

- Adopted: June 11, 1992, August 13, 1992, June 8, 1995, September 11, 1997, partial adoption April 9, 1998 through section 3.04, partial adoption May 14, 1998 of sections 4.02(4)(k)(v), 5.02(4), and 8.02(1)(f)(l), final adoption July 9, 1998 of sections 4.01(3)(c) and 6.02(2), March 4, 1999, April 13, 2000, May 9, 2002, January 13, 2005, November 9, 2006, November 8, 2007, August 14, 2008.
- Attorney General Opinion: June 18, 1992, August 20, 1992, June 27, 1995, September 30, 1997, April 23, 1998, May 29, 1998, July 28, 1998, March 11, 1999, April 20, 2000, May 16, 2002, January 20, 2005, November 17, 2006, November 28, 2007, August 26, 2008.
- Statutory Authority: Article 20 of Title 22, C.R.S., Sections 22-20-104, 22-2-107 (1) (a), 22-2-107(1) (c), 22-2-107 (1) (q), 22-20-109 and 22-20-116.

R U L E S
(F O R T H E)
A D M I N I S T R A T I O N O F T H E E X C E P T I O N A L C H I L D R E N ' S
E D U C A T I O N A L A C T

2220-R-1.00 STATEMENT OF BASIS AND PURPOSE

- 1.00 (11) THE STATUTORY AUTHORITY FOR THE AMENDMENTS TO THESE RULES IS FOUND IN TITLE 22, ARTICLE 20, SECTIONS 102, 103(5)(A) AND 104. THE PURPOSES OF THESE AMENDMENTS ARE:
- 1.00 (11) (A) ALIGNMENT WITH REGULATIONS UNDER PART B OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATIONAL IMPROVEMENT ACT OF 2004, 20 U.S.C. SECTION 1400 ET SEQ., AS AMENDED, (IDEA) AND ITS IMPLEMENTING PART B REGULATIONS AT 34 CFR PARTS 300 AND INCLUDE:
- 1.00 (11) (A) (i) AMENDING, CONSISTENT WITH IDEA PART B REGULATIONS EFFECTIVE OCTOBER 13, 2006, THE DEFINITION OF "SCHOOL DAY"; AND SUBSTITUTING THE DISABILITY CATEGORY TERM "SPEECH OR LANGUAGE IMPAIRMENT" FOR "SPEECH LANGUAGE DISABILITY";
- 1.00 (11) (A) (ii) ADDING, CONSISTENT WITH IDEA PART B REGULATIONS EFFECTIVE MAY 9, 2007, REQUIREMENTS

REGARDING PARTICIPATION OF CHILDREN WITH DISABILITIES IN
GENERAL AND DISTRICT-WIDE ASSESSMENTS; AND

- 1.00 (11) (A) (iii) AMENDING, CONSISTENT WITH IDEA PART B REGULATIONS EFFECTIVE DECEMBER 31, 2008, REQUIREMENTS REGARDING PARENTAL CONSENT, INCLUDING THE DEFINITION OF "CONSENT."
- 1.00 (11) (B) THE IDEA PART B REGULATIONS WERE ISSUED BY THE UNITED STATES DEPARTMENT OF EDUCATION, OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES. THROUGHOUT THESE RULES, THE APPLICABLE PART B REGULATIONS ARE REFERRED TO IN GENERAL (E.G., "PART B REGULATIONS") OR BY REFERENCE TO SPECIFIC REGULATORY SECTION NUMBERS (E.G., 34 CFR §300.1) AND ARE INCORPORATED HEREIN BY REFERENCE AS APPLICABLE. HOWEVER, THESE RULES DO NOT INCLUDE LATER AMENDMENTS OR EDITIONS TO THE IDEA PART B REGULATIONS.
- 1.00 (11) (B) (i) COPIES OF THE IDEA PART B REGULATIONS ARE AVAILABLE FOR PUBLIC INSPECTION, UPON APPOINTMENT, DURING REGULAR BUSINESS HOURS AT THE OFFICE OF THE EXCEPTIONAL STUDENT LEADERSHIP UNIT. UPON REQUEST, A COPY OF THE PART B REGULATIONS SHALL BE PROVIDED AT COST TO THE PERSON OR ENTITY REQUESTING A COPY. INQUIRIES REGARDING THE PROCEDURE FOR EXAMINING SUCH REGULATIONS OR FOR OBTAINING A COPY OF SUCH REGULATIONS SHALL BE DIRECTED TO:
- DIRECTOR
EXCEPTIONAL STUDENT LEADERSHIP UNIT
COLORADO DEPARTMENT OF EDUCATION
1560 BROADWAY, SUITE 1175
DENVER, CO 80202
(303) 866-6694
- 1.00 (11) (B) (ii) COPIES OF THE PART B REGULATIONS MAY BE EXAMINED AT ANY STATE PUBLICATION DEPOSITORY LIBRARY.

...[NO CHANGES ARE BEING MADE TO SECTIONS 2.00 THROUGH 2.08(6)]

- 2.08 (7) A child with ~~speech-language disability~~ **A SPEECH OR LANGUAGE IMPAIRMENT** shall have a communicative disorder which prevents the child from receiving reasonable educational benefit from regular education.
- 2.08 (7) (b) Criteria for ~~a speech-language disability preventing~~ **A SPEECH OR LANGUAGE IMPAIRMENT THAT PREVENTS** a child from receiving reasonable educational benefit from regular education shall include:

- 2.08 (7) (b) (i) Interference with oral and/or written communication in academic and social interactions in his/her primary language.
- 2.08 (7) (b) (ii) Demonstration of undesirable or inappropriate behavior as a result of limited communication skills.
- 2.08 (7) (b) (iii) The inability to communicate without the use of assistive, augmentative/alternative communication devices or systems.

...[NO CHANGES ARE BEING MADE TO SECTIONS 2.08(8) THROUGH 2.09]

2.10 Consent

Consent means that:

- 2.10 (1) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
- 2.10 (2) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and
 - 2.10 (3) (a) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at anytime.
 - 2.10 (3) (b) If a parent revokes consent, that revocation is not retroactive (i.e., it does not negate an action that has occurred after the consent was given and before the consent was revoked).
 - 2.10 (3) (C) IF THE PARENT REVOKES CONSENT IN WRITING FOR THEIR CHILD'S RECEIPT OF SPECIAL EDUCATION SERVICES AFTER THE CHILD IS INITIALLY PROVIDED SPECIAL EDUCATION AND RELATED SERVICES, THE PUBLIC AGENCY IS NOT REQUIRED TO AMEND THE CHILD'S EDUCATION RECORDS TO REMOVE ANY REFERENCES TO THE CHILD'S RECEIPT OF SPECIAL EDUCATION AND RELATED SERVICES BECAUSE OF THE REVOCATION OF CONSENT.

2.11 Day; Business Day; School Day

- 2.11 (1) *Day* means calendar day unless otherwise indicated as business day or school day.
- 2.11 (2) *Business Day* means Monday through Friday, except for federal and state holidays (unless holidays are specifically included in the designation of business day (e.g., 34 CFR §300.148(d)(1)(ii)).
- 2.11 (3) *School Day* has the same meaning for all children in school, including children with and without disabilities AND SHALL MEAN ANY DAY, INCLUDING A PARTIAL

DAY THAT CHILDREN ARE IN ATTENDANCE AT SCHOOL FOR INSTRUCTIONAL PURPOSES.

...[NO CHANGES ARE BEING MADE TO SECTIONS 2.12 THROUGH 4.03(11)]

5.01 State Eligibility

The State of Colorado ("State") is eligible for assistance under Part B of the Individuals with Disabilities Education Act ("IDEA") if the State has in effect policies and procedures to ensure that the State meets the conditions of 34 CFR §§300.101 through 300.176 as follows:

...[NO CHANGES ARE BEING MADE TO SECTIONS 5.01(1) THROUGH (23)]

5.01 (24) REQUIREMENTS REGARDING THE PARTICIPATION OF ALL CHILDREN WITH DISABILITIES IN GENERAL STATE AND DISTRICT-WIDE ASSESSMENT PROGRAMS AS ESTABLISHED IN 34 CFR §300.160.