOGRAPHIC AREAS OF THE STATE.

4 (c) MEMBERS OF THE TASK FORCE SERVE WITHOUT
5 COMPENSATION, BUT MAY BE REIMBURSED FOR THEIR ACTUAL AND
6 NECESSARY EXPENSES FOR SERVING ON THE TASK FORCE.

7 (d) THE TASK FORCE SHALL MEET DURING THE INTERIM FOLLOWING
8 THE 2018 REGULAR SESSION OF THE GENERAL ASSEMBLY.

9 (4) THE TASK FORCE SHALL:

10 (a) REVIEW THE CURRENT STATUTORY CATEGORIES OF DISABILITY
11 AND SERVICES AND SUPPORTS IN EDUCATION AND IN THIS TITLE 25.5 AND
12 RECOMMEND ALIGNMENT OF THE STATUTORY CATEGORIES;

13 (b) RECOMMEND MANNERS IN WHICH CASE MANAGERS CAN BE
14 INVOLVED EARLIER IN THE TRANSITION, IN ORDER TO:

15 (I) IMPROVE PARENTS' OR GUARDIANS' UNDERSTANDING OF THE
16 TRANSITION AND ROLE OF COMMUNITY PROVIDERS IN SERVING THE
17 PARENT'S OR GUARDIAN'S CHILD IN THE FUTURE;

18 (II) ENSURE GRADUAL TRANSITION BETWEEN THE SCHOOL
19 DISTRICT AND CASE MANAGERS BY FOSTERING RELATIONSHIPS BETWEEN
20 SCHOOL DISTRICT EMPLOYEES, CASE MANAGERS, AND PARENTS AND
21 GUARDIANS; AND

22 (III) DETERMINE HOW INDIVIDUAL EDUCATION PROGRAMS CAN BE
23 USED TO ASSIST CASE MANAGERS IN THE TRANSITION;

24 (c) DETERMINE HOW AGGREGATE, NONIDENTIFYING DATA FROM
25 INDIVIDUALIZED EDUCATION PROGRAMS COULD BE USED TO:

26 (I) IDENTIFY AREAS IN WHICH SERVICES ARE NEEDED AFTER
27 TRANSITION;

1 (II) FORECAST THE ANNUAL NUMBER OF STUDENTS WITH AN
2 INTELLECTUAL AND DEVELOPMENTAL DISABILITY WHO MAY TRANSITION;
3 AND

4 (III) PROJECT FUTURE COSTS AFTER TRANSITION; AND

5 (d) ON OR BEFORE JANUARY 2, 2019, SUBMIT A REPORT OF ITS
6 FINDINGS AND RECOMMENDATIONS TO THE HEALTH AND HUMAN SERVICES
7 COMMITTEE OF THE SENATE, THE PUBLIC HEALTH CARE AND HUMAN
8 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE JOINT
9 BUDGET COMMITTEE, OR ANY SUCCESSOR COMMITTEES.

10 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2019.

11 **SECTION 2. Appropriation.** (1) For the 2018-19 state fiscal
12 year, \$109,500 is appropriated to the department of health care policy and
13 financing for use by the executive director's office. This appropriation is
14 from the general fund. To implement this act, the department may use this
15 appropriation as follows:

16 (a) \$3,000 for operating expenses; and

17 (b) \$106,500 for general professional services and special
18 projects.

19 **SECTION 3. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.