

PHIL WEISER
Attorney General
NATALIE HANLON LEH
Chief Deputy Attorney General
SHANNON STEVENSON
Solicitor General

TANJA WHEELER
Associate Chief Deputy Attorney
General



RALPH L. CARR
COLORADO JUDICIAL CENTER
1300 Broadway, 6th Floor
Denver, Colorado 80203
Phone (720) 508-6000

STATE OF COLORADO
DEPARTMENT OF LAW

State Services Section

May 5, 2025

Jena Griswold, Secretary of State
Office of the Secretary of State
1700 Broadway, Suite 200
Denver, CO 80290

RE: Tracking Number: 2025-00186
Corrections to the Rules for the Administration of the Exceptional
Children's Education Act
Rules 4.03(8)(b), 8.01, and 2.03, 1 CCR 301-8

Dear Secretary Griswold:

I have reviewed the corrections to the accompanying Rules 4.03(8)(b), 8.01, and 2.03, and determined that the matters being corrected are non-substantive errors, and that the corrections are necessary to ensure that the published rules and corresponding opinion conform to the adopted rules, pursuant to section 24-4-103(11)(d), C.R.S. (2025).

The corrections address a failure to properly number portions of the rule, adopted March 13, 2025, submitted under Tracking Number 2024-00573, specifically:

Subsection 4.03(8)(b)(v) should be relabeled as 4.03(8)(b)(iv).

4.03(8)(b)(iii) → A change in building or location ¶

A change in building or location that is not a change in placement, as described in Section 4.03(8)(b), may be accomplished without convening the child's IEP Team or conducting a reevaluation. Decisions changing location or building should be made with due consideration for the impact on the child's total education program and must include parent participation. A location or building decision that does not constitute a change in placement does not require prior written notice or an IEP Team meeting, except as provided in section 4.03(8)(c) of these Rules. ¶

4.03(8)(b)(v) → Public School Choice. ¶

When a student transfers to a new school or program under Sections 22-30.5-104(3) (to a charter school), 22-30.5-507(3) (to a CSI school),

Section 8.01 is missing and should be added in front of “General Responsibilities” to state “8.01 General Responsibilities.”

7.06(3)(b) → There is a direct conflict between the state complaint decision and the final decision of the administrative law judge. ¶

* 8.00 → RESPONSIBILITIES OF ADMINISTRATIVE UNITS, STATE-OPERATED PROGRAMS AND APPROVED FACILITY SCHOOLS ¶

* **General Responsibilities** ¶

8.01(1) → Duties and responsibilities of administrative units. ¶

An administrative unit shall carry out all applicable State and Federal statutes and regulations and shall be responsible for and provide assurances for. ¶

8.01(1)(a) → The development and adoption of a Comprehensive Plan in accordance with the applicable statutes and regulations. Such Plan shall also include a description of the following. ¶

8.01(1)(a)(i) → Financial commitments and agreements of the unit and of the participating districts for special education programs and services. ¶

8.01(1)(a)(ii) → Method or standards utilized to determine the number and types of special education personnel required to meet the needs of children with disabilities. ¶

8.01(1)(a)(iii) → Procedures for regular, periodic evaluation of programs, services and student progress. ¶

The rule labeled 2.32(1)(f) should be changed to 2.03(1)(f).

 2.32(1)(f) → When a child attends a public school on-line program in another district, the child shall be considered a resident of the AU in which the parent or guardian resides (unless Rule 2.03(1)(h) applies). ¶

2.03(1)(g) → If a child with a disability is homeless, as defined by Section 22-1-102.5, C.R.S., the provisions of Section 22-1-102(2), C.R.S., apply. ¶

2.03(1)(h) → If a child with a disability enrolls in a district or institute charter school that participates in an alternative administrative unit, the alternative administrative unit is deemed the administrative unit of residence and of attendance as long as the child is enrolled in the alternative administrative unit. ¶

Thank you for your assistance in identifying these corrections on behalf of the Colorado Department of Education. Please do not hesitate to contact me if I may be of further assistance.

Sincerely,

FOR THE ATTORNEY GENERAL

/s/ Michelle Berge
MICHELLE BERGE
First Assistant Attorney General
State Services Section
michelle.berge@coag.gov