

Title of Proposed Rule: School Stability HB1306 Updates

CDHS Tracking #: 18-10-23-01

Office, Division, & Program: _____ Rule Author: Kristin Melton

Phone: 303-866-5139

E-Mail:

Kristin.melton@state.co.us

RULEMAKING PACKET

Type of Rule: *(complete a and b, below)*

a. Board Executive Director

b. Regular Emergency

This package is submitted to State Board Administration as: *(check all that apply)*

AG Initial Review

Initial Board Reading

AG 2nd Review

Second Board Reading / Adoption

This package contains the following types of rules: *(check all that apply)*

Number

X Amended Rules

_____ New Rules

_____ Repealed Rules

_____ Reviewed Rules

What month is being requested for this rule to first go before the State Board?	January 2019
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What date is being requested for this rule to be effective?	April 15, 2019
Is this date legislatively required?	no

I hereby certify that I am aware of this rule-making and that any necessary consultation with the Executive Director's Office, Budget and Policy Unit, and Office of Information Technology has occurred.

Office Director Approval: _____ Date: _____

REVIEW TO BE COMPLETED BY STATE BOARD ADMINISTRATION

Comments:

Estimated Dates:	1st Board	1/4/19	2nd Board	2/8/19	Effective Date	4/15/19
	_____		_____		_____	

DOCUMENT 1

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

*Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. **1500 Char max***

These amendments are needed to bring human services regulations in compliance with changes in Colorado’s HB 18-1306. These changes ensure consistent terminology and definitions as well as implement the requirement for county departments of human and social services to provide notice to school districts of students being placed out-of-home.

An emergency rule-making (which waives the initial Administrative Procedure Act noticing requirements) is necessary:

to comply with state/federal law and/or

to preserve public health, safety and welfare

Justification for emergency:

State Board Authority for Rule:

Code	Description
26-1-107, C.R.S. (2015)	State Board to promulgate rules
26-1-109, C.R.S. (2015)	State department rules to coordinate with federal programs
26-1-111, C.R.S. (2015)	State department to promulgate rules for public assistance and welfare activities.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
§ 19-3-208(3), C.R.S.	Requires promulgation of rules to implement the best interest determination process.

Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

The definitions of “student in out-of-home placement” and “school of origin” are statutory, so this is incorporated by reference to ensure consistency in the event of any future revisions to statute.

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

County departments of human and social services, school district, children and youth in out-of-home placement

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

County departments of human and social services are required to notify school districts when students are placed out of home and to adjust practice to incorporate the expanded definitions of "school of origin" and "student in out-of-home placement." Children and youth in foster care benefit from the services to ensure school stability. School districts benefit from a clear process for notification of when students are placed out of home, as the districts are required to provide services to and track outcomes on this population.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just "no impact" answer should include "no impact because..."***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

The expanded definitions in HB 18-1306 increase the length of time a child or youth may be eligible for transportation to the "school of origin," which will result in some added cost. However, this cost is included within the \$2.7 million (\$2.2 mil in state funds; ~\$550k county funds) appropriated in HB 18-1306. There is no additional impact resulting from these rules.

County Fiscal Impact

The expanded definitions in HB 18-1306 increase the length of time a child or youth may be eligible for transportation to the "school of origin," which will result in some added cost. Counties will be responsible for the 20% match to state funds. This cost is included within the ~\$550K in county funds appropriated in HB 18-1306. There is no additional impact resulting from these rules.

Federal Fiscal Impact

n/a

Other Fiscal Impact (such as providers, local governments, etc.)

n/a

4. Data Description

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List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

The changes in the rule are only what is needed to implement the state law.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

There is no alternative because these changes are needed to be consistent with state law.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
7.000	<i>Incorrect Statutory Reference</i>	<i>Section 26.5.103 C.R.S.</i>	<i>Section 26.5-101(3) C.R.S.</i>		
7.301.24 (E)	After HB 18-1306, definition of "school of origin" needed updating for consistency.	A description of the county's efforts to place the child/youth in reasonable proximity to the home of the parents and to the school in which he or she was enrolled at the time of each placement, referred to as the "school of origin." For a child/youth placed a substantial distance from the home of the parent(s), from his or her "school of origin," or in out-of-state placement, the county shall document how the placement meets the best interests of the child/youth, including how the county took into account proximity to parents and school in making its placement decision (see sections 7.304.54, J and 7.301.241, B, 2).	A description of the county's efforts to place the child/youth in reasonable proximity to the home of the parents and to the school in which he or she was enrolled at the time of each placement, referred to as the "school of origin." AS DEFINED IN § 22-32-138(g), C.R.S. For a child/youth placed a substantial distance from the home of the parent(s), from his or her "school of origin," or in out-of-state placement, the county shall document how the placement meets the best interests of the child/youth, including how the county took into account proximity to parents and school in making its placement decision (see sections 7.304.54, J and 7.301.241, B, 2).	Changes are to be consistent with state statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve
7.301.24 1(B)	After HB 18-1306, definition of "student in out-of-home placement" and language referencing school systems needed updating for consistency; also clarifies notice requirements necessary for implementation of HB 18-1306 and the federal Every Student Succeeds Act.	County departments shall coordinate with the local public school, school district, and/or Board of Cooperative Education Services (collectively "local educational agency" or "LEA") to ensure educational stability for each school-aged child/youth, including those attending public pre-school, in out-of-home placement	County departments shall coordinate with the local public school, THE STATE CHARTER SCHOOL INSTITUTE, school district, and/or Board of Cooperative Education Services (collectively, "EDUCATION PROVIDER" " local educational agency " or "LEA") to ensure educational stability for each "student in out-of-home placement" AS DEFINED IN § 22-32-138(e) and (h), C.R.S. school aged child/youth , including those attending public pre-school, in out of home placement . County departments shall notify "education providers" upon each school-aged child/youth entering or changing out-of-home placement,	Changes are to be consistent with state statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve

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			even if no school change is being considered.		
7.301.24 1(C)	After HB 18-1306, definition of "school of origin" needed updating.	Each placement of a child/youth shall take into account the appropriateness of the current educational setting and the proximity to the school in which the child/youth is enrolled at the time of placement, referred to as the "school of origin." See Section 7.301.24, E.	Each placement of a child/youth shall take into account the appropriateness of the current educational setting and the proximity to the school in which the child/youth is enrolled at the time of placement, referred to as the "school of origin." AS DEFINED IN § 22-32-138(g), C.R.S. See Section 7.301.24, E.	Changes are to be consistent with statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve
7.301.24 1(D.2.e)	After HB 10-1306 language referencing school systems needed updating for consistency.	Representative from the "school of origin" who knows the child/youth, as determined by the school district.	Representative from the "school of origin" who knows the child/youth, as determined by the school district "EDUCATION PROVIDER."	Changes are to be consistent with statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve
7.301.24 1(D.4.b)	After HB 10-1306 language referencing school systems needed updating for consistency.	Attend another appropriate school. The potential new school(s) to consider may include any school in which the child/youth may enroll pursuant to state law and school district policy, including but not limited to C.R.S. § 22-1-102 (defining residence of child), C.R.S. § 22-32-116 (defining exception to exclusion of non-residents), or C.R.S. § 22-20-107.5 (defining residence of child who receives special education). The county department need not consider every possible school; rather the county should identify which school or schools they are considering so the attributes of the specific schools can be considered.	Attend another appropriate school. The potential new school(s) to consider may include any school in which the child/youth may enroll pursuant to state law and school district "EDUCATION PROVIDER" policy, including but not limited to C.R.S. § 22-1-102 (defining residence of child), C.R.S. § 22-32-116 (defining exception to exclusion of non-residents), or C.R.S. § 22-20-107.5 (defining residence of child who receives special education). The county department need not consider every possible school; rather the county should identify which school or schools they are considering so the attributes of the specific schools can be considered.	Changes are to be consistent with statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve

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7.301.24 1(D.5)	After HB 10-1306 language referencing school systems needed updating for consistency.	The county department shall make the best interest determination in collaboration with the school district and other participants and in consideration of the following non-exhaustive factors, as relevant:	The county department shall make the best interest determination in collaboration with the school district "EDUCATION PROVIDER" and other participants and in consideration of the following non-exhaustive factors, as relevant:	Changes are to be consistent with statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve
7.301.24 1(D.6)	After HB 10-1306 language referencing school systems needed updating for consistency.	If the county determines that it is not in a child/youth's best interest to remain in the same school, the school district shall immediately, on the date designated in the best interest determination, enroll the child/youth in a new school, even without records normally required for enrollment, pursuant to the every child/youth succeeds act, 42 U.S.C. § 675(1)(G)(ii). In order to facilitate transfers at natural academic transitions whenever possible, "immediately" means the date designated in the best interest determination, not necessarily the date the determination is made.	If the county determines that it is not in a child/youth's best interest to remain in the same school, the school district "EDUCATION PROVIDER" shall immediately, on the date designated in the best interest determination, enroll the child/youth in a new school, even without records normally required for enrollment, pursuant to the EVERY STUDENT SUCCEEDS ACT every child/youth succeeds act , 42 U.S.C. § 675(1)(G)(ii). In order to facilitate transfers at natural academic transitions whenever possible, "immediately" means the date designated in the best interest determination, not necessarily the date the determination is made.	Changes are to be consistent with statute; corrects technical error in capitalization and statute name.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve
7.301.24 1(E)	After HB 10-1306 language referencing school systems needed updating for consistency; also clarifies language for transportation once the youth exits out-of-home placement.	County departments and LEAs shall collaborate to ensure that children in foster care needing transportation to the "school of origin" will promptly receive transportation in a cost-effective manner. County departments and LEAs shall collaborate to develop systems-level transportation plans, including how transportation will be provided, arranged, and funded for the duration of time the child/youth is in foster care Transportation plans may be developed at the local and/or regional levels.	County departments and LEAs "EDUCATION PROVIDERS" shall collaborate to ensure that children in foster care needing transportation to the "school of origin" will promptly receive transportation in a cost-effective manner. County departments and LEAs "EDUCATION PROVIDERS" shall collaborate to develop systems-level transportation plans, including how transportation will be provided, arranged, and funded for the duration of time the child/youth is in foster care OUT-OF-HOME PLACEMENT AND, IF ACCEPTED BY THE FAMILY, THE REMAINDER OF THE ACADEMIC TERM DURING WHICH A CHILD/YOUTH EXITS OUT-OF-HOME PLACEMENT. Transportation plans may be developed at the local and/or regional levels.	Changes are to be consistent with statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve
7.301.24 1(G.1)	After HB 10-1306	If a child/youth is suspected to have a	If a child/youth is suspected to have a disability affecting	Changes are to be consistent	Yes/ PAC

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	language referencing school systems needed updating for consistency.	disability affecting his or her education, the caseworker shall make a written referral for a special education evaluation to the designated representatives of the child/youth's school district of jurisdiction, which is the district where the child is a resident for educational purposes, before a non-emergency placement in a residential child care facility.	his or her education, the caseworker shall make a written referral for a special education evaluation to the designated representatives of the child/youth's school district "EDUCATION PROVIDER" of jurisdiction, which is the district "EDUCATION PROVIDER" where the child is a resident for educational purposes, before a non-emergency placement in a residential child care facility.	with statute.	and Child Welfare Sub-PAC has voted to approve
7.301.24 1(G.2)	After HB 10-1306 language referencing school systems needed updating for consistency.	Upon any placement of a child/youth with a disability or suspected of having a disability into a residential child care facility, the caseworker shall make a verbal notification within five working days and a written notification within fifteen calendar days to the school district of jurisdiction after the placement.	Upon any placement of a child/youth with a disability or suspected of having a disability into a residential child care facility, the caseworker shall make a verbal notification within five working days and a written notification within fifteen calendar days to the school district "EDUCATION PROVIDER" of jurisdiction after the placement.	Changes are to be consistent with statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve
7.301.24 1(G.3)	After HB 10-1306 language referencing school systems needed updating for consistency.	Educational costs of placements are not reimbursable to the county department until after notice of the placement is given to the school district of jurisdiction.	Educational costs of placements are not reimbursable to the county department until after notice of the placement is given to the school district "EDUCATION PROVIDER" of jurisdiction.	Changes are to be consistent with statute.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve
7.301.24 1(G.4)	After HB 10-1306 language referencing school systems needed updating for consistency; also corrects formal titles of the relevant acts.	If the special education evaluation results in a determination that the child/youth is disabled pursuant to section 504 of the rehabilitation act and/or the individuals with disabilities education act, which means that the child/youth qualifies for disability accommodations and/or special education services, the county and district of jurisdiction shall meet to determine if the educational needs of the child/youth can be met in the placement or the Core Services program.	If the special education evaluation results in a determination that the child/youth is disabled pursuant to section 504 of the R ehabilitation Aact and/or the individuals with D isabilities Eeducation Aact, which means that the child/youth qualifies for disability accommodations and/or special education services, the county and district "EDUCATION PROVIDER" of jurisdiction shall meet to determine if the educational needs of the child/youth can be met in the placement or the Core Services program.	Changes are to be consistent with statute; corrects technical error in capitalization.	Yes/ PAC and Child Welfare Sub-PAC has voted to approve

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STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

Colorado Department of Education, Child Welfare Sub-PAC, PAC

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

Colorado Association of School Boards

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Colorado Department of Education; awaiting comment

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	Child Welfare		
Date presented	8/2/18 and 9/6/18		
What issues were raised?	On 8/2/18 Sub-PAC members approved policy submittal and requested more time to review rules. On 9/6/18 rules were approved with no substantive issues raised.		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	All in favor		
If not presented, explain why.			

PAC

Have these rules been approved by PAC?

Yes No

Date presented	10/4/18		
What issues were raised?	None – consent agenda		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	All in favor		
If not presented, explain why.	Item was on the consent agenda.		

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

(As of 11/12/18. This will be updated with any comments received prior to the State Board meeting.)

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If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

**EXAMPLE OF RULES WITH
SECRETARY OF STATE’S STYLE CODING**

(12 CCR 2509-4)

**7.301.24 Family Service Plan Out-of-Home Placement Documentation [Rev. eff. 3/1/16
4/15/19]**

For child(ren)/youth in out-of-home placement, the Family Services Plan documents:

- A. That the child/youth meets all of the out-of-home placement criteria listed in Section 7.304.3.
- B. That when the child/youth is part of a sibling group and the sibling group is being placed out of the home, if the county department locates an appropriate, capable, willing, and available joint placement for all of the children/youth in the sibling group, it shall be presumed that placement of the entire sibling group in the joint placement is in the best interests of the children/youth. Such presumption may be rebutted by the county by a preponderance of the evidence that placement of the entire sibling group in the joint placement is not in the best interests of a child/youth or of the children/youth. At the dispositional hearing, if a child/youth is part of a sibling group and was not placed with his/her siblings, documentation shall be submitted to the court about whether it continues to be in the best interest of the child(ren)/youth to be placed separately.
- C. The problems to be resolved in order to facilitate reunification of the child/youth and family, and to safely maintain the child/youth in the home.
- D. A description of the type of facility in which the child/youth is placed and the reason(s) the placement is appropriate and safe for the child/youth.
- E. A description of the county’s efforts to place the child/youth in reasonable proximity to the home of the parents and to ~~the school in which he or she was enrolled at the time of each placement, referred to as the~~ “school of origin:” AS DEFINED IN § 22-32-138(g), C.R.S. For a child/youth placed a substantial distance from the home of the parent(s), from his or her “school of origin,” or in out-of-state placement, the county shall document how the placement meets the best interests of the child/youth, including how the county took into account proximity to parents and school in making its placement decision (see sections 7.304.54, J and 7.301.241, B, 2).
- F. A summary of efforts to ensure educational stability as outlined in Section 7.301.241.

...

<Title2>

***** (BREAK BETWEEN SECTIONS)

7.301.241 Education Requirements for Children/Youth in Out-of-Home Placement [Rev. eff. 2/1/10 4/15/19]

- A. Documentation shall be entered into the state automated case management system to address compliance with all requirements in this section, 7.301.241, including designation of responsibilities.
- B. County departments shall coordinate with the local public school, school district, THE STATE CHARTER SCHOOL INSTITUTE, and/or Board of Cooperative Education Services (collectively, “EDUCATION PROVIDER” ~~“local educational agency” or “LEA”~~) to ensure educational stability for

each “student in out-of-home placement” AS DEFINED IN § 22-32-138(e) and (h), C.R.S. school-aged child/youth, including those attending public pre-school, in out-of-home placement. County departments shall notify “education providers” upon each school-aged child/youth entering or changing out-of-home placement, even if no school change is being considered.

- C. Each placement of a child/youth shall take into account the appropriateness of the current educational setting and the proximity to the school in which the child/youth is enrolled at the time of placement, referred to as the “school of origin.” AS DEFINED IN § 22-32-138(g), C.R.S. See Section 7.301.24, E.
- D. It is presumed to be in a child/youth’s best interest to remain in the “school of origin.” If transportation is necessary to maintain the child/youth in the “school of origin,” this shall be provided in accordance with section 7.301.24, E.

The county shall make a best interest determination prior to any school move resulting from a change in placements unless remaining in the “school of origin” poses a specific, documented threat to the child/youth’s safety. The best interest determination process is as follows:

1. The best interest discussion and determination shall occur as an in-person meeting when warranted and possible. When an in-person meeting is not warranted or not possible, or for participants unable to attend the meeting, the county department shall consult participants by other means, such as phone or email.
2. The county department shall invite the following people to participate in the best interest determination. If a participant is unavailable or cannot be located, the county shall document the various ways in which attempts were made to engage that participant.
 - a. Child/youth, as described below,

The county department of human services shall determine the child/youth’s wishes in a developmentally appropriate way and include the child/youth in the meeting to the extent appropriate and possible for the child/youth’s individual needs. If it is inappropriate or not possible for the child/youth to participate in the meeting, the county department shall document the reason and ascertain the child/youth’s wishes through other means.
 - b. Parents,

For purposes of this subsection 7.301.241, the term “parents” includes a natural parent having sole or joint custody, regardless of whether the parent is designated as the primary residential custodian, or a parent allocated parental responsibilities with respect to a child, or an adoptive parent. Parent does not include a person whose parental rights have been terminated pursuant to the provisions of Title 19 of the Colorado Revised Statutes or the parent of an emancipated minor.
 - c. Caseworker or appropriate designee,
 - d. Guardian ad litem, if one is appointed,
 - e. Representative from the “school of origin” who knows the child/youth, as determined by the school district “EDUCATION PROVIDER,”
 - f. Educational surrogate parent, if any, and
 - g. Others as relevant and appropriate as determined by the county, which may include but are not limited to future caregiver, court appointed special advocate

(CASA), current caregiver, representatives from potential new school, support person for the child/youth.

3. Best interest determination meetings may be incorporated into family engagement meetings. The county department shall protect the family's confidentiality by including school personnel only in the portion of the meeting regarding the child/youth's educational needs, unless members consent to their ongoing participation in the meeting.
4. The best interest determination shall address whether it is in the child/youth's best interests to either:
 - a. Remain in the same school, or
 - b. Attend another appropriate school.

The potential new school(s) to consider may include any school in which the child/youth may enroll pursuant to state law and school district "EDUCATION PROVIDER" policy, including but not limited to C.R.S. § 22-1-102 (defining residence of child), C.R.S. § 22-32-116 (defining exception to exclusion of non-residents), or C.R.S. § 22-20-107.5 (defining residence of child who receives special education). The county department need not consider every possible school; rather the county should identify which school or schools they are considering so the attributes of the specific schools can be considered.

If it is determined to be in the child/youth's best interest to attend a new school, the best interest determination shall also include the date when the child/youth will change schools. The child/youth shall remain in the "school of origin" until this date. It is presumed to be in a child/youth's best interest to be in the least restrictive environment and to transfer at natural transitions such as the beginning of the school year or academic term.

5. The county department shall make the best interest determination in collaboration with the school district "EDUCATION PROVIDER" and other participants and in consideration of the following non-exhaustive factors, as relevant:
 - a. Child/youth's wishes,
 - b. Child/youth's safety,
 - c. How the "school of origin" can meet the child/youth's academic and non-academic needs (including special education, extra-curricular activities, social, emotional, and other needs). In considering the child/youth's needs, the county department shall give special weight to whether the child/youth has a meaningful and appropriate relationship with an adult at the "school of origin,"
 - d. How the potential new school could meet the child/youth's academic and non-academic needs, including special education, extra-curricular activities, social, emotional, and other needs,
 - e. How the decision impacts the child/youth's permanency goal(s), and
 - f. The length of travel and impact on the child/youth.
 - g. The cost of transportation is not a permissible consideration in determining the child/youth's best interest.

6. If the county determines that it is not in a child/youth's best interest to remain in the same school, the ~~school district~~ "EDUCATION PROVIDER" shall immediately, on the date designated in the best interest determination, enroll the child/youth in a new school, even without records normally required for enrollment, pursuant to the EVERY STUDENT SUCCEEDS ACT ~~every child/youth succeeds act~~, 42 U.S.C. § 675(1)(G)(ii). In order to facilitate transfers at natural academic transitions whenever possible, "immediately" means the date designated in the best interest determination, not necessarily the date the determination is made.
 7. The county department shall inform the parent(s), guardian ad litem, and educational surrogate parent, if any, of the best interest determination within one business day of making the determination. The notification shall serve as the first day in the dispute resolution time frames described in section 7.301.24, D, 8.
 8. Disputes regarding best interest determinations shall be handled in a manner that promotes the child/youth's safety and stability, as follows:

If the parent(s), guardian ad litem, and/or educational surrogate parent, if any, is a party to an accompanying court case and disagrees with the county department's best interest determination, he or she must file a motion with the juvenile court to seek judicial resolution. Such a motion must be filed within three business days of the notice of the county's determination. If the county receives such a motion, the child/youth shall remain in the "school of origin" pending dispute resolution, unless remaining in the school poses a specific, documented threat to the child/youth's safety. If such parties indicate their agreement to a school move, the county need not delay the move pending the three-day appeal period.
- E. County departments and LEAs "EDUCATION PROVIDERS" shall collaborate to ensure that children in foster care needing transportation to the "school of origin" will promptly receive transportation in a cost-effective manner. County departments and LEAs "EDUCATION PROVIDERS" shall collaborate to develop systems-level transportation plans, including how transportation will be provided, arranged, and funded for the duration of time the child/youth is in ~~foster care~~ OUT-OF-HOME PLACEMENT AND, IF ACCEPTED BY THE FAMILY, THE REMAINDER OF THE ACADEMIC TERM DURING WHICH A CHILD/YOUTH EXITS OUT-OF-HOME PLACEMENT. Transportation plans may be developed at the local and/or regional levels.
 - F. County departments shall document efforts to ensure the child/youth meets the state compulsory attendance requirements.
 - G. Procedures for special education evaluations when children are in out-of-home care:
 1. If a child/youth is suspected to have a disability affecting his or her education, the caseworker shall make a written referral for a special education evaluation to the designated representatives of the child/youth's ~~school district~~ "EDUCATION PROVIDER" of jurisdiction, which is the ~~district~~ "EDUCATION PROVIDER" where the child is a resident for educational purposes, before a non-emergency placement in a residential child care facility.
 2. Upon any placement of a child/youth with a disability or suspected of having a disability into a residential child care facility, the caseworker shall make a verbal notification within five working days and a written notification within fifteen calendar days to the ~~school district~~ "EDUCATION PROVIDER" of jurisdiction after the placement.
 3. Educational costs of placements are not reimbursable to the county department until after notice of the placement is given to the ~~school district~~ "EDUCATION PROVIDER" of jurisdiction.

4. If the special education evaluation results in a determination that the child/youth is disabled pursuant to section 504 of the Rehabilitation Act and/or the Individuals with Disabilities Education Act, which means that the child/youth qualifies for disability accommodations and/or special education services, the county and ~~district~~ "EDUCATION PROVIDER" of jurisdiction shall meet to determine if the educational needs of the child/youth can be met in the placement or the Core Services program.
5. If the child/youth is not eligible for disability accommodations and/or special education services, the county may be responsible for educational costs.

[Note: Changes to rule text are identified as follows: deletions are shown as "strikethrough", additions are in "All Caps", and changes made between initial review and final adoption are in highlighted yellow]