

**PRIOR AGREEMENTS MADE BETWEEN THE CH. 60 COMMUNITY WORK GROUP AND  
THE DOE FOR INCLUSION IN THE GUIDELINES**

DATE	SECTION	CONTENT
2/7/08	8-60-1 Purpose & scope	ADD (a) (9) to encourage the participation of students with a disability in all school improvement efforts (from Ch. 56)
2/21/08	8-60-2 Definitions	<p>INCLUDED IN 2/21 DRAFT REGULATIONS BUT REMOVED AFTER A.G. REVIEW:</p> <p>“Compensatory services” means educational services awarded to a student with a disability student for the department’s failure to provide a FAPE.</p> <p>“Functional behavioral assessment” (FBA) means an individualized assessment of the student that results in a hypothesis about the function of a student’s behavior and, as appropriate, recommendations for a behavior intervention plan.</p> <p>“General curriculum” means the same curriculum as for students without a disability and relates to the content of the curriculum and not to the setting in which it is used.</p>
2/7/08	8-60-2 Definitions	<p>“Behavior intervention plan” means an individualized plan, including positive interventions, designed to assist a student to decrease inappropriate behavior and increase or teach an alternative appropriate behavior.</p> <p>“Extended School Year” “ESY” means special education and related services provided to a student with a disability beyond the normal school year, in accordance with the student's IEP and at no cost to the parent of the student.</p> <p>“Infant or toddler with a disability” (a) Means an individual under three years of age who needs early intervention services because the individual--</p> <ul style="list-style-type: none"> <li>(1) Is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures in one or more of the areas of cognitive development, physical development, communication development, social or emotional development, and adaptive development; or</li> <li>(2) Has a diagnosed physical or mental condition that has a high probability of resulting in developmental delay; and</li> </ul> <p>(b) May also include, --</p> <ul style="list-style-type: none"> <li>(1) Students who are environmentally and biologically at risk; and</li> <li>(2) Students with disabilities who are eligible for services under section 619 (Preschool Grants) and who previously received services under Part C of the Act until such students enter, or are eligible under State law to enter, kindergarten or elementary school, as appropriate, provided that any programs under Part C of the Act serving such students shall include--</li> </ul> <ul style="list-style-type: none"> <li>(i) An educational component that promotes school readiness and incorporates pre-literacy, language, and numeracy skills; and</li> <li>(ii) A written notification to parents of their rights and</li> </ul>

		<p>responsibilities in determining whether their student will continue to receive services under Part C of the Act or participate in preschool programs under section 619.</p> <p>“Personally identifiable” means information that contains--</p> <ul style="list-style-type: none"> <li>(a) The name of the student, the student's parent, or other family member;</li> <li>(b) The address of the student;</li> <li>(c) A personal identifier, such as the student's social security number or student number; or</li> <li>(d) A list of personal characteristics or other information that would make it possible to identify the student with reasonable certainty.</li> </ul> <p>“Response to intervention” “RTI” means a process that is one component of the evaluation for identifying students with specific learning disabilities and is based on the student's response to scientific, research-based intervention.</p> <p>“Summary of performance” means a summary of academic achievement and functional performance including recommendations on how to assist the student in meeting postsecondary goals given to a student when the student ages out of school or exceeds the age of eligibility for a free appropriate public education.</p> <p>“Suspension” means any disciplinary removal other than expulsion.</p>
9/13/07	8-60-2 Definitions	Clarify in guidelines that the parent requirements of “consent” apply also to adult students who are representing their own educational interests in the IEP process
2/7/08	FAPE requirements	Include guidelines for the requirement in IDEA [300.108] that regular or special physical education be provided to students with disabilities.
2/7/08	8-60-10 Child find & referral	Make reference to the Student Support Team and its function
2/7/08	8-60-17 Placements	Add guideline language to ensure that parents are informed of the continuum of alternative placements and that placement options are discussed as part of the placement decision.
7/20/07	8-60-33 Initial evaluations	Submit evaluation reports to team members five (5) calendar days prior to eligibility determination meeting.
2/7/08	8-60-36 Evaluation procedures	Add that the student be assessed by at least one teacher or other specialist with knowledge in the area of suspected disability (a requirement in Ch. 56).
7/20/07	8-60-37 Additional requirements for evals & re-evals	Clarify that IDEA only exempts reevaluations before a change in eligibility for students who graduate from high school with a regular high school diploma--not a GED or competency-based diploma.
10/22/07	8-60-39 (e) Eligibility	Eligibility criteria from Colorado for students with emotional disabilities will be incorporated into the Guidelines.
2/21/08	8-60-39 Eligibility	Updated eligibility terms proposed by the CWG and agreed to by the

	criteria	department (Autism Spectrum Disorder, Intellectual Disability, Emotional Disability, Deaf, Hard-of-hearing, Orthopedic Disability, Other Health Disability, Speech or Language Disability, and Visual Disability) were removed after the A.G.'s review.
8/11/07	8-60-45 (a)(6) IEP Team	Clarify what is meant by "individuals who have knowledge or special expertise regarding the student"
8/11/07	8-60-46 (c) Parent participation	Document the parent's reasons for non-attendance and parent's conditions for attendance at an IEP meeting, when this information is made available to the department.
2/7/08	8-60-56 (b) Parent participation in meetings	Add requirement for parent participation in meetings that the department "shall make reasonable efforts to ensure that the parent understands, and is able to participate in , any group discussions at the meetings, including arranging for an interpreter for a parent who is Deaf, or whose native language is other than English." (Note: covered earlier for IEP meetings only: 8-60-46 (e)).
8/11/07	8-60-57 (e) Independent educational eval	Explain the "agency criteria" which must be met in order for an independent educational evaluation to be considered by the department; cite the criteria for "qualified examiner"
8/11/07	8-60-64 Resolution process	Clarify who has decision making authority for the department in a settlement agreement. Is it permissible for the complex area superintendent to sign off of (or rescind) the agreement even though the CAS was not at the resolution session?
2/7/08	8-60-66 Hearing rights	Offer an option to the hearing officer to change the order of presentation, if it would result in a more timely or efficient hearing
2/7/08	8-60-73 (g) Surrogate parents	Add two additional responsibilities for surrogate parents: 1) to protect the special education rights of the student, and 2) to be acquainted with the student's disability and the student's special education needs.
2/7/08	8-60-75 (e) Authority of School Personnel	In the manifestation determination review, use the criteria from Ch. 56 regarding: 1) whether the student's disability impaired his/her ability to understand the impact and consequences of the behavior subject to disciplinary action, and 2) whether the student's disability impaired the ability of the student to control his/her behavior subject to disciplinary action.
7/28/07	8-60-75 (g) Authority of School Personnel	Clarify other uses for Interim Alternative Education Setting outside of context of disciplinary action
2/7/08	8-60-77 Appeal – authority of HO	Include language from Ch.56 regarding a determination by the hearing officer that the department has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services prior to removal to an IAES.