



Colorado Compilation of School Discipline Laws and Regulations

Prepared: March 31, 2023

Introduction

This compilation presents school discipline-related laws and regulations for U.S. states, U.S. territories, and the District of Columbia, and, where available, links to education agency websites or resources related to school discipline and student conduct. The discipline laws and regulations presented in this compilation have been categorized by type of specific discipline issue covered, according to an organizational framework developed by the National Center for Safe and Supportive Learning Environments (NCSSE). For example, one major category encompasses all laws or regulations governing states or territories that mandate specific disciplinary sanctions (such as suspension) for specific offenses (such as drug possession on school grounds). The school discipline laws and regulations were compiled through exhaustive searches of legislative websites that identified all laws and regulations relevant to each specific category. Compiled materials were subsequently reviewed by state education agency (SEA) representatives in the 50 states, Washington D.C., and the U.S. territories.

Discipline categories were not mutually exclusive. Laws and regulations often appeared across multiple categories. For jurisdictions with more extensive laws covering a breadth of topical areas, relevant sections were excerpted from the larger legislative text for inclusion in the appropriate discipline category. Laws, ordered by chapter and section number, appear first within each category followed by regulations. All laws and regulations listed within categories in the compilation also appear in the sources cited section of the document, which lists laws by chapter and section number and title, and where available, includes active hyperlinks to source websites supported or maintained by state legislatures. Additional links to government websites or resources are provided at the end of this document.

Notes & Disclaimers

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of March 2023. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

For further information, including definitions of the different policy categories, please refer to the [Discipline Laws and Regulations Compendium](#) posted on the Center's website.

Prepared by:



**National Center on Safe Supportive
Learning Environments**

Engagement • Safety • Environment

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Colorado State Codes Cited

Colorado Revised Laws

The State of Colorado contracts with LexisNexis to provide free public access to the Colorado Code (<http://www.lexisnexis.com/hottopics/colorado/>). Users must agree to terms and conditions prior to use of the site. All listed laws are searchable by title and chapter number or by using key search terms.

Title 13. Courts and Court Procedure

Courts of Record

Article 3. Judicial Departments

13-3-116. Restorative justice coordinating council - establishment - membership

Article 5. Judicial Districts

Part 1. Judges - Terms

13-5-145. Truancy detention reduction policy - legislative declaration

Title 18. Criminal Code

Article 9. Offenses Against Public Peace, Order, and Decency

Part 1. Public Peace and Order

18-9-124. Hazing - penalties - legislative declaration

Article 12. Offenses Relating to Firearms and Weapons

Part 1. Firearms and Weapons - General

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds

Title 22. Education

General and Administrative

Article 1. General Provisions

22-1-120. Rights of free expression for public school students
22-1-126. Safe2tell program
22-1-128. Comprehensive human sexuality education - legislative declaration - definitions - guidelines and content standards
22-1-138. Information collected and posted on department website
22-1-139. Accessible district profile reports, including school climate and safety data
22-1-140. Corporal punishment prohibited - definition

Article 2. Department - Commissioner

Part 1. Department of Education - Commissioner

22-2-127.9. Mental health education literacy - resource bank - technical assistance
22-2-144. Bullying prevention and education policies - short title – study
22-2-503. Teaching and Learning conditions

Article 7. Educational Accountability

Part 3. Colorado State Advisory Council for Parent Involvement in Education

22-7-304. Council - advisory duties - technical assistance - report

Part 6. School Accountability Reports

22-7-604.5. Alternative education campuses - criteria - application - rule-making - definition

Article 11. Accreditation

Part 3. School District and Institute Accountability

22-11-302. School district accountability committee - powers and duties

Part 4. School Accountability

22-11-402. School accountability committee - powers and duties - meetings

Article 12. Teacher and School Administrator Protection Act

22-12-104. Liability

Article 14. Dropout Prevention and Student Re-Engagement

22-14-105. Assessment of statewide student attendance data - report

22-14-109.5. Ninth-grade success grant program - created - criteria - use of grant money - report - rules - definitions - repeal

22-14-110. State board - rules

Compensatory Education

Article 25. Colorado Comprehensive Health Education Act

22-25-102. Legislative declaration

22-25-103. Definitions

22-25-104.5. Law-related education program - creation

Article 29. Character Education

22-29-101. Legislative declaration

22-29-103. Character education - development - resource

School Districts

Article 32. School District Boards - Powers and Duties

22-32-109. Board of education - specific duties - definitions

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions

22-32-118.5. Intervention strategies - students at risk of dropping out - legislative declaration

22-32-126. Principals - employment and authority

22-32-144. Restorative justice practices - legislative declaration

22-32-146. School use of on-site peace officers as school resource officers

22-32-147. Use of restraints on students - certain restraints prohibited - reports and review process - definitions - rules

Article 33. School Attendance Law of 1963

Part 1. School Attendance Law of 1963

- 22-33-102. Definitions
- 22-33-104. Compulsory school attendance
- 22-33-105. Suspension, expulsion, and denial of admission
- 22-33-106. Grounds for suspension, expulsion, and denial of admission
- 22-33-106.1. Suspension - expulsion - preschool through second grade - definitions
- 22-33-106.3. Disciplinary investigations - parental presence - student statements
- 22-33-106.5. Information concerning offenses committed by students
- 22-33-107. Enforcement of compulsory school attendance - definitions
- 22-33-107.5. Notice of failure to attend
- 22-33-108. Judicial proceedings

Part 2. Expulsion Prevention Programs

- 22-33-201. Legislative declaration
- 22-33-202. Identification of at-risk students
- 22-33-203. Educational alternatives for expelled students
- 22-33-204. Services for at-risk students - agreements with state agencies and community organizations
- 22-33-204.5. Legislative declaration
- 22-33-205. Services for expelled and at-risk students - grants - criteria

Article 37. Grant Program for In-School or In-Home Suspension

- 22-37-102. Legislative declaration
- 22-37-104. Qualification

Teachers

Article 60.5 Colorado Educator Licensing Act

Part 1. General Provisions

- 22-60.5-110. Renewal of licenses

Miscellaneous

Article 93. School Bullying Prevention and Education Grant Program

- 22-93-101. Definitions
- 22-93-102. School bullying prevention and education grant program - created
- 22-93-103. School bullying prevention and education grant program - grant process - reports by grant recipients
- 22-93-104. Rules
- 22-93-105. School bullying prevention and education cash fund - created
- 22-93-106. School bullying prevention and education - availability of best practices and other resources

Article 96. Behavioral Health Care Professional Matching Grant Program

- 22-96-101. Legislative declaration
- 22-96-102. Definitions
- 22-96-103. Behavioral health care professional matching grant program - created - rules
- 22-96-104. Behavioral health care professional matching grant program - application - criteria - grant awards
- 22-96-105. Reporting

Article 102. Colorado K-5 Social and Emotional Health Act

22-102-101.	Short title
22-102-102.	Legislation declaration
22-102-103.	Definitions
22-102-104.	K-5 social and emotional health pilot program - creation - selection of pilot schools - rules
22-102-105.	Implementation of pilot program
22-102-106.	Pilot program coordinator - evaluation of pilot program - student impacts and outcomes

Title 24. Government - State

Administration

Article 10. Governmental Immunity

24-10-106.3.	Immunity and partial waiver - claims for serious bodily injury or death on public school property or at school-sponsored events resulting from incidents of school violence - short title - definitions
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Principal Departments

Article 31. Department of Law

Part 3. Peace Officers Standards and Training

24-31-303.	Duties - powers of the P.O.S.T. board
24-31-312.	School resource officer training

Part 6. Safe2Tell Act

24-31-606.	Safe2tell program - creation - duties
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Article 33.5. Public Safety

Part 5. Division of Criminal Justice

24-33.5-503.	Duties of division
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Part 18. School Safety Resource Center

24-33.5-1803.	School safety resource center - created - duties
24-33.5-1810.	School security disbursement program - created - rules - definitions - repeal

Title 25. Public Health and Environment

Administration

Article 1.5. Powers and Duties of the Department of Public Health and Environment

Part 1. General Powers and Duties

25-1.5-106.	Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created – “Ethan’s Law” – definitions - repeal
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Environmental Control

Article 14. Control of Smoking

Part 1. Prohibition against the use of Tobacco on School Property

25-14-103.5. Prohibition against the use of tobacco products and retail marijuana on school property - legislative declaration - education program - special account - definitions

Prevention, Intervention, and Treatment Services

Article 20.5. Intervention, and Treatment Services for Children and Youth

Part 5. School-based Health Center Grant Program

25-20.5-501. Legislative declaration
25-20.5-502. Definitions
25-20.5-503. School-based health center grant program - creation - funding - grants

Title 25.5. Health Care Policy and Financing

Administration

Article 1. Department of Health Care policy and Financing

Part 2. Programs to be administered by the Department

25.5-1-206. School-based substance abuse prevention and intervention program - creation - reporting - legislative declaration - definitions

Title 26. Human Services Code

Article 20. Protection of Persons from Restraint

26-20-101. Short title
26-20-102. Definitions
26-20-103. Basis for use of restraint or seclusion
26-20-104. General duties relating to use of restraint on individuals
26-20-104.5. Duties relating to use of seclusion by division of youth services
26-20-105. Staff training concerning the use of restraint and seclusion - adults and youth
26-20-106. Documentation requirements for restraint and seclusion - adults and youth
26-20-107. Review of the use of restraint and seclusion
26-20-108. Rules
26-20-109. Limitations
26-20-110. Youth restraint and seclusion working group - membership - purpose - repeal
26-20-111. Use of restraints in public schools - certain restraints prohibited

Colorado Regulations

Department of Education

301 Colorado State Board of Education

1 CCR 301-1. Administration of Statewide Accountability Measures for the Colorado Public School System, Charter School Institute, Public School Districts and Public Schools

11.0. Performance reporting

1 CCR 301.43. Rule for the administration of the expelled and at risk student services grant program

- 1.0. Statement of basis and purpose for adoption of rules
- 4.0 Application requirements
- 5.0 Grant criteria

1 CCR 301-45. Rules for the Administration of the Protection of Persons from Restraint Act

- 2620-R- 1.00. Statement of basis purpose
- 2620-R- 2.00. Definitions
- 2620-R- 2.01. Basis for the use of restraint
- 2620-R- 2.02. Duties related to the use of restraint
- 2620-R- 2.03. Staff training
- 2620-R- 2.04. Documentation and notification requirements
- 2620-R- 2.05. Review of the use of restraint
- 2620-R- 2.06. Exceptions

1 CCR 301-57. The Administration of Accountability for Alternative Campuses

- 1.00. Statement of basis and purpose
- 2.00. Definitions
- 3.00. Criteria and application process for a school to be designated an alternative education campus

1 CCR 301-68. Rules for the Administration of Medications

- 7.00. Policy for management of student possession and administration of prescription medication

1 CCR 301-78. Standardized Calculation for Counting Student Attendance and Truancy

- 1.00. Statement of basis and purpose
- 2.00. Definitions
- 3.00. Standardized calculation for counting absences for students
- 4.00. Format for reporting habitually truant student data to the department

1 CCR 301-97. Rules for the Administration of the School Health Professional Grant Program

- 1.00. Statement of basis and purpose
- 2.00. Definitions

1 CCR 301-99. Rules for the Administration of the School Bullying Prevention and Education Grant Program

- 0.00. Statement of basis and purpose
- 1.00. Definitions
- 2.00. Bullying prevention website
- 3.00. Application requirements and timeline
- 4.00. Application evaluation criteria
- 5.00. Data collection and reporting

Department of Public Safety

Division of Homeland Security and Emergency Management

8 CCR 1507-45. School Security Disbursement Program

- 5.00. Program requirements

Codes of Conduct

Authority to Develop and Establish Codes of Conduct

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(g.3) "School" means a public school of a school district, a charter school, or an institute charter school.

(2) Safe school plan. To provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(A) General policies on student conduct, safety, and welfare;

(B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

(C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

(E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105 and 22-33-106;

(F) A specific policy concerning gang-related activities on school grounds, in school vehicles, and at school activities or sanctioned events;

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(I) A written policy concerning searches on school grounds, including searches of student lockers;

(J) A dress code policy that prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress;

(K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district shall ensure that the school district's policy, at a minimum, incorporates the approaches, policies, and practices outlined in the model bullying prevention and education policy developed pursuant to section 22-2-144.

(L) Information concerning the school district's policies for the use of restraint and seclusion on students, including a reference to section 26-20-111 and information concerning the process for filing a complaint regarding the use of restraint or seclusion, as such process is set forth by rule of the state board pursuant to section 22-32-147.

22-33-104. Compulsory school attendance.

(4)(a) The board of education shall adopt a written policy setting forth the district's attendance requirements. The policy must provide for excused absences, including those listed as exclusions from compulsory school attendance in accordance with subsection (2) of this section, as well as temporary absences due to behavioral health concerns. An attendance policy developed pursuant to this section may include appropriate penalties for nonattendance due to unexcused absence.

(b) The attendance policy adopted pursuant to this subsection (4) shall specify the maximum number of unexcused absences a child may incur before the attorney for the school district, the attendance officer, or the local board of education may initiate judicial proceedings pursuant to section 22-33-108. Calculation of the number of unexcused absences a child has incurred includes all unexcused absences occurring during any calendar year or during any school year.

(b.5) Each board of education is encouraged to establish attendance procedures for identifying students who are chronically absent and to implement best practices and research-based strategies to improve the attendance of students who are chronically absent.

(c) On or before January 1, 2009, the state board shall adopt rules establishing a standardized calculation for counting unexcused absences of students, including the circumstance in which a student is absent for part of a school day, and the format for reporting the information to the department pursuant to section 22-33-107.

22-33-105. Suspension, expulsion, and denial of admission.

(2) In addition to the powers provided in section 22-32-110, the board of education of each district may:

(a) Delegate to any school principal within the school district or to a person designated in writing by the principal the power to suspend a pupil in his school for not more than five school days on the grounds stated in section 22-33-106 (1)(a), (1)(b), (1)(c), or (1)(e) or not more than ten school days on the grounds stated in section 22-33-106 (1)(d);

(b) Suspend, on the grounds stated in section 22-33-106, a pupil from school for not more than another ten school days, or may delegate such power to its executive officer; except that the latter may extend a suspension to an additional ten school days if necessary in order to present the matter to the next meeting of the board of education, but the total period of suspension pursuant to this paragraph (b) and paragraph (a) of this subsection (2) shall not exceed twenty-five school days; and

(c) Deny admission to, or expel for any period not extending beyond one year, any child whom the board of education, in accordance with the limitations imposed by this article, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer or to a designee who shall serve as a hearing officer. If the hearing is conducted by a designee acting as a hearing officer, the hearing officer shall forward findings of fact and recommendations to the executive officer at the conclusion of the hearing. The executive officer shall render a written opinion within five days after a hearing conducted by the executive officer or by a hearing officer. The executive officer shall report on each case acted upon at the next meeting of the board of education, briefly describing the circumstances and the reasons for the executive officer's action. A child who is denied admission or expelled as an outcome of the hearing shall have ten days after the denial of admission or expulsion to appeal the decision of the executive officer to the board of education, after which time the decision to grant or deny the appeal shall be at the discretion of the board of education. The appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent, guardian, or legal custodian of the child, at which evidence may be presented in the child's behalf. If the child is denied admission or expelled, the child shall be entitled to a review of the decision of the board of education in accordance with section 22-33-108.

26-20-108. Rules.

An agency that is authorized to promulgate rules or adopt ordinances shall promulgate rules or adopt ordinances applicable to the agencies within their respective jurisdictions that establish procedures for the use of restraint and seclusion consistent with the provisions of this article. Any agency that has rules or ordinances in existence on April 22, 1999, is not required to promulgate additional rules or adopt additional ordinances unless that agency's existing rules or ordinances do not meet the minimum requirements of this article.

REGULATIONS

1 CCR 301-45. Section 2620-R-1.00. Statement of basis purpose.

(1) These Rules were developed in accordance with C.R.S. 26-20-101, et seq. Specific statutory authority for the development of these Rules comes from C.R.S. 26-20-108. These Rules are provided pursuant to the terms of the "Protection of Persons from Restraint Act". These Rules outline the procedures to be followed in the administration of restraint, staff training, documentation requirements, and the review of the use of restraint.

(2) The statutory authority for the 2009 amendments to these Rules is found in 26-20-108, C.R.S. The purpose of these amendments is to better align these Rules to the Protection of Persons from Restraint Act; add clarifying language; and reorganize these Rules to provide enhanced clarification for implementation.

(3) The purpose of the 2017 amendments is to conform to the changes made in HB 17-1276 to update definitions, generally prohibit the use of prone holds and restraints, and outline the process for complaints concerning the use of restraint or seclusion.

1 CCR 301-99. Section 0.00. Statement of basis and purpose.

The Bullying Prevention and Education Program, 22-93-101 et. seq., C.R.S., requires the State Board of Education to promulgate rules to implement and administer the program. At a minimum, the rules must include: Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants; criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient.

Scope

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

(F) A specific policy concerning gang-related activities on school grounds, in school vehicles, and at school activities or sanctioned events;

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(I) A written policy concerning searches on school grounds, including searches of student lockers.

22-32-146. School use of on-site peace officers as school resource officers.

(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

REGULATIONS

No relevant regulations found.

Communication of Policy

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. [...]

The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code.

22-32-126. Principals employment and authority

(1) The board of education may employ through written contract public school principals who shall hold valid principal licenses or authorizations and who shall supervise the operation and management of the school and such property as the board shall determine necessary.

(2) The principal shall assume the administrative responsibility and instructional leadership, under the supervision of the superintendent and in accordance with the rules and regulations of the board of education, for the planning, management, operation, and evaluation of the educational program of the schools to which he is assigned.

(3) The principal shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school under his supervision.

(4) The principal shall perform such other duties as may be assigned by the superintendent pursuant to the rules and regulations of the board of education.

(5)(a) The principal or the principal's designee shall communicate discipline information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor who receives information under this subsection (5) shall maintain the confidentiality of the information and does not have authority to communicate the information to any other person.

(b) Each school district shall include in its discipline code adopted in accordance with section 22-32-110 (2) procedures to inform the student and the student's parent or guardian when disciplinary information is communicated and to provide a copy of the disciplinary information to the student and the student's parent or guardian. The discipline code shall also establish procedures to allow the student and the student's parent or guardian to challenge the accuracy of the disciplinary information.

REGULATIONS

No relevant regulations found.

In-School Discipline

Discipline Frameworks

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:

- (I) In-school suspension;
- (II) Out-of-school suspension;
- (III) Classroom removal in accordance with board policy;
- (IV) Expulsion;
- (V) Referral to law enforcement; or
- (VI) Any other form of discipline, which shall be officially identified as part of a board policy. [...]

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code must be provided to each student upon enrollment at the preschool, elementary, middle, and high school levels and shall be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

- (A) General policies on student conduct, safety, and welfare;
- (B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.
- (C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;
- (D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that

includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

(E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105, 22-33-106, and 22-33-106.1;

(F) A specific policy concerning gang-related activities on school grounds, in school vehicles, and at school activities or sanctioned events;

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(I) A written policy concerning searches on school grounds, including searches of student lockers;

(J) A dress code policy that prohibits students from wearing apparel that is deemed disruptive to the classroom environment or to the maintenance of a safe and orderly school. The dress code policy may require students to wear a school uniform or may establish minimum standards of dress;

(K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district shall ensure that the school district's policy, at a minimum, incorporates the approaches, policies, and practices outlined in the model bullying prevention and education policy developed pursuant to section 22-2-144.

(L) Information concerning the school district's policies for the use of restraint and seclusion on students, including a reference to section 26-20-111 and information concerning the process for filing a complaint regarding the use of restraint or seclusion, as such process is set forth by rule of the state board pursuant to section 22-32-147.

(II) In creating and enforcing a school conduct and discipline code pursuant to subsection (2)(a)(I) of this section, each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;

(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

(C) Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities, as defined in section 22-20-103 (5);

(D) Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of Title IX of the United States Code and other state and federal laws; and

(E) Ensure that, in implementing the code, each school of the school district complies with the requirements of section 22-33-106.1.

22-33-201. Legislative declaration.

The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

22-33-202. Identification of at-risk students.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

(2) Each school district may provide educational services to students who are identified as at risk of suspension or expulsion from school. Any school district that provides educational services to students who are at risk of suspension or expulsion may apply for moneys through the expelled and at-risk student services grant program established in section 22-33-205 to assist in providing such educational services.

REGULATIONS

No relevant regulations found.

Teacher Authority to Remove Students From Classrooms

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class

unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

REGULATIONS

No relevant regulations found.

Alternatives to Suspension

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:

- (I) In-school suspension;
- (II) Out-of-school suspension;
- (III) Classroom removal in accordance with board policy;
- (IV) Expulsion;
- (V) Referral to law enforcement; or
- (VI) Any other form of discipline, which shall be officially identified as part of a board policy.

(b) "Bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1)(II)(I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

(b.5) "Community partners" means, collectively, local fire departments, state and local law enforcement, local 911 agencies, interoperable communications providers, the safe2tell program described in section 24-31-606, C.R.S., local emergency medical service personnel, local mental health organizations, local public health agencies, local emergency management personnel, local or regional homeland security personnel, and school resource officers.

(2) Safe school plan. To provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(II) In creating and enforcing a school conduct and discipline code pursuant to subparagraph (I) of this paragraph (a), each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;

(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

(C) Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities, as defined in section 22-20-103 (5); and

(D) Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of title IX of the United States Code and other state and federal laws.

22-32-144. Restorative justice practices - legislative declaration.

(1) The general assembly hereby finds that:

(a) Conflicts and offenses arising during the school day interrupt learning, threaten school safety, and often lead to suspensions, expulsions, and an increase in the likelihood of a student dropping out of school;

(b) Students who drop out of high school face diminished job opportunities, lower lifetime earnings, and increased unemployment and more often require public assistance. They are more likely to participate in criminal activity, resulting in higher incarceration rates, and they face much greater challenges to becoming productive, contributing members of their communities.

(c) School conflicts can result in offenses that violate school rules and local laws and damage relationships among members of the school and surrounding community;

(d) Restorative justice, which requires the offender to accept responsibility and accountability for his or her actions, teaches conflict resolution, repairs the harm from the offense, reduces classroom disruptions, suspensions, expulsions, and consequent dropouts, promotes school safety, and enables victims, offenders, and community members to rebuild the community and restore relationships; and

(e) The general assembly has a vital interest in reducing classroom disruptions, suspensions, expulsions, and dropout rates and in assisting victims, reducing referrals to the justice system, and building safer, more cohesive school communities to promote learning.

(2)(a) Therefore, the general assembly supports and encourages the use of restorative justice as a school's first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment and internet harassment, and attendance issues.

(b) The general assembly encourages each school district to implement training and education in the principles and practices of restorative justice to ensure that capable personnel and resources are available to successfully facilitate all steps of the restorative justice process.

(3) For purposes of this section, "restorative justice" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. Restorative justice practices may include victim-initiated victim-offender conferences attended voluntarily by the victim, a victim advocate, the offender, school members, and supporters of the victim and the offender, which program provides an opportunity for the offender to accept responsibility for the harm caused to those affected by the act and to participate in setting consequences to repair the harm. Consequences recommended by the participants may include, but need not be limited to, apologies, community service, restitution, restoration, and counseling. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants.

(4) Each school district is encouraged to develop and utilize restorative justice practices that are part of the disciplinary program of each school in the district.

22-33-105. Suspension, expulsion, and denial of admission.

(4) The board of education of each district shall establish, as an alternative to suspension, a policy that allows the pupil to remain in school by encouraging the parent, guardian, or legal custodian, with the consent of the pupil's teacher or teachers, to attend class with the pupil for a period of time specified by the suspending authority. If the parent, guardian, or legal custodian does not agree to attend class with the pupil or fails to attend class with the pupil, the pupil shall be suspended in accordance with the conduct and discipline code of the district.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

- (a) The age of the student;
- (b) The disciplinary history of the student;
- (c) Whether the student has a disability;
- (d) The seriousness of the violation committed by the student;
- (e) Whether the violation committed by the student threatened the safety of any student or staff member; and
- (f) Whether a lesser intervention would properly address the violation committed by the student.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

- (a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.
- (b) "Enrolling entity" means:
 - (I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;
 - (II) A school district; or
 - (III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

- (a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:
 - (I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;
 - (II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22- 33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

22-33-201. Legislative declaration.

The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

22-33-202. Identification of at-risk students.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

(2) Each school district may provide educational services to students who are identified as at risk of suspension or expulsion from school. Any school district that provides educational services to students who are at risk of suspension or expulsion may apply for moneys through the expelled and at-risk student services grant program established in section 22-33-205 to assist in providing such educational services.

REGULATIONS

No relevant regulations found.

Conditions on Use of Certain Forms of Discipline

Corporal Punishment

LAWS

22-1-140. Corporal punishment prohibited – definition

(1) A person employed by or volunteering in a public school, as defined in section 22-1-101, shall not impose corporal punishment on a child.

(2)

(a) As used in this section, unless the context otherwise requires, “corporal punishment” means the willful infliction of, or willfully causing the infliction of, physical pain on a child.

(b) “Corporal punishment” does not include:

(I) An amount of force that is reasonable and necessary to quell a disturbance that threatens physical injury to persons or damage to property, necessary for purposes of self-defense, or used to obtain possession of a weapon or other dangerous object within the control of a child; or

(II) Physical pain or discomfort caused by athletic competition or other similar physical activity in which a child is voluntarily engaged.

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(b.7) “Corporal punishment” has the same meaning as set forth in section 22-1-140.

(2) Safe School plan. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except a board shall not adopt a discipline code that includes provisions that are in conflict with the description of child abuse in section 18-6-401 (1) or 19-1-103 (1). Each conduct and discipline code must state that, in accordance with section 22-1-140, a person employed by or volunteering in a public school shall not impose corporal punishment on a child.

REGULATIONS

No relevant regulations found.

Search and Seizure

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(I) A written policy concerning searches on school grounds, including searches of student lockers.

REGULATIONS

No relevant regulations found.

Restraint and Seclusion

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that no board shall adopt a discipline code that includes provisions that are in conflict with the definition of child abuse in section 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

(L) Information concerning the school district's policies for the use of restraint and seclusion on students, including a reference to section 26-20-111 and information concerning the process for filing a complaint regarding the use of restraint or seclusion, as such process is set forth by rule of the state board pursuant to section 22-32-147.

22-32-147. Use of restraints on students - certain restraints prohibited - reports and review process - definitions - rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Chemical restraint" has the same meaning as set forth in section 26-20-102 (2).

(b) "Mechanical restraint" has the same meaning as set forth in section 26-20-102 (4).

(b.7) "Physical restraint" has the same meaning as set forth in section 26-20-102 (5).

(c) "Prone position" means a face-down position.

(d) "Prone restraint" means a restraint in which the individual being restrained is secured in a prone position.

(e) "Restraint" has the same meaning as set forth in section 26-20-102 (6).

(2) Pursuant to section 26-20-111, the use of a chemical, mechanical, or prone restraint upon a student in a school or charter school of a school district or board of cooperative services is prohibited.

(3)(a) On and after August 9, 2017, each school district shall require any school employee or volunteer who uses any type of restraint on a student of the school district to submit a written report of the incident to the administration of the school not later than one school day after the incident occurred.

(b) On and after August 9, 2017, each school district shall establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint was used on a student during the preceding year. The purpose of each annual review process is to ensure that the school district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

- (I) Analysis of incident reports, including consideration of procedures used during the restraint, preventative or alternative techniques attempted, documentation, and follow-up;
- (II) Training needs of staff;
- (III) Staff-to-student ratios; and
- (IV) Environmental considerations, including physical space, student seating arrangements, and noise levels.

(b.5) If a physical restraint is more than one minute but less than five minutes, the notification requirement is a written notice to the parent on the day of the restraint. The written notice must include the date, the name of the student, and the number of restraints that day that lasted between one and five minutes.

(c) If a physical restraint is five minutes or more, the school administration shall mail, fax, or e-mail a written report of the incident to the parent or legal guardian of the student not more than five calendar days after the use of the restraint on the student.. The written report must be placed in the student's confidential file and include:

- (I) The antecedent of the student's behavior, if known;
- (II) A description of the incident;
- (III) Any efforts made to de-escalate the situation;
- (IV) Any alternatives to the use of restraints that were attempted;
- (V) The type and duration of the restraint used;
- (VI) Any injuries that occurred; and
- (VII) The staff members who were present and staff members who were involved in administering the restraint.

(d) No later than June 30, 2023, and every June 30 thereafter, each school district shall submit the data from the annual review conducted pursuant to subsection (3)(b) of this section to the department of education pursuant to section 22-1-138.

(4) On or before November 1, 2017, the state board shall promulgate rules establishing a process by which a student or a parent or legal guardian of a student may formally complain about the use of restraint or seclusion by any employee or volunteer of any school or charter school of a school district or board of cooperative services. To the extent practicable, the process must reflect the complaint process for filing a state complaint under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended.

(5) The department of education shall make training available on the "Protection of Individuals from Restraint and Seclusion Act", sections 26-20-101 to 26-20-111, and on the department of education's corresponding rules for administration of such act to individuals certified in the use of restraint.

(6) The department of education has enforcement authority over the restraint investigation decisions. This enforcement authority must follow the same procedures outlined for state complaints under the federal

"Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, and the department's state-level complaint procedures.

26-20-101. Short title.

The short title of this article is the "Protection of Individuals from Restraint and Seclusion Act".

26-20-102. Definitions.

As used in this article 20, unless the context otherwise requires:

(1)(a) "Agency" means:

(I) Any one of the principal departments of state government created in article 1 of title 24, C.R.S., or any division, section, unit, office, or agency within one of such principal departments of state government, except as excluded in paragraph (b) of this subsection (1);

(II) Any county, city and county, municipality, or other political subdivision of the state or any department, division, section, unit, office, or agency of such county, city and county, municipality, or other political subdivision of the state;

(III) Any public or private entity that has entered into a contract for services with an entity described in subsection (1)(a)(I), (1)(a)(II), or (1)(a)(VI) of this section;

(IV) Any public or private entity licensed or certified by one of the entities described in subparagraph (I) or (II) of this paragraph (a);

(V) A person regulated pursuant to article 245 of title 12;

(VI) Any school district, including any school or charter school of a school district, and the state charter school institute established in section 22-30.5-503, including any institute charter school.

(b) "Agency" does not include:

(I) The department of corrections or any public or private entity that has entered into a contract for services with such department;

(II) Any law enforcement agency of the state or of a political subdivision of the state;

(III) A juvenile probation department or division authorized pursuant to section 19-2-204, C.R.S.;

(IV) Any county department of human or social services when engaged in performance of duties pursuant to part 3 of article 3 of title 19.

(2) "Chemical restraint" means giving an individual medication involuntarily for the purpose of restraining that individual; except that "chemical restraint" does not include the involuntary administration of medication pursuant to section 27-65-111 (5), C.R.S., or administration of medication for voluntary or life-saving medical procedures.

(2.5) "Division of youth services" means the division of youth services within the state department created pursuant to section 19-2-203.

(3) "Emergency" means a serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such bodily harm.

(3.5) "Individual" encompasses both adults and youths, unless the context specifically states one or the other.

(4) "Mechanical restraint" means a physical device used to involuntarily restrict the movement of an individual or the movement or normal function of a portion of his or her body.

(5) "Physical restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement for more than one minute; except that "physical restraint" does not include the holding of a child by one adult for the purposes of calming or comforting the child.

(5.3) "Prone position" means a face-down position.

(5.5) "Prone restraint" means a restraint in which the individual who is being restrained is secured in a prone position.

(5.7) "Qualified mental health professional" means an individual who is a licensed psychologist, a licensed psychiatrist, a licensed clinical social worker, a psychologist candidate for licensure, a licensed marriage and family therapist, or a masters-level mental health therapist who is under the supervision of a licensed mental health professional.

(6) "Restraint" means any method or device used to involuntarily limit freedom of movement, including bodily physical force, mechanical devices, or chemicals. Restraint must not be used as a form of discipline or to gain compliance from a student. If property damage might be involved, restraint may only be used when the destruction of property could possibly result in bodily harm to the individual or another person. "Restraint" includes chemical restraint, mechanical restraint, and physical restraint.

"Restraint" does not include:

(a) The use of any form of restraint in a licensed or certified hospital when such use:

(I) Is in the context of providing medical or dental services that are provided with the consent of the individual or the individual's guardian; and

(II) Is in compliance with industry standards adopted by a nationally recognized accrediting body or the conditions of participation adopted for federal medicare and medicaid programs;

(b) The use of protective devices or adaptive devices for providing physical support, prevention of injury, or voluntary or life-saving medical procedures;

(c) The holding of an individual for less than one minute by a staff person for protection of the individual or other persons; except that nothing in this subsection (6)(c) may be interpreted to permit the holding of a public school student in a prone position, except as described in section 26-20-111 (2), (3), or (4); or

(d) Placement of an inpatient or resident in his or her room for the night.

(e) Repealed.

(7) "Seclusion" means the placement of an individual alone in a room or area from which egress is involuntarily prevented, except during normal sleeping hours.

(8) "State department" means the state department of human services.

(9) "Youth" means an individual who is less than twenty-one years of age.

26-20-103. Basis for use of restraint or seclusion.

(1) Subject to the provisions of this article, an agency may only use restraint or seclusion on an individual:

(a) In cases of emergency, as defined in section 26-20-102 (3); and

(b)(I) After the failure of less restrictive alternatives; or

(II) After a determination that such alternatives would be inappropriate or ineffective under the circumstances.

(1.5) Restraint and seclusion must never be used:

(a) As a punishment or disciplinary sanction;

(b) As part of a treatment plan or behavior modification plan;

(c) For the purpose of retaliation by staff; or

(d) For the purpose of protection, unless:

(I) The restraint or seclusion is ordered by the court; or

(II) In an emergency, as provided for in subsection (1) of this section.

(2) An agency that uses restraint or seclusion pursuant to the provisions of subsection (1) of this section shall use such restraint or seclusion:

(a) Only for the purpose of preventing the continuation or renewal of an emergency;

(b) Only for the period of time necessary to accomplish its purpose; and

(c) In the case of physical restraint, only if no more force than is necessary to limit the individual's freedom of movement is used.

(3) In addition to the circumstances described in subsection (1) of this section, a facility, as defined in section 27-65-102 (7), that is designated by the executive director of the state department to provide treatment pursuant to section 27-65-105, 27-65-106, 27-65-107, or 27-65-109 to an individual with a mental health disorder, as defined in section 27-65-102 (11.5), may use seclusion to restrain an individual with a mental health disorder when the seclusion is necessary to eliminate a continuous and serious disruption of the treatment environment.

(4)(a) The general assembly recognizes that skilled nursing and nursing care facilities that participate in federal medicaid programs are subject to federal statutes and regulations concerning the use of restraint in such facilities that afford protections from restraint in a manner consistent with the purposes and policies set forth in this article.

(b) If the use of restraint or seclusion in skilled nursing and nursing care facilities licensed under state law is in accordance with the federal statutes and regulations governing the medicare program set forth in 42 U.S.C. sec. 1395i-3(c) and 42 CFR part 483, subpart B and the medicaid program set forth in 42 U.S.C. sec. 1396r(c) and 42 CFR part 483, subpart B and with the rules of the department of public health and environment relating to the licensing of these facilities, there is a conclusive presumption that use of restraint or seclusion is in accordance with the provisions of this article.

(5)(a) The general assembly recognizes that article 10.5 of title 27, C.R.S., and article 10 of title 25.5, C.R.S., and the rules promulgated pursuant to the authorities set forth in those articles, address the use of restraint on an individual with a developmental disability.

(b) If any provision of this article concerning the use of restraint or seclusion conflicts with any provision concerning the use of restraint or seclusion stated in article 10.5 of title 27, C.R.S., article 10 of title 25.5, C.R.S., or any rule adopted pursuant thereto, the provision of article 10.5 of title 27, C.R.S., article 10 of title 25.5, C.R.S., or the rule adopted pursuant thereto prevails.

(6) The provisions of this article do not apply to any agency engaged in transporting an individual from one facility or location to another facility or location when it is within the scope of that agency's powers and authority to effect such transportation.

26-20-104. General duties relating to use of restraint on individuals.

(1) Notwithstanding the provisions of section 26-20-103, an agency that uses restraint shall ensure that:

(a) At least every fifteen minutes, staff shall monitor any individual held in mechanical restraints to assure that the individual is properly positioned, that the individual's blood circulation is not restricted, that the individual's airway is not obstructed, and that the individual's other physical needs are met;

(b) No physical or mechanical restraint of an individual shall place excess pressure on the chest or back of that individual or inhibit or impede the individual's ability to breathe;

(c) During physical restraint of an individual, an agent or employee of the agency shall check to ensure that the breathing of the individual in such physical restraint is not compromised;

(d) A chemical restraint shall be given only on the order of a physician or an advanced practice nurse with prescriptive authority who has determined, either while present during the course of the emergency justifying the use of the chemical restraint or after telephone consultation with a registered nurse, licensed physician assistant, or other authorized staff person who is present at the time and site of the emergency and who has participated in the evaluation of the individual, that such form of restraint is the least restrictive, most appropriate alternative available. Nothing in this subsection (1) shall modify the requirements of section 26-20-102 (2) or 26-20-103 (3).

(e) An order for a chemical restraint, along with the reasons for its issuance, shall be recorded in writing at the time of its issuance;

- (f) An order for a chemical restraint shall be signed at the time of its issuance by such physician if present at the time of the emergency;
 - (g) An order for a chemical restraint, if authorized by telephone, shall be transcribed and signed at the time of its issuance by an individual with the authority to accept telephone medication orders who is present at the time of the emergency;
 - (h) Staff trained in the administration of medication shall make notations in the record of the individual as to the effect of the chemical restraint and the individual's response to the chemical restraint.
- (2) For individuals in mechanical restraints, agency staff shall provide relief periods, except when the individual is sleeping, of at least ten minutes as often as every two hours, so long as relief from the mechanical restraint is determined to be safe. During such relief periods, the staff shall ensure proper positioning of the individual and provide movement of limbs, as necessary. In addition, during such relief periods, staff shall provide assistance for use of appropriate toileting methods, as necessary. The individual's dignity and safety shall be maintained during relief periods. Staff shall note in the record of the individual being restrained the relief periods granted.
- (3) Relief periods from seclusion shall be provided for reasonable access to toilet facilities.
- (4) An individual in physical restraint shall be released from such restraint within fifteen minutes after the initiation of physical restraint, except when precluded for safety reasons.

26-20-104.5. Duties relating to use of seclusion by division of youth services.

- (1) Notwithstanding the provisions of section 26-20-103 to the contrary, if the division of youth services holds a youth in seclusion in any secure state-operated or state-owned facility:
- (a) A staff member shall check the youth's safety at varying intervals, but at least every fifteen minutes;
 - (b) Within one hour after the beginning of the youth's seclusion period, and every hour thereafter, a staff member shall notify the facility director or his or her designee of the seclusion and receive his or her written approval of the seclusion; and
 - (c) Within twelve hours after the beginning of the youth's seclusion period, the division of youth services shall notify the youth's parent, guardian, or legal custodian and inform that person that the youth is or was in seclusion and the reason for his or her seclusion.
- (2)(a) A youth placed in seclusion because of an ongoing emergency must not be held in seclusion beyond four consecutive hours, unless the requirements of paragraph (b) of this subsection (2) are satisfied.
- (b) If an emergency situation occurs that continues beyond four consecutive hours, the division of youth services may not continue the use of seclusion for that youth unless the following criteria are met and documented:
- (I) A qualified mental health professional, or, if such professional is not available, the facility director or his or her designee, determines that referral of the youth in seclusion to a mental health facility is not warranted; and
 - (II) The director of the division of youth services, or his or her designee, approves at or before the conclusion of four hours, and every hour thereafter, the continued use of seclusion.
- (c) A youth may not be held in seclusion under any circumstances for more than eight total hours in two consecutive calendar days without a written court order.
- (3) Notwithstanding any other provision of this section, the division of youth services may place a youth alone in a room or area from which egress is involuntarily prevented if such confinement is part of a routine practice that is applicable to substantial portions of the population. Such confinement must be imposed only for the completion of administrative tasks and should last no longer than necessary to achieve the task safely and effectively.

26-20-105. Staff training concerning the use of restraint and seclusion - adults and youth.

(1) An agency that utilizes restraint or seclusion shall ensure that all staff involved in utilizing restraint or seclusion in its facilities or programs are trained in the appropriate use of restraint and seclusion.

(1.5) The division of youth services shall ensure that all staff involved in utilizing restraint and seclusion are trained in:

- (a) The health and behavioral effects of restraint and seclusion on youth, including those with behavioral or mental health disorders or intellectual and developmental disabilities;
- (b) Effective de-escalation techniques for youth in crisis, including those with behavioral or mental health disorders or intellectual and developmental disabilities;
- (c) The value of positive over negative reinforcement in dealing with youth; and
- (d) Methods for implementing positive behavior incentives.

(2) All agencies that utilize restraint or seclusion shall ensure that staff are trained to explain, where possible, the use of restraint or seclusion to the individual who is to be restrained or secluded and to the individual's family if appropriate.

26-20-106. Documentation requirements for restraint and seclusion - adults and youth.

(1) Each agency shall ensure that the use of restraint or seclusion is documented in the record of the individual who was restrained or secluded. Each agency that is authorized to promulgate rules or adopt ordinances shall promulgate rules or adopt ordinances applicable to the agencies within their respective jurisdictions specifying the documentation requirements for purposes of this section.

(2) The division of youth services shall maintain the following documentation each time a youth is placed in seclusion as a result of an emergency in any secure state-operated or state-owned facility:

- (a) The date of the occurrence;
- (b) The race, age, and gender of the individual;
- (c) The reason or reasons for seclusion, including a description of the emergency and the specific facts that demonstrate that the youth posed a serious, probable, and imminent threat of bodily harm to himself, herself, or others, and that there was a present ability to effect such bodily harm;
- (d) A description of de-escalation measures taken by staff and the response, if any, of the youth in seclusion to those measures;
- (e) An explanation of why less restrictive alternatives were unsuccessful;
- (f) The total time in seclusion;
- (g) Any incidents of self-harm or suicide that occurred while the youth was in seclusion;
- (h) With respect to the interactions required by section 26-20-104.5, documentation of the justification for keeping the youth in seclusion and specific facts to demonstrate that the emergency was ongoing;
- (i) The facility director or his or her designee's approval of continued seclusion at intervals as required by section 26-20-104.5;
- (j) Documentation of notification within twelve hours to the parent, guardian, or legal custodian of the youth in seclusion as required by section 26-20-104.5; and
- (k) The written approval by the director of the division of youth services for any seclusion that results from an emergency that extends beyond four consecutive hours, as required by section 26-20-104.5. This written approval must include documentation of specific facts to demonstrate that the emergency was ongoing and specific reasons why a referral to a mental health facility was not warranted.

(3) The division of youth services shall maintain the following documentation each time one or more youths are placed in confinement for administrative reasons pursuant to section 26-20-104.5 (3) in a secure state-operated or state-owned facility:

- (a) The number of youth confined;
- (b) The length of time the youth or youths were confined; and

(c) The reason or reasons for the confinement.

(4) On or before January 1, 2017, and on or before July 1, 2017, and every January 1 and July 1 thereafter, the division of youth services shall report on its use of restraint or seclusion in any secure state-operated or state-owned facility to the youth restraint and seclusion working group established in section 26-20-110. The January report must include information from March 1 through August 31, and the July report must include information from September 1 through the last day of February. The reports must include the following:

(a) An incident report on any use of seclusion on a youth due to an emergency for more than four consecutive hours, or for more than eight total hours in two consecutive calendar days. Each incident report must include length of seclusion, specific facts that demonstrate that the emergency was ongoing, any incidents of self-harm while in seclusion, the reasons why attempts to process the youth out of seclusion were unsuccessful, and any corrective measures taken to prevent lengthy or repeat periods of seclusion in the future. To protect the privacy of the youth, the division of youth services shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred.

(b) A report that lists the following aggregate information, both as combined totals and totals by facility for all secure state-operated or state-owned facilities:

(I) The total number of youths held in seclusion or restraint due to an emergency;

(II) The total number of incidents of seclusion or restraint due to an emergency;

(III) The average time in seclusion or restraint per incident;

(IV) An aggregate summary of race, age, and gender of youths held in seclusion or restraint; and

(V) The type of restraint or restraints used in each incident; and

(c) An incident report for any youth whom the division isolates from his or her peers for more than eight hours in two consecutive calendar days. Each incident report must include the age, race, and gender of the youth; the name of the facility; the length of time that the youth was isolated from his or her peers; and the justification for the isolation on an hour-by-hour basis. To protect the privacy of the youth, the division shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred. If the division has prepared an incident report of an incident involving seclusion pursuant to subsection (4)(a) of this section, the division is not required to include a report of the same incident pursuant to this subsection (4)(c).

(5) Reports prepared pursuant to this section must maintain the confidentiality of all youth. The reports made pursuant to this section are available to the public upon request.

(6) Prior to January 1, 2018, the division of youth services shall meet the requirements of this section to the extent that it is able using its current reporting mechanisms. The division of youth services shall fully comply with all requirements of this section on or before January 1, 2018.

26-20-107. Review of the use of restraint and seclusion.

An agency that utilizes restraint or seclusion shall ensure that a review process is established for the appropriate use of restraint or seclusion.

26-20-108. Rules.

An agency that is authorized to promulgate rules or adopt ordinances shall promulgate rules or adopt ordinances applicable to the agencies within their respective jurisdictions that establish procedures for the use of restraint and seclusion consistent with the provisions of this article. Any agency that has rules or ordinances in existence on April 22, 1999, is not required to promulgate additional rules or adopt additional ordinances unless that agency's existing rules or ordinances do not meet the minimum requirements of this article.

26-20-109. Limitations.

(1) Nothing in this article shall be deemed to form an independent basis of statutory authority for the use of restraint.

(2) Nothing in this article shall be deemed to authorize an agency to implement policies, procedures, or standards or promulgate rules or adopt ordinances that would limit, decrease, or adversely impact any policies, procedures, standards, rules, or ordinances in effect on April 22, 1999, that provided greater protection concerning the use of restraint than is set forth in this article.

26-20-110. Youth restraint and seclusion working group - membership - purpose - repeal.

(1) There is established within the division of youth services a youth restraint and seclusion working group, referred to in this section as the "working group". The working group consists of:

- (a) The director of the office of children, youth, and families in the division of child welfare within the state department, or his or her designee. The director shall convene the working group and serve as chair.
- (b) The director of the division of youth services, or his or her designee;
- (c) The director of behavioral health within the division of youth services, or his or her designee;
- (d) The director of the office of behavioral health within the state department, or his or her designee;
- (e) An employee of the division of youth services who is a representative of an organization in Colorado that exists for the purpose of dealing with the state as an employer concerning issues of mutual concern between employees and the state, as appointed by the governor;
- (f) Two representatives from nonprofit advocacy groups that work to restrict restraint or seclusion for youth or that represent children within the custody of the division of youth services, one who is appointed by the speaker of the house of representatives and one who is appointed by the president of the senate;
- (g) Two experts independent from the division of youth services with expertise in adolescent development, adolescent brain development, trauma-responsive care of juveniles, positive behavior incentives in a juvenile correctional setting, evidence-based de-escalation techniques, or the negative effects of seclusion on the adolescent brain. The minority leader of the house of representatives shall appoint one expert and the minority leader of the senate shall appoint the other expert.
- (h) A person who does not work for the department or for the division of youth services and who has worked as a staff member or as a senior executive in youth corrections and who has experience working to establish a rehabilitative and therapeutic culture in one or more juvenile justice facilities, to be appointed by the governor or his or her designee.
- (i) The child protection ombudsman or his or her designee pursuant to section 19-3.3-103 (1)(g); and
- (j) A parent of a person who was once committed to the custody of the division of youth services, to be appointed by the state public defender.

(2) The working group shall advise the division of youth services concerning policies, procedures, and best practices related to restraint and seclusion and alternatives to restraint and seclusion.

(3) The working group shall monitor the division of youth services' use of confinement for administrative purposes. The division of youth services shall share with the working group, on an ongoing basis, available data regarding time spent in confinement by youths for administrative reasons, as described in section 26-20-104.5 (3), in any secure state-operated and state-owned facility. If necessary, the working group may make recommendations to the division of youth services and to the public health care and human services committee of the house of representatives and the health and human services committee of the senate, or any successor committees, about the use of confinement for administrative purposes.

(4) The working group may request, on a semiannual basis, information and data from the state department on the status of the division of youth services' work related to the restraint and seclusion of youths in their care and custody.

(5) The chair of the working group shall convene the working group's first meeting no later than August 1, 2016. The working group must meet at least semi-annually thereafter. The chair shall schedule and convene subsequent meetings.

(6) The chair shall provide the working group with semiannual updates on the division of youth services' policies related to restraint and seclusion and alternatives to restraint and seclusion.

(7)(a) This section is repealed, effective September 1, 2024.

(b) Prior to the repeal, the working group shall be reviewed as provided in section 2-3-1203, C.R.S.

26-20-111. Use of restraints in public schools - certain restraints prohibited.

(1) Except as provided otherwise in this section, and notwithstanding any other provision of this article 20:

(a) the use of a chemical, mechanical, or prone restraint upon a student of a school of a school district, charter school of a school district, or institute charter school is prohibited when the student is on the property of any agency or is participating in an off-campus, school-sponsored activity or event; and

(b) A school resource officer or a law enforcement officer acting in the officer's official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall not use handcuffs on any student, unless there is a danger to themselves or others or handcuffs are used during a custodial arrest that requires transport.

(2) The prohibition described in subsection (1) of this section does not apply to the use of mechanical or prone restraints on a student of a school of a school district, charter school of a school district, or institute charter school who is openly displaying a deadly weapon, as defined in section 18-1-901 (3)(e).

(3) The prohibition described in subsection (1) of this section does not apply to the use of mechanical or prone restraints by an armed security officer or a certified peace officer working in a school of a school district, charter school of a school district, or institute charter school when the officer:

(a) Has received documented training in defensive tactics utilizing handcuffing procedures;

(b) Has received documented training in restraint tactics utilizing prone holds; and

(c) Has made a referral to a law enforcement agency.

(4) The prohibition described in subsection (1) of this section does not apply to schools operated in state-owned facilities within the division of youth services.

(5) If a school district, charter school of a school district, or institute charter school uses a seclusion room, there must be at least one window for monitoring when the door is closed. If a window is not feasible, monitoring must be possible through a video camera. A student placed in a seclusion room must be continually monitored. The room must be a safe space free of injurious items. The seclusion room must not be a room that is used by school staff for storage, custodial, or office space.

(6) Nothing in this section prohibits school personnel from taking any lawful actions necessary, including seclusion or restraint, when and where necessary to keep students and staff safe from harm during an emergency, as defined by rule of the state board. School personnel shall comply with all documentation and reporting requirements, even in the case of an emergency.

(7) If a physical restraint is between one and five minutes, the notification requirement must be a written notice to the parent on the day of the restraint. The notice must include the date, the student's name, and the number of restraints that day that lasted between one and five minutes.

(8) On or before July 1, 2023, the state board shall initiate rule making for the process of determining whether to require the reporting of restraints from one to five minutes and what data, if any, will be collected. As a part of the public input process required pursuant to section 24-4-104, the state board

and the department of education shall engage with stakeholders, including, but not limited to, a representative of school district administrators, a statewide organization representing special education directors, and a member of a disability rights organization.

(9) Statutory provisions concerning the use of restraints in school districts, charter schools of a school district, or institute charter schools, including reporting requirements, are set forth in sections 22-30.5-528 and 22-32-147.

REGULATIONS

1 CCR 301-45. Section 2620-R-1.00. Statement of basis purpose.

(1) These Rules were developed in accordance with C.R.S. 26-20-101, et seq. Specific statutory authority for the development of these Rules comes from C.R.S. 26-20-108. These Rules are provided pursuant to the terms of the "Protection of Persons from Restraint Act". These Rules outline the procedures to be followed in the administration of restraint, staff training, documentation requirements, and the review of the use of restraint.

(2) The statutory authority for the 2009 amendments to these Rules is found in 26-20-108, C.R.S. The purpose of these amendments is to better align these Rules to the Protection of Persons from Restraint Act; add clarifying language; and reorganize these Rules to provide enhanced clarification for implementation.

(3) The purpose of the 2017 amendments is to conform to the changes made in HB 17-1276 to update definitions, generally prohibit the use of prone holds and restraints, and outline the process for complaints concerning the use of restraint or seclusion.

1 CCR 301-45. Section 2620-R-2.00. Definitions.

(1) "Bodily Injury" means physical pain, illness or any impairment of physical or mental condition as defined in Section 18-1-901(3)(c), C.R.S.

(2) "Complaint" means a signed, written document alleging that there has been a misuse of the use of restraints or seclusion on a student.

(3) "Deadly Weapon" means a firearm, whether loaded or unloaded; a knife, bludgeon, or any other weapon, device, instrument, material, or substance, whether animate or inanimate, that, in the manner it is used or intended to be used, is capable of producing death or serious bodily injury.

(4) "Emergency" means serious, probable, imminent threat of bodily injury to self or others with the present ability to effect such bodily injury. Emergency includes situations in which the student creates such a threat by abusing or destroying property.

(5) "Parent" means

(a) A biological or adoptive parent of a child;

(b) A foster parent, unless state law, regulations, or contractual obligations with a state or local entity prohibit a foster parent from acting as a parent;

(c) A guardian generally authorized to act as the child's parent or authorized to make educational decisions for the child (but not the State if the child is a ward of the State);

(d) An individual acting in the place of a biological or adoptive parent (including a grandparent, stepparent, or other relative) with whom the child lives, or an individual who is legally responsible for the child's welfare;

(e) An educational surrogate parent who has been assigned in accordance with 1 C.C.R. 301-8 2220-R6.02(8);

(f) Except as provided in section (3)(b) of this Rule 2.00(3), the biological or adoptive parent, when attempting to act as the parent under these Rules and when more than one party is qualified under Section (3) of this Rule 2.00 to act as a parent, must be presumed to be the parent for the purposes of

this Section unless the biological or adoptive parent does not have legal authority to make educational decisions for the child.

(g) If a judicial decree or order identifies a specific person or persons under Sections 3(a) through (d) of this rule to act as the "parent" of a child or to make educational decisions on behalf of a child, then such persons(s) shall be determined to be the "parent" for the purposes of this Section 2.00(3).

(6) "Positional Asphyxia" means an insufficient intake of oxygen as a result of body position that interferes with one's ability to breathe.

(7) "Public Education Agency"

(a) For the purposes of these Rules only, means:

(i) Any public school district organized and existing under the laws of Colorado except a junior college district;

(ii) The Charter School Institute as established in Article 30.5 of Title 22, C.R.S.;

(iii) The Colorado School for the Deaf and the Blind as created by Article 80 of TITLE 22, C.R.S.;

(iv) A Board of Cooperative Education Services as created by Article 5 of Title 22, C.R.S.;

(v) An approved facility school as defined in 22-2-402(1) C.R.S. operated by an eligible facility; or

(vi) Any public or private entity that has entered into a contract for services with an entity described in Subsections (i) through (v) of this Section 2.00(5)(a).

(b) "Public Education Agency" does not include:

(i) Educational schools, programs, or facilities operated by or under the supervision, rules or licensing authority of the Colorado Department Of Human Services including:

(A) The Division Of Youth Services;

(B) The Mental Health Institutes at Fort Logan and Pueblo; and

(C) An eligible facility that is a day treatment facility; or

(ii) Educational schools, programs or facilities operated by or under the supervision of the Colorado Department of Corrections.

(c) These Rules apply to public education agencies, as defined in Section 2.00(7)(a) and to all educational programs, activities or events provided, supervised or sponsored by such public agencies.

(8) "Restraint" means any method or device used to involuntarily limit freedom of movement, including but not limited to bodily physical force, mechanical devices, chemicals, and seclusion.

(a) "Chemical Restraint" means administering medication to a student (including medications prescribed by his or her physician) on an as needed basis for the sole purpose of involuntarily limiting the student's freedom of movement. "Chemical Restraint" does not include:

(i) Prescription medication that is regularly administered to the student for medical reasons other than to restrain the student's freedom of movement (e.g., Asthma-cort, medications used to treat mood disorders or ADHD, Glucagon); or

(ii) The administration of medication for voluntary or life-saving medical procedures (e.g., EpiPens, Diastat).

(b) "Mechanical Restraint" means a physical device used to involuntarily restrict the movement of a student or the movement or normal function of his or her body. "Mechanical Restraint" does not include:

(i) Devices recommended by a physician, occupational therapist, or physical therapist and agreed to by a student's IEP Team or Section 504 Team and used in accordance with the student's Individualized Education Program (IEP) or Section 504 Plan;

(ii) Protective devices such as helmets, mitts, and similar devices used to prevent self-injury and in accordance with a student's IEP or Section 504 Plan;

- (iii) Adaptive devices to facilitate instruction or therapy and used as recommended by an occupational therapist or physical therapist, and consistent with a student's IEP or Section 504 Plan; or
 - (iv) Positioning or securing devices used to allow treatment of a student's medical needs.
- (c) "Physical Restraint" means the use of bodily, physical force to involuntarily limit an individual's freedom of movement. "Physical Restraint" does not include:
- (i) Holding of a student in a position other than a prone position for less than five minutes by a staff person for the protection of the student or others;
 - (ii) Brief holding of a student by one adult for the purpose of calming or comforting the student, not to include holding a student in a prone position;
 - (iii) Minimal physical contact for the purpose of safely escorting a student from one area to another; or
 - (iv) Minimal physical contact for the purpose of assisting the student in completing a task or response.
- (d) "Prone Position" means a face-down position.
- (e) "Prone Restraint" means a restraint in which the individual who is being restrained is secured in a prone position.
- (9) "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:
- (a) Placement of a student in residential services in his or her room for the night; or
 - (b) "Time-out" which is the removal of a student from potentially rewarding people or situations. A Timeout is not used primarily to confine the student, but to limit accessibility to reinforcement. In a Time-out, the individual is not physically prevented from leaving the designated Time-out area. Such a Time-out requires effective monitoring by staff.
- (10) "School Day" means any day or partial day that students are in attendance at the public education programs, agencies or services or sponsored events.
- (11) "Student," for the purposes of these Rules only, means any individual aged 3 - 21 years.

1 CCR 301-45. Section 2620-R-2.01. Basis for the use of restraint.

- (1) Restraints shall only be used:
- (a) In an emergency and with extreme caution; and
 - (b) After
 - (i) The failure of less restrictive alternatives (such as Positive Behavior Supports, constructive and non-physical de-escalation, and re-structuring the environment); or
 - (ii) A determination that such alternatives would be inappropriate or ineffective under the circumstances.
- (2) Restraints must never be used as a punitive form of discipline or as a threat to control or gain compliance of a student's behavior.
- (3) School personnel shall:
- (a) Use restraints only for the period of time necessary and using no more force than is necessary; and
 - (b) Prioritize the prevention of harm to the student.

1 CCR 301-45. Section 2620-R-2.02. Duties related to the use of restraint.

- (1) General Requirements
- (a) When restraints, including seclusion, are used, the public education program shall ensure that:
 - (i) No restraint is administered in such a way that the student is inhibited or impeded from breathing or communicating;
 - (ii) No restraint is administered in such a way that places excess pressure on the student's chest, back, or causes positional asphyxia;

(iii) Restraints are administered only by staff who have received training, in accordance with Section 2.03 of these Rules;

(iv) Opportunities to have the restraint removed are provided to the student who indicates that (s)he is willing to cease the violent or dangerous behavior;

(v) When it is determined by trained staff that the restraint is no longer necessary to protect the student or others (i.e., the emergency no longer exists), the restraint must be removed. In the case of seclusion, staff must reintegrate the student or clearly communicate to the student that (s)he is free to leave the area used to seclude the student; and

(vi) Student is reasonably monitored to ensure the student's physical safety.

(2) Proper administration of specific restraints.

(a) "Chemical Restraints" shall not be used by public education agencies.

(b) "Mechanical Restraints" shall not be used by public education agencies, except:

(i) When mechanical restraints are used on a student who is openly displaying a deadly weapon, as defined in Section 2.00(3).

(ii) When used by armed security officers who: Have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone holds; and Have made a referral to a law enforcement agency.

(c) "Physical restraint"

(i) A person administering the physical restraint must use only the amount of force necessary to stop the dangerous or violent actions of the student.

(ii) A restrained student must be continuously monitored to ensure that the breathing of the student in such physical restraint is not compromised.

(iii) A student shall be released from physical restraint within fifteen minutes after the initiation of the restraint, except when precluded for safety reasons.

(d) "Prone restraint" shall not be used by public education agencies except:

(i) When prone restraints are used on a student who is openly displaying a deadly weapon, as defined in Section 2.00(3).

(ii) When used by armed security officers who: Have received documented training in defensive tactics utilizing handcuffing procedures and restraint tactics utilizing prone holds; and Have made a referral to a law enforcement agency.

(e) "Seclusion"

(i) Relief periods from seclusion shall be provided for reasonable access to toilet facilities; and

(ii) Any space in which a student is secluded must have adequate lighting, ventilation, and size. To the extent possible under the specific circumstances, the space should be free of injurious items.

1 CCR 301-45. Section 2620-R-2.03. Staff training.

All public educational programs shall ensure that staff utilizing restraint in schools or facilities are trained.

Training shall include:

(1) a continuum of prevention techniques;

(2) environmental management;

(3) a continuum of de-escalation techniques;

(4) nationally recognized physical management and restraint practices, including, but not limited to, techniques that allow restraint in an upright or sitting position and information about the dangers created by prone restraint;

- (5) methods to explain the use of restraint to the student who is to be restrained and to the individual's family;
- (6) appropriate documentation and notification procedures; and
- (7) retraining at a frequency of at least every two years.

1 CCR 301-45. Section 2620-R-2.04. Documentation and notification requirements.

(1) If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff must notify, in writing, the parents and, if appropriate, the student of the restraint procedures (including types of restraints) that might be used; specific circumstances in which restraint might be used; and staff involved. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel must ensure that the meeting is convened. This notification may occur at the meeting where the student's Behavior Plan or IEP is developed/reviewed.

(2) If restraints are used by any school employee or volunteer, a written report must be submitted within one (1) school day to school administration.

(3) The school principal or designee shall verbally notify the parents as soon as possible but no later than the end of the school day that the restraint was used.

(4) A written report based on the findings of the staff review referenced in Section 2.05(1)(a) of these Rules, must be emailed, faxed, or mailed to the parent within five (5) calendar days of the use of restraint. The written report of the use of restraint must include:

- (a) The antecedent to the student's behavior if known;
- (b) A description of the incident;
- (c) Efforts made to deescalate the situation;
- (d) Alternatives that were attempted;
- (e) The type and duration of the restraint used;
- (f) Injuries that occurred, if any; and
- (g) The staff present, and staff involved in administering the restraint.

(5) A copy of the written report on the use of restraint shall be placed in the student's confidential file.

1 CCR 301-45. Section 2620-R-2.05. Review of the use of restraint.

(1) Each public education agency shall ensure that a review process is established and conducted for each incident of restraint used. The purpose of this review shall be to ascertain that appropriate procedures were followed and to minimize future use of restraint. The review shall include, but is not limited to:

- (a) Staff review of the incident;
- (b) Follow up communication with the student and his/her family;
- (c) Review of the documentation to ensure use of alternative strategies; and
- (d) Recommendations for adjustment of procedures, if appropriate.

If requested by the public education agency or the parent(s) of the student, the public education agency shall convene a meeting to review the incident. For students with IEPs or Section 504 Plans, such a review may occur through the IEP or Section 504 process.

(2) Each public education agency shall ensure that a general review process is established, conducted and documented in writing at least annually. The purpose of the general review is to ascertain that the public education agency is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff. The review shall include but is not limited to:

- (a) Analysis of incident reports, including all reports prepared pursuant to 2.04(2) and 2.04(4); including but not limited to procedures used during the restraint, preventative or alternative techniques tried, documentation, and follow up;
- (b) Training needs of staff;
- (c) Staff to student ratio; and
- (d) Environmental considerations, including physical space, student seating arrangements, and noise levels.

1 CCR 301-45. Section 2620-R-2.06. Exceptions.

- (1) The provisions in these Rules shall not apply to Peace Officers, as defined in Section 16-2.5-101, C.R.S. et seq. who are acting within the scope of their employment or in accordance with Section 16-3-109, C.R.S.
- (2) The provisions in these Rules shall not apply to any public education agency while engaged in transporting a student from one facility or location to another facility or location when it is within the scope of that agency's powers and authority to effect such transportation.

Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement

Grounds for Suspension or Expulsion

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:

(II) Out-of-school suspension;

(III) Classroom removal in accordance with board policy;

(IV) Expulsion;

(2) Safe school plan.

The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;

(E) General policies and procedures for determining the circumstances under and the manner in which disciplinary actions, including suspension and expulsion, shall be imposed in accordance with the provisions of sections 22-33-105 and 22-33-106;

22-33-105. Suspension, expulsion, and denial of admission.

(5)(a) Whenever a petition filed in juvenile court alleges that a child at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S., if committed by an adult whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The determination may be made in executive session to the extent allowed by section 24-6-402 (4)(h), C.R.S. If the board of education or its designee, in

accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, it may proceed with suspension or expulsion in accordance with subsection (2) of this section and section 22-33-106. Alternatively, the board of education or its designee may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide the student with an appropriate alternate education program, including but not limited to an on-line program or on-line school authorized pursuant to article 30.7 of this title, or a home-based education program during the period pending the resolution of the juvenile proceedings. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-304, C.R.S., shall remain confidential.

(b) No student who is being educated in an alternate education program or a home-based education program pursuant to paragraph (a) of this subsection (5) shall be allowed to return to the education program in the public school until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the school district may proceed in accordance with section 22-33-106 to expel the student. The time that a student spends in an alternate education program pursuant to paragraph (a) of this subsection (5) shall not be considered a period of expulsion.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued willful disobedience or open and persistent defiance of proper authority;

(b) Willful destruction or defacing of school property;

(c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5)(I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV)(Deleted by amendment, L. 2000, p. 1971, § 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or

(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

(e) Repeated interference with a school's ability to provide educational opportunities to other students.

(f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a nonschool-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.

(g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

(a) The age of the student;

(b) The disciplinary history of the student;

(c) Whether the student has a disability;

(d) The seriousness of the violation committed by the student;

(e) Whether the violation committed by the student threatened the safety of any student or staff member; and

(f) Whether a lesser intervention would properly address the violation committed by the student.

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

(2) Subject to the district's responsibilities under article 20 of this title, the following may be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:

(a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;

(b) Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other pupils.

(3) The following may constitute additional grounds for denial of admission to a public school:

(a) Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;

(b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 22-1-115;

(c) Having been expelled from any school district during the preceding twelve months;

(d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 23, 32, or 36 of this title;

(e) Failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.

(f) Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.

(4)(a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.

(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:

(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

(II) Design a schedule for the expelled student that, to the extent possible, avoids contact between the expelled student and the victim or a member of the victim's immediate family.

(c) The provisions of this subsection (4) shall not apply to an offense that constitutes a crime against property.

(d) The provisions of this subsection (4) shall apply only if the expelled student is convicted, is adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled. Prior to implementation of the provisions of this subsection (4), the school district shall contact the appropriate court to determine whether the provisions of this subsection (4) apply to an expelled student. The school district shall be authorized by the provisions of section 19-1-303 (1)(b), C.R.S., to obtain such information.

(e)(I) Notwithstanding any other provision of law to the contrary, any county or district court shall have original concurrent jurisdiction to issue a temporary or permanent civil restraining order that enjoins the expelled student from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed.

(II) A motion for a temporary civil restraining order pursuant to this paragraph (e) shall be set for hearing, which hearing shall be ex parte, at the earliest possible time and shall take precedence over all matters except those matters of the same character that have been on the court docket for a longer period of time. The court shall hear all such motions as expeditiously as possible.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(b) "Enrolling entity" means:

(I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;

(II) A school district; or

(III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

22-33-106.5. Information concerning offenses committed by students.

(1) Upon adjudication or conviction of a person under the age of eighteen years for an offense specified in section 22-33-106 (1)(d), the adjudicating juvenile court or the convicting district court, whichever is applicable, shall notify the school district in which the person is enrolled that the person is subject to mandatory expulsion based on the adjudication or conviction.

(2) Upon adjudication or conviction of a person under the age of eighteen years for an offense that constitutes a crime of violence, as defined in section 18-1.3-406, C.R.S., or for an offense involving controlled substances, or, for a person under eighteen years of age but at least twelve years of age, for an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., if committed by an adult the adjudicating or convicting court shall notify the school district in which the person is enrolled of the person's adjudication or conviction.

REGULATIONS

No relevant regulations found.

Limitations or Conditions on Exclusionary Discipline

LAWS

22-33-105. Suspension, expulsion, and denial of admission.

(1) No child who has attained the age of six years and is under the age of twenty-one shall be suspended or expelled from or be denied admission to the public schools, except as provided by this article. (3)(d)

The suspending authority shall:

(II) Not extend a period of suspension because of the failure of the suspending authority to meet with the parent, guardian, or legal custodian during the period of suspension.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued willful disobedience or open and persistent defiance of proper authority;

(b) Willful destruction or defacing of school property;

(c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5)(I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV)(Deleted by amendment, L. 2000, p. 1971, § 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or

(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

- (e) Repeated interference with a school's ability to provide educational opportunities to other students.
 - (f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a nonschool-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.
 - (g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.
- (1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:
- (a) The age of the student;
 - (b) The disciplinary history of the student;
 - (c) Whether the student has a disability;
 - (d) The seriousness of the violation committed by the student;
 - (e) Whether the violation committed by the student threatened the safety of any student or staff member; and
 - (f) Whether a lesser intervention would properly address the violation committed by the student.
- (1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.
- (2) Subject to the district's responsibilities under article 20 of this title, the following may be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:
- (a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;
 - (b) Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other pupils.
- (3) The following may constitute additional grounds for denial of admission to a public school:
- (a) Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;
 - (b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 22-1-115;
 - (c) Having been expelled from any school district during the preceding twelve months;
 - (d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 23, 32, or 36 of this title;
 - (e) Failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.
 - (f) Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.
- (4)(a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of

subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.

(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:

(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

(II) Design a schedule for the expelled student that, to the extent possible, avoids contact between the expelled student and the victim or a member of the victim's immediate family.

(c) The provisions of this subsection (4) shall not apply to an offense that constitutes a crime against property.

(d) The provisions of this subsection (4) shall apply only if the expelled student is convicted, is adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled. Prior to implementation of the provisions of this subsection (4), the school district shall contact the appropriate court to determine whether the provisions of this subsection (4) apply to an expelled student. The school district shall be authorized by the provisions of section 19-1-303 (1)(b), C.R.S., to obtain such information.

(e)(I) Notwithstanding any other provision of law to the contrary, any county or district court shall have original concurrent jurisdiction to issue a temporary or permanent civil restraining order that enjoins the expelled student from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed.

(II) A motion for a temporary civil restraining order pursuant to this paragraph (e) shall be set for hearing, which hearing shall be ex parte, at the earliest possible time and shall take precedence over all matters except those matters of the same character that have been on the court docket for a longer period of time. The court shall hear all such motions as expeditiously as possible.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(b) "Enrolling entity" means:

(I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;

(II) A school district; or

(III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

22-33-201. Legislative declaration.

The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

22-33-204.5. Legislative declaration.

The general assembly finds that a student who is placed in a residential child care facility or other facility licensed by the department of human services or in a hospital or who is receiving educational services through a day treatment center is, in most cases, dealing with significant behavioral and emotional issues. These issues make it difficult, if not impossible, for the student to function within a regular school and often severely impact the student's ability to participate in a facility school. The general assembly further finds that, although a student who is placed in a facility cannot be expelled due to the nature of the placement, the student is at risk of being unable to prosper academically and should be considered an at-risk student for purposes of section 22-33-205.

REGULATIONS

No relevant regulations found.

Due Process

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan.

(a) Conduct and discipline code.

(1)(B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

22-33-105. Suspension, expulsion, and denial of admission.

(2) In addition to the powers provided in section 22-32-110, the board of education of each district may:

(c) Deny admission to, or expel for any period not extending beyond one year, any child whom the board of education, in accordance with the limitations imposed by this article, shall determine does not qualify for admission to, or continued attendance at, the public schools of the district. A board of education may delegate such powers to its executive officer or to a designee who shall serve as a hearing officer. If the hearing is conducted by a designee acting as a hearing officer, the hearing officer shall forward findings of fact and recommendations to the executive officer at the conclusion of the hearing. The executive officer shall render a written opinion within five days after a hearing conducted by the executive officer or by a hearing officer. The executive officer shall report on each case acted upon at the next meeting of the board of education, briefly describing the circumstances and the reasons for the executive officer's action. A child who is denied admission or expelled as an outcome of the hearing shall have ten days after the denial of admission or expulsion to appeal the decision of the executive officer to the board of education, after which time the decision to grant or deny the appeal shall be at the discretion of the board of education. The appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of education. No board of education shall deny admission to, or expel, any child without a hearing, if one is requested by the parent, guardian, or legal custodian of the child, at which evidence may be presented in the child's behalf. If the child is denied admission or expelled, the child shall be entitled to a review of the decision of the board of education in accordance with section 22-33-108

(3)(c) A pupil suspended for a period of ten days or less shall receive an informal hearing by the school principal or the principal's designee prior to the pupil's removal from school, unless an emergency requires immediate removal from school, in which case an informal hearing shall follow as soon after the pupil's removal as practicable. Any pupil suspended for more than ten days shall be given the opportunity to request a review of the suspension before an appropriate official of the school district.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(4)(a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family. [...]

(e)(I) Notwithstanding any other provision of law to the contrary, any county or district court shall have original concurrent jurisdiction to issue a temporary or permanent civil restraining order that enjoins the expelled student from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed.

(II) A motion for a temporary civil restraining order pursuant to this paragraph (e) shall be set for hearing, which hearing shall be ex parte, at the earliest possible time and shall take precedence over all matters except those matters of the same character that have been on the court docket for a longer period of time. The court shall hear all such motions as expeditiously as possible.

22-33-106.3. Disciplinary investigations - parental presence - student statements.

(1) A public school employee shall not use a student's statement concerning an act alleged to have been committed by the student that results in mandatory expulsion pursuant to section 22-33-106 (1)(d), in the expulsion hearing, unless the statement is signed by the student and a parent, guardian, or legal or physical custodian is present when the student signs the statement or admission or a reasonable attempt was made to contact the parent, guardian, or legal or physical custodian to have the parent, guardian, or legal or physical custodian present when the student signed the statement. The school shall be deemed to have made a reasonable attempt to contact the parent, guardian, or legal or physical custodian if the school calls each of the phone numbers the parent, guardian, or legal or physical custodian provides to the school and all phone numbers the student provides to the school for the parent, guardian, or legal or physical custodian.

(2) Notwithstanding the provisions of subsection (1) of this section, the student and his or her parent, guardian, or legal or physical custodian may expressly waive the requirement that the parent, guardian, or legal or physical custodian be present when a student signs a statement or admission. This express waiver shall be in writing and shall be obtained only after full advisement of the student and his or her parent, guardian, or legal or physical custodian of the student's rights prior to the signing of the statement or admission by the student.

(3) The requirements of subsection (1) of this section shall not apply if the student makes any deliberate misrepresentations affecting the applicability or requirements of this section and a school official, acting in good faith and in reasonable reliance on such deliberate misrepresentation, obtains a signed statement or admission of the student that does not comply with the requirements of subsection (1) of this section.

(4) Nothing in this section shall be construed to prevent or interfere with a fact-finding or information-gathering investigation by a school or school employee.

22-33-108. Judicial proceedings.

(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this article, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fees shall be collected by the court in connection with this proceeding.

(3) After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106 (a)(4) of the Colorado rules of civil procedure and rule 3.8 of the Colorado rules of juvenile procedure.

(4) It is the duty of the attorney for the school district, an employee authorized by the local board of education pursuant to section 13-1-127 (7), C.R.S., to represent the school district in truancy proceedings, the attendance officer designated by the local board of education, or the local board of education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

(5)(a) It is the intent of the general assembly that, in enforcing the compulsory school attendance requirements of this article, a school district shall employ best practices and research-based strategies to minimize the need for court action and the risk that a court will issue detention orders against a child or parent.

(b) A school district shall initiate court proceedings to compel a child and the child's parent to comply with the attendance requirements specified in this article but only as a last-resort approach to address the child's truancy and only if a child continues to be habitually truant after school or school district personnel have created and implemented a plan pursuant to section 22-33-107 (3) to improve the child's school attendance.

(c) Before initiating court proceedings to compel compliance with the attendance requirements specified in this article, the school district shall give the child and the child's parent written notice that the school district will initiate proceedings if the child does not comply with the attendance requirements of this article. The school district may combine the notice and summons. If combined, the petition must state the date on which the school district will initiate proceedings, which date must not be less than five days after the date of the notice and summons. The notice must state the provisions of this article with which compliance is required and must state that the school district will not initiate proceedings if the child complies with the identified provisions before the proceedings are filed.

(d) If a school district initiates court proceedings pursuant to this subsection (5), the school district, at a minimum, must submit to the court evidence of:

(I) The child's attendance record prior to and after the point at which the child was identified as habitually truant;

(II) Whether the child was identified as chronically absent and, if so, the strategies the school district used to improve the child's attendance;

(III) The interventions and strategies used to improve the child's attendance before school or school district personnel created the child's plan described in section 22-33-107 (3); and

(IV) The child's plan and the efforts of the child, the child's parent, and school or school district personnel to implement the plan.

(6) The court before which a proceeding to compel attendance is brought may issue, in its discretion, an order against the child or the child's parent or both compelling the child to attend school as provided by this article or compelling the parent to take reasonable steps to assure the child's attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child pursuant to section 22-33-107 (3).

(7)(a) If the child or youth does not comply with the valid court order issued against the child or youth or against both the parent and the child or youth, the court may order that an assessment for neglect as described in section 19-3-102 (1) be conducted as provided in section 19-3-501. In addition, the court may order the child or youth to show cause why he or she should not be held in contempt of court. When instituting contempt of court proceedings pursuant to this subsection (7), the court shall provide all procedural protections mandated in rule 107 of the Colorado rules of civil procedure, or any successor rule, concerning punitive sanctions for contempt.

(a.5) A judge or magistrate of any court may issue a warrant that authorizes the taking into temporary custody of a child or youth who has failed to appear for a court hearing for a truancy or contempt action; except that any such warrant must provide for release of the child or youth from temporary custody on an unsecured personal recognizance bond that is cosigned by the child's or youth's parent or legal guardian or, if the child or youth is in the custody of the department of human services, cosigning may be accomplished by a representative of the department of human services. In the alternative, the warrant may direct that the child or youth must only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.

(b) The court may impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child or youth, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having the goal of ensuring that the child or youth has an opportunity to obtain a quality education.

(c)(I) If the court finds that the child or youth has refused to comply with the plan created for the child or youth pursuant to section 22-33-107 (3), the court may impose on the child or youth, as a sanction for contempt of court, a sentence of detention for no more than forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402 and any rules promulgated by the Colorado supreme court. The court shall not sentence a child or youth to detention as a sanction for contempt of court unless the court finds that detention is in the best interest of the child or youth as well as the public. In making such a finding, the court shall consider the following factors, including that:

(A) The child or youth has violated a valid court order;

(B) National and Colorado-specific evidence shows that detaining children and youth for truancy alone is counterproductive and harmful to children and youth;

(C) The legislative intent is that a child or youth who is truant must not be placed in secure confinement for truancy alone;

(D) Detention is likely to have a detrimental effect on the child's or youth's school attendance; and

(E) Detention is likely to have an effect on the child's or youth's future involvement with the criminal justice system.

(II) There is a rebuttable presumption that a child or youth must receive credit for time served if he or she is sentenced to detention pursuant to subsection (7)(c)(I) of this section for violating a valid court order to attend school. If the court rebuts this presumption, it shall explain its reasoning on the record.

(8) If the parent refuses or neglects to obey the order issued against the parent or against both the parent and the child, the court may order the parent to show cause why he or she should not be held in contempt of court, and, if the parent fails to show cause, the court may impose a fine of up to but not more than twenty-five dollars per day or confine the parent in the county jail until the order is complied with.

REGULATIONS

No relevant regulations found.

Return to School Following Removal

LAWS

22-33-105. Suspension, expulsion, and denial of admission.

(3)(b) Except as provided in paragraph (c) of this subsection (3), a suspended pupil shall:

(II) Not be readmitted to a public school until a meeting between the parent, guardian, or legal custodian and the suspending authority has taken place or until, in the discretion of the suspending authority, the parent, guardian, or legal custodian of the suspended pupil has substantially agreed to review the suspension with such suspending authority; except that, if the suspending authority cannot

contact the parent, guardian, or legal custodian of such pupil or if such parent, guardian, or legal custodian repeatedly fails to appear for scheduled meetings, the suspending authority may readmit the pupil. The meeting shall address whether there is a need to develop a remedial discipline plan for the pupil in an effort to prevent further disciplinary action.

(d) The suspending authority shall:

(III) Provide an opportunity for a pupil to make up school work during the period of suspension for full or partial academic credit to the extent possible. The intent of this provision is to provide an opportunity for the pupil to reintegrate into the educational program of the district and to help prevent the pupil from dropping out of school because of an inability to reintegrate into the educational program following the period of suspension. The school district should take this intent into consideration when determining the amount of credit a student will receive for this makeup work.

(5)(b) No student who is being educated in an alternate education program or a home-based education program pursuant to paragraph (a) of this subsection (5) shall be allowed to return to the education program in the public school until there has been a disposition of the charge. If the student pleads guilty, is found guilty, or is adjudicated a delinquent juvenile, the school district may proceed in accordance with section 22-33-106 to expel the student. The time that a student spends in an alternate education program pursuant to paragraph (a) of this subsection (5) shall not be considered a period of expulsion.

REGULATIONS

No relevant regulations found.

Alternative Placements

LAWS

22-33-105. Suspension, expulsion, and denial of admission.

(5)(a) Whenever a petition filed in juvenile court alleges that a child at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The determination may be made in executive session to the extent allowed by section 24-6-402 (4)(h), C.R.S. If the board of education or its designee, in accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, it may proceed with suspension or expulsion in accordance with subsection (2) of this section and section 22-33-106. Alternatively, the board of education or its designee may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide the student with an appropriate alternate education program, including but not limited to an on-line program or on-line school authorized pursuant to article 30.7 of this title, or a home-based education program during the period pending the resolution of the juvenile proceedings. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-304, C.R.S., shall remain confidential.

(b) No student who is being educated in an alternate education program or a home-based education program pursuant to paragraph (a) of this subsection (5) shall be allowed to return to the education program in the public school until there has been a disposition of the charge. If the student pleads guilty,

is found guilty, or is adjudicated a delinquent juvenile, the school district may proceed in accordance with section 22-33-106 to expel the student. The time that a student spends in an alternate education program pursuant to paragraph (a) of this subsection (5) shall not be considered a period of expulsion.

22-33-203. Educational alternatives for expelled students.

(1) Upon expelling a student, the school district shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent or guardian chooses to provide a home-based educational program for the student, the school district shall assist the parent in obtaining appropriate curricula for the student if requested by the parent or guardian.

(2)(a) Except as otherwise provided in paragraph (b) of this subsection (2), upon request of a student or the student's parent or guardian, the school district shall provide, for any student who is expelled from the school district, any educational services that are deemed appropriate for the student by the school district. The educational services provided must be designed to enable the student to return to the school in which he or she was enrolled prior to expulsion, to successfully complete the high school equivalency examination, or to enroll in a nonpublic, nonparochial school or in an alternative school, including but not limited to a charter school or a pilot school established pursuant to article 38 of this title. The expelling school district shall determine the amount of credit the student must receive toward graduation for the educational services provided pursuant to this section.

(b) The educational services provided pursuant to this section are designed to provide a second chance for the student to succeed in achieving an education. While receiving educational services, a student may be suspended or expelled pursuant to the conduct and discipline code of the school district providing the educational services and the provisions of part 1 of this article. Except as required by federal law, the expelling school district is not required to provide educational services to any student who is suspended or expelled while receiving educational services pursuant to this section until the period of the suspension or expulsion is completed.

(c)(I) Educational services provided pursuant to this section shall be provided by the expelling school district; except that the expelling school district may provide educational services either directly or in cooperation with one or more other school districts, boards of cooperative services, charter schools, nonpublic, nonparochial schools, or pilot schools established pursuant to article 38 of this title under contract with the expelling school district. Any program of educational services provided by a nonpublic, nonparochial school shall be subject to approval by the state board of education pursuant to section 22-2-107.

(II) Educational services may be provided by the school district through agreements entered into pursuant to section 22-33-204. The expelling school district need not provide the educational services on school district property. Any expelled student receiving educational services shall be included in the expelling school district's pupil enrollment as defined in section 22-54-103 (10).

(d) If an expelled student is receiving educational services delivered by a school district other than the expelling school district, by a charter school in a school district other than the expelling school district, by a board of cooperative services, by a nonpublic, nonparochial school, or by a pilot school pursuant to an agreement entered into pursuant to subparagraph (I) of paragraph (c) of this subsection (2), the expelling school district shall transfer ninety-five percent of the district per pupil revenues, as defined in section 22-30.5-112 (2)(a.5)(II) to the school district, charter school, nonpublic, nonparochial school, board of cooperative services, or pilot school that is providing educational services, reduced in proportion to the amount of time remaining in the school year at the time the student begins receiving educational services.

(e) Any school district, charter school, nonpublic, nonparochial school, board of cooperative services, or pilot school that is providing educational services to expelled students pursuant to this subsection (2)

may apply for moneys through the expelled student services grant program established in section 22-33-205 to assist in providing educational services.

(3) If a student is expelled and the student is not receiving educational services pursuant to this section, the school district shall contact the expelled student's parent or guardian at least once every sixty days until the beginning of the next school year to determine whether the student is receiving educational services from some other source; except that the school district need not contact a student's parent or guardian after the student is enrolled in another school district or in an independent or parochial school or if the student is committed to the department of human services or is sentenced pursuant to ARTICLE 2.5 OF TITLE 19.

(4) In addition to the educational services required under this section, a student who is at risk of suspension or expulsion or has been suspended or expelled, or the student's parent or guardian, may request any of the services provided by the school district through an agreement entered into pursuant to section 22-33-204, and the school district may provide such services.

22-33-204. Services for at-risk students - agreements with state agencies and community organizations.

(1) Each school district, regardless of the number of students expelled by the district, may enter into agreements with appropriate local governmental agencies and, to the extent necessary, with the managing state agencies, including the department of human services and the department of public health and environment; with community-based nonprofit and faith-based organizations; with nonpublic, nonparochial schools; with the department of military and veterans affairs; and with public and private institutions of higher education to work with the student's parent or guardian to provide services to any student, or the student's family, who is identified as being at risk of suspension or expulsion or who has been suspended or expelled. Any services provided pursuant to an agreement with a nonpublic, nonparochial school are subject to approval by the state board of education pursuant to section 22-2-107. Services provided through such agreements may include, but are not limited to:

- (a) Educational services required to be provided under section 22-33-203 (2) and any educational services provided to at-risk students identified pursuant to section 22-33-202;
- (b) Counseling services;
- (c) Substance use disorder treatment programs;
- (d) Family preservation services.
- (e) and (f)(Deleted by amendment, L. 98, p. 570, § 3, effective April 30, 1998.)

(2) At a minimum, each agreement entered into pursuant to this section shall specify the services to be provided under the agreement, the entity that will coordinate and oversee provision of the services, and the responsibilities of each entity entering into the agreement. In addition, each agreement shall require each entity entering into the agreement to contribute the services or funds for the provision of the services specified in the agreement. The agreement shall specify the services or the amount and source of funds that each entity will provide and the mechanism for providing said services or funds.

(3) Each school district shall use a portion of its per pupil revenues to provide services under agreements entered into pursuant to this section for each student who is at risk of suspension or expulsion or who is suspended or expelled. In addition, the school district may use federal moneys, moneys received from any other state appropriation, and moneys received from any other public or private grant to provide said services.

22-37-102. Legislative declaration.

The general assembly hereby finds and declares that the purpose of this article is to provide means for encouraging experimentation in the management of students suspended from public schools or facility schools and to evaluate programs that will provide continuous education, supervision, and discipline to

suspended students in order to maintain the education of a suspended student and prevent the continuation of disruptive behavior, further suspension, or expulsion of the student.

22-37-104. Qualification.

(1) An eligible participant may submit a proposal to the state board for a grant for the development of a program under this article, which may involve selected grade levels within a public school or facility school.

(2) A program shall:

(a) Provide supervision, discipline, counseling, and continuous education for a suspended student with the goal of maintaining the education of a suspended student and preventing further disruptive behavior, subsequent suspension, or expulsion.

22-7-604.5. Alternative education campuses - criteria - application - rule-making - definition.

(1) A public school may apply to the state board for designation as an alternative education campus. The state board shall adopt rules specifying the criteria and application process for a public school to be designated an alternative education campus. The rules must include but need not be limited to:

(a) Criteria that a public school must meet to be designated an alternative education campus, including but not limited to the following:

(I) Having a specialized mission and serving a special needs or at-risk population;

(II) Being an autonomous public school;

(III) Having an administrator who is not under the supervision of an administrator at another public school;

(IV) Having a budget separate from any other public school;

(V) Having nontraditional methods of instruction delivery; and

(VI)(A) Serving students who have severe limitations that preclude appropriate administration of the assessments administered pursuant to section 22-7-1006.3;

(B) Serving a student population in which more than ninety percent of the students have an individualized education program pursuant to section 22-20-108 or meet the definition of a high-risk student contained in subsection (1.5) of this section, or any combination of these two criteria that equals at least ninety percent of the student population; or

(C) Serving students who attend on a part-time basis and who come from other public schools where the part-time students are counted in the enrollment of the other public school; except that the results of the assessments administered pursuant to section 22-7-1006.3 to all part-time students and high-risk students as defined in subsection (1.5) of this section must be used in determining the levels of attainment on the performance indicators for the public school for which the student is counted for enrollment purposes;

(D)(Deleted by amendment, L. 2010, (SB 10-154), ch. 157, p. 541, § 1, effective April 21, 2010.)

(b) A procedure for a district school board to request that the state board designate a public school of the school district as an alternative education campus; and

(c)(Deleted by amendment, L. 2009, (SB 09-163), ch. 293, p. 1520, § 2, effective May 21, 2009.)

(d) A procedure for a district school board to appeal to the state board a denial of a request for designation.

(1.5) As used in this section, unless the context otherwise requires, a "high-risk student" means a student enrolled in a public school who:

(a) Has been committed to the department of human services following adjudication as a juvenile delinquent or is in detention awaiting disposition of charges that may result in commitment to the department of human services;

- (b) Has dropped out of school or has four excused or unexcused absences from public school in any one month or ten excused or unexcused absences from public school during any school year. Absences due to suspension or expulsion of a student are considered absences for purposes of this paragraph (b).
- (c) Has been expelled from school or engaged in behavior that would justify expulsion;
- (d) Has a documented history of personal drug or alcohol use or has a parent or guardian with a documented substance use disorder;
- (e) Has a documented history of personal street gang involvement or has an immediate family member with a documented history of street gang involvement;
- (f) Has a documented history of child abuse or neglect, has been adjudicated a ward of the court, or has been involved in the foster care system;
- (g) Has a parent or guardian in prison or on parole or probation or has experienced the loss of a parent or sibling;
- (h) Has a documented history of domestic violence in the immediate family;
- (i) Has a documented history of repeated school suspensions;
- (j) Is a parent or pregnant woman under the age of twenty years;
- (k) Is a migrant child, as defined in section 22-23-103 (2);
- (l) Is a homeless child, as defined in section 22-1-102.5 (2)(a);
- (m) Has a documented history of a mental health disorder or behavioral issue or has experienced significant trauma; or
- (n) Is over traditional school age for his or her grade level and lacks adequate credit hours for his or her grade level.

(2)(a) A district school board for a public school that desires to be considered an alternative education campus pursuant to this section shall file with the state board a request for designation as an alternative education campus. The request shall be in a form approved by the state board and shall contain sufficient information to establish that the public school meets the requirements of the rules adopted pursuant to paragraph (a) of subsection (1) of this section. The state board shall approve the designation of alternative education campus for any public school for which a request is filed pursuant to this subsection (2) that is found by the state board to meet the requirements of the rules adopted pursuant to paragraph (a) of subsection (1) of this section.

(2.5)(a) The department shall annually review the performance of each alternative education campus based on the criteria specified by rule of the state board pursuant to section 22-11-210 (1)(b) and shall recommend to the commissioner and the state board whether the alternative education campus shall adopt a performance, improvement, priority improvement, or turnaround plan, as said plans are described in sections 22-11-403 to 22-11-406. Based on the recommendations, the state board, pursuant to section 22-11-210 (2), shall notify each alternative education campus and its district school board, or the institute if the alternative education campus is an institute charter school, of the type of plan the alternative education campus shall adopt. In adopting its plan, each alternative education campus shall comply with the provisions of sections 22-11-403 to 22-11-406, as applicable.

(b) The district school board for an alternative education campus or the institute, if the alternative education campus is an institute charter school, shall specify the accreditation category for the alternative education campus in accordance with the accreditation process adopted by the district school board or the institute pursuant to section 22-11-307.

(c) Notwithstanding the provisions of section 22-11-503, the school performance report for an alternative education campus shall include the information specified by rule of the state board that will effectively communicate to the parents of students enrolled in the alternative education campus and to

the public the performance of the alternative education campus and the performance of students enrolled in the alternative education campus.

(e)(I) Notwithstanding the provisions of subsection (2.5)(a) of this section, for the 2021-22 school year, the department shall not review the performance of each alternative education campus based on the criteria specified in state board rule nor recommend to the commissioner of education, as described in section 22-11-210, regarding whether the alternative education campus shall adopt a performance, improvement, priority improvement, or turnaround plan. For the 2021-22 school year, each alternative education campus shall continue to implement the school plan type that was assigned for the preceding school year.

(II) If required to implement a priority improvement or turnaround plan during the 2020-21 school year on the basis of its plan type for the preceding school year, an alternative education campus may request a plan type for the 2021-22 school year that reflects its level of attainment based on an alternative body of evidence as described in section 22-11-210 (2.6)(b).

(III) This subsection (2.5)(e) is repealed, effective July 1, 2022.

(3)(a) Except as excluded pursuant to section 22-7-1006.3, the results of the assessments administered pursuant to section 22-7-1006.3 to all part-time students attending a school or a program that is designated an alternative education campus pursuant to this section must be included in determining the levels of attainment on the performance indicators achieved by the school to which the student is assigned for enrollment purposes.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (3), for a part-time student with an individualized education program pursuant to section 22-20-108, the school district in which the student is enrolled, or, in the case of a board of cooperative services, the administrative unit, may designate either the school of residency or the school of attendance as the school to which the student's scores shall be assigned to determine levels of attainment on the performance indicators.

REGULATIONS

1 CCR 301-57. The administration of accountability for alternative campuses.

1.00 Statement of Basis and Purpose.

Section 22-7-604.5, C.R.S. , requires the State Board to adopt rules specifying the criteria and application process for a school to be designated an alternative education campus and to adopt rules specifying the information that will be used to effectively communicate to parents of students enrolled in an alternative education campus and to the public the performance of the alternative education campus and the performance of students enrolled in the alternative education campus. Section 22-11-210 (1)(b), C.R.S. , requires the State Board to promulgate rules establishing objective, measurable criteria that the Department shall apply in recommending to the State Board that an alternative education campus implement a performance, improvement, priority improvement or turnaround plan or that an alternative education campus shall be subject to restructuring.

2.00 Definitions.

2.01 "Alternative Education Campus" means a public school, including a charter school that receives a designation pursuant to §22-7-604.5(1), C.R.S.

2.02 "Charter School Institute" means the entity created pursuant to §22-30.5-503, C.R.S.

2.03 "Commissioner" means the office of the commissioner of education created and existing pursuant to section 1 of article IX of the state constitution.

2.04 "High-Risk Student" means a student enrolled in a public school who meets the criteria outlined in §22-7-604.5(1.5), C.R.S.

2.05 "Institute charter school" means a charter school that is authorized by the Charter School Institute pursuant to the provisions of part 5 of article 30.5 of title 22, C.R.S.

2.06 "Local school board" means the board of education of a district. "Local school board" also includes the governing board of a Board of Cooperative Education Services, as defined by §22-5-101, C.R.S. , et seq., if the Board of Cooperative Education Services is operating a public school.

2.07 "Public school" shall have the same meaning as provided in §22-1-101, C.R.S. , and includes but is not limited to a district charter school, an Institute Charter School, and an online school as defined in section §22-30.7-102(9.5), C.R.S.

2.08 "State Board" means the State Board of Education established pursuant to section 1 of article IX of the state constitution.

2.09 "Statewide Assessments" means the assessments administered pursuant to the Colorado student assessment program created in § 22-7-409, C.R.S. , or as part of the system of assessments adopted by the State Board pursuant to § 22-7-1006, C.R.S.

3.00 Criteria and Application Process for a School to be Designated an Alternative Education Campus.

3.005 As a result of the Governor's declaration of a state of disaster emergency in the spring of 2020, the suspension of the 2020 Statewide Assessments, and the temporary suspension of normal in-person instruction at public elementary and secondary schools thereafter, the State Board suspends Rules 3.02 and 3.05 for calendar year 2020. The State Board may allow any Public School that was designated as an Alternative Education Campus in school year 2019-2020 to retain that designation in school year 2020-21. Any public school not previously designated as an Alternative Education Campus but seeking such designation for school year 2020-2021 may apply only in accordance with these rules.

3.01 To be designated an Alternative Education Campus, a public school must:

3.01(A) Have a specialized mission and serving a special needs or at-risk population;

3.01(B) Be an autonomous public school, meaning that the school provides a complete instructional program that allows students to proceed to the next grade level or to graduate;

3.01(C) Have an administrator who is not under the supervision of an administrator at another public school;

3.01(D) Have a budget separate from any other public school; 3.01(E) Have nontraditional methods of instruction delivery; and 3.01(F) One of the following:

3.01(F)(i) Serve students who have severe limitations that preclude appropriate administration of the assessments administered pursuant to § 22-7-409, C.R.S. ;

3.01(F)(ii) Serve a student population in which more than ninety percent of the students have an individual education program pursuant to § 22-20-108, C.R.S. or meet the definition of a High-Risk Student, or any combination of these two criteria that equals at least ninety percent of the student population; or

3.01(F)(iii) Serve students who attend on a part-time basis and who come from other public schools where the part-time students are counted in the enrollment of the other public school; except that the results of the assessments administered pursuant to § 22-7-409, C.R.S. , of all part-time students and High-Risk Students shall be used in determining the levels of attainment on the performance indicators for the public school for which the student is counted for enrollment purposes.;

3.02 On or before July 1 of each year, the Institute or local school board for any public school that desires to be designated an Alternative Education Campus pursuant to § 22-7-602, C.R.S. , shall file with the State Board a request for designation as an Alternative Education Campus. A public school may submit an application on its own, with approval from the Institute or local school board. Each request shall contain sufficient information to establish that the public school meets the requirements established by these rules. The application will include the selection of the evaluation measures described in section 3.05 of these rules, below.

3.03 On or before August 20 of each year, the State Board shall approve the designation as an Alternative Education Campus for any public school for which a request has been filed and that is found by the State Board to meet the requirements of these rules.

3.04 If the State Board denies a request for a public school to be designated as an Alternative Education Campus, the public school or the Institute or local school board for the public school, may resubmit the application with any relevant information, within ten (10) business days of the State Board's initial determination. On or before September of each year, the State Board shall reconsider the public school's designation as an Alternative Education Campus and shall issue a final determination on the matter.

3.05 The Department shall annually review the performance of each Alternative Education Campus based on the following indicators, and using the following measures:

3.05(A) Student achievement. Student achievement shall be measured on the Statewide Assessments, if sufficient data is available. If sufficient data on the Statewide Assessments is not available, or if the Alternative Education Campus provides sufficient rationale for why information in addition to the Statewide Assessment data is necessary, student achievement also shall be measured on an alternative standardized assessment selected by the Alternative Education Campus, agreed to by the local school board for that Alternative Education Campus or the Institute, whichever is applicable, and approved by the Department pursuant to section 3.08 of these rules. Assessments other than the Statewide Assessments must be aligned with the academic standards adopted by the local school board or Institute pursuant to § 22-7-1013;

3.05(B) Student longitudinal academic growth. Student longitudinal academic growth shall be measured on the Statewide Assessments, if sufficient data is available. If sufficient data on the Statewide Assessments is not available, or if the Alternative Education Campus provides sufficient rationale for why information in addition to the Statewide Assessment data is necessary, student longitudinal academic growth also shall will be measured on an alternative standardized assessment selected by the Alternative Education Campus, agreed to by the local school board for that Alternative Education Campus or the Institute, whichever is applicable, and approved by the Department pursuant to section 3.08 of these rules. The measures of student longitudinal academic growth must be consistent with the measures set forth in § 22-11-204 (2), C.R.S. ;

3.05(C) Post-secondary and workforce readiness. Post-secondary and workforce readiness shall be measured in a manner that is consistent with § 22-7-1008, C.R.S. , and § 22-11-204, C.R.S. , on measures that are selected by the Alternative Education Campus, agreed to by the local school board for that Alternative Education Campus or the Institute, whichever is applicable, and approved by the Department pursuant to section 3.08 of these rules. Post-secondary and workforce readiness measures shall include performance on the standardized, curriculum-based, achievement, college entrance examination administered as a Statewide Assessment or the postsecondary and workforce readiness assessment described in § 22-7-1003 (16), C.R.S. , if sufficient data is available. Post-secondary and workforce readiness measures also shall include transition success for non-degree granting institutions; and

3.05(D) Student engagement. Student engagement shall be measured in a manner that is selected by the Alternative Education Campus, agreed to by the local school board for that Alternative Education Campus or the Institute, whichever is applicable, and approved by the Department pursuant to section 3.08 of these rules. Student engagement may include attendance rates, truancy rates, student re- engagement rate or other measures of student/parent attitude or behavior that promote positive educational outcomes.

3.06 The measures used to evaluate the performance of each Alternative Education Campus shall reflect the unique purposes of the campus and unique circumstances of and challenges that must be met by the students enrolled in the campus, as well as consider the statewide performance targets established pursuant to § 22-11-201, C.R.S. .

3.07 Prior to being evaluated, each Alternative Education Campus, after having received approval from its local school board or the Institute, whichever is applicable, shall submit the following to the Department for approval:

3.07(A) The selected measure for each indicator (student achievement on a standardized assessment, student longitudinal academic growth on a standardized assessment, postsecondary and workforce readiness, and student engagement); and

3.07(B) Measurable targets for each indicator that are achievable but ambitious, based on research, to the extent available, or, when such research is not available or adequate, calculated to enable rigorous review of school performance and future research;

3.08 Department approval of the measures and targets used to evaluate the performance of each Alternative Education Campus shall be based on:

3.08(A) Whether the measures fairly evaluate the performance of the Alternative Education Campus based on the size and distinctive student population and mission of the school, and whether those measures can reasonably demonstrate successful changes in student attitudes, behaviors and performance;

3.08(B) Whether the targets are achievable but ambitious, and allow for evaluation of progress towards attainment on each of the indicators described in section 3.05 of these rules;

3.08(C) Whether the measures and targets reflect expectations established for students becoming postsecondary and workforce ready as described in Part 10 of Article 7 of Title 22 (the Preschool to Postsecondary Education Alignment Act) and § 22-2-136, C.R.S. ;

3.08(D) Whether the measures and targets recognize and make appropriate use of well-established or widespread existing practices in education of High-Risk Students or subgroups of such students; and

3.08(E) Whether the measures and targets are based on data that will allow the Department to collect, evaluate, and, if needed, audit said data.

3.09 In evaluating the performance of each Alternative Education Campus, greatest emphasis shall be placed on student academic growth and postsecondary and workforce readiness.

3.10 Each August, the Department shall conduct a review of the performance of each Alternative Education Campus based on the school performance evaluation framework described in 1 CCR 301-1 and the performance evaluation framework described in section 3.05 of these rules. Following this annual review, the Department shall recommend to the Commissioner and the State Board whether the Alternative Education Campus shall adopt a performance, improvement, priority improvement, or turnaround plan, as said plans are described in § 22-11-403 to 22-11-406, C.R.S. Based on the recommendations, the State Board shall notify each Alternative Education Campus and its district school board or the Charter School Institute, if the Alternative Education Campus is an Institute Charter School, of the type of plan the Alternative Education Campus shall adopt. In adopting its plan, each Alternative Education Campus shall comply with the provisions of § 22-11-403 to 22-11-406, C.R.S. , as applicable.

3.11 The local school board for an Alternative Education Campus or the Charter School Institute, if the Alternative Education Campus is an Institute Charter School, shall specify the accreditation category for the Alternative Education Campus in accordance with the accreditation process adopted by the district school board or the Charter School Institute pursuant to §22-11-307, C.R.S.

3.12 The Department shall publish on SchoolView a performance report for each Alternative Education Campus. The performance report for an Alternative Education Campus will effectively communicate to the parents of students enrolled in the Alternative Education Campus and to the public the performance of the Alternative Education Campus and the performance of students enrolled in the Alternative Education Campus. Said report will include the following information:

3.12(A) All information included in the school performance reports for all other public schools in the state, pursuant to §22-11-503, C.R.S. ; and

3.12(B) Any additional information related to the performance of the Alternative Education Campus on the indicators described in section 3.05 of these rules, above.

3.13 Prior to the publication of the performance reports on SchoolView, the Department shall allow each District and the Institute a reasonable period of time to review the Alternative Education Campus' information as it will appear on the performance reports and correct any errors or misinformation identified by the District or Institute.

Discipline Addressing Specific Code of Conduct Violations

Firearms and Other Weapons Violations

LAWS

18-12-105.5. Unlawfully carrying a weapon - unlawful possession of weapons - school, college, or university grounds.

(1) A person commits a class 6 felony if such person knowingly and unlawfully and without legal authority carries, brings, or has in such person's possession a deadly weapon as defined in section 18-1-901 (3)(e) in or on the real estate and all improvements erected thereon of any public or private elementary, middle, junior high, high, or vocational school or any public or private college, university, or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution that require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or on an athletic team.

(3) It shall not be an offense under this section if:

(a) The weapon is unloaded and remains inside a motor vehicle while upon the real estate of any public or private college, university, or seminary; or

(b) The person is in that person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying; or

(c) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling; or

(d) The person, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to section 18-12-105.1, as said section existed prior to its repeal; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214 (3); or

(d.5) The weapon involved was a handgun and the person held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to part 2 of this article; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of section 18-12-214 (3); or

(e) The person is a school resource officer, as defined in section 22-32-109.1 (1)(g.5), C.R.S., or a peace officer, as described in section 16-2.5-101, C.R.S., when carrying a weapon in conformance with the policy of the employing agency as provided in section 16-2.5-101 (2), C.R.S.; or

(f) and (g)(Deleted by amendment, L. 2003, p. 1626, § 51, effective August 6, 2003.)

(h) The person has possession of the weapon for use in an educational program approved by a school which program includes, but shall not be limited to, any course designed for the repair or maintenance of weapons.

22-12-104. Liability.

(1) An educational entity and its employees are immune from suit for taking an action regarding the supervision, grading, suspension, expulsion, or discipline of a student while the student is on the property of the educational entity or under the supervision of the educational entity or its employees; except that immunity shall not apply if the action is committed willfully and wantonly and violates a statute, rule, or regulation or a clearly articulated policy of the educational entity. The burden of proving the violation shall rest with the plaintiff and must be established by clear and convincing evidence to the court as part of a summary proceeding. If at the summary proceeding the court finds a violation exists, the educational entity and its employee may raise immunity at trial under the provisions of this article and the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.

(2) An educational entity and its employees are immune from suit for making a report consistent with federal law to the appropriate law enforcement authorities or officials of an educational entity if the individual making the report has reasonable grounds to suspect that a student is:

- (a) Under the influence of alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
- (b) In possession of a firearm or alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
- (c) Involved in the illegal solicitation, sale, or distribution of firearms or alcoholic beverages or of a controlled substance.

(3) A person claiming to have suffered an injury by an educational entity or an employee, whether or not by a violation of a statute, rule, or regulation or a clearly articulated policy of the educational entity, shall file a written notice as provided in section 24-10-109, C.R.S., within one hundred eighty days after the date of discovery of the injury, regardless of whether the person then knew all of the elements of a claim or of a cause of action for the injury. Compliance with the provisions of this subsection (3) shall be a jurisdictional prerequisite to any action brought under the provisions of this article, and failure of compliance shall forever bar any such action.

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(c) "Dangerous weapon" has the same meaning as set forth in section 22-33-102 (4).

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, and in accordance with standardized methods and any revised reporting categories identified and adopted through the stakeholder process set forth in section 22-1-138, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year, including any disciplinary incident specified in subsection (2)(b)(iv)(e) or (2)(b)(iv)(k) of this section that requires additional reporting on the incident.

(IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific

information identifying the number of, and the action taken with respect to, each of the following types of violations:

- (A) Possessing a dangerous weapon on school grounds, in a school vehicle, or at a school activity or sanctioned event without the authorization of the school or the school district.

22-33-102. Definitions.

As used in this article 33, unless the context otherwise requires:

(4) "Dangerous weapon" means:

- (a) A firearm, as defined in section 18-1-901 (3)(h), C.R.S.;
- (b) Any pellet gun, BB gun, or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;
- (c) A fixed-blade knife with a blade that exceeds three inches in length;
- (d) A spring-loaded knife or a pocket knife with a blade exceeding three and one-half inches in length; or
- (e) Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used to inflict death or serious bodily injury.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

- (a) Continued willful disobedience or open and persistent defiance of proper authority;
- (b) Willful destruction or defacing of school property;
- (c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22-20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5)(I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV)(Deleted by amendment, L. 2000, p. 1971, § 12, effective June 2, 2000.)

- (d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

- (I) Possession of a dangerous weapon without the authorization of the school or the school district;
 - (II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or
 - (III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.
- (e) Repeated interference with a school's ability to provide educational opportunities to other students.
- (f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a nonschool-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.
- (g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.
- (1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:
- (a) The age of the student;
 - (b) The disciplinary history of the student;
 - (c) Whether the student has a disability;
 - (d) The seriousness of the violation committed by the student;
 - (e) Whether the violation committed by the student threatened the safety of any student or staff member; and
 - (f) Whether a lesser intervention would properly address the violation committed by the student.
- (1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.
- (2) Subject to the district's responsibilities under article 20 of this title, the following may be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:
- (a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;
 - (b) Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other pupils.
- (3) The following may constitute additional grounds for denial of admission to a public school:
- (a) Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;
 - (b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 22-1-115;
 - (c) Having been expelled from any school district during the preceding twelve months;
 - (d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 23, 32, or 36 of this title;

(e) Failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.

(f) Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.

(4)(a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.

(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:

(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

(II) Design a schedule for the expelled student that, to the extent possible, avoids contact between the expelled student and the victim or a member of the victim's immediate family.

(c) The provisions of this subsection (4) shall not apply to an offense that constitutes a crime against property.

(d) The provisions of this subsection (4) shall apply only if the expelled student is convicted, is adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled. Prior to implementation of the provisions of this subsection (4), the school district shall contact the appropriate court to determine whether the provisions of this subsection (4) apply to an expelled student. The school district shall be authorized by the provisions of section 19-1-303 (1)(b), C.R.S., to obtain such information.

(e)(I) Notwithstanding any other provision of law to the contrary, any county or district court shall have original concurrent jurisdiction to issue a temporary or permanent civil restraining order that enjoins the expelled student from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed.

(II) A motion for a temporary civil restraining order pursuant to this paragraph (e) shall be set for hearing, which hearing shall be ex parte, at the earliest possible time and shall take precedence over all matters except those matters of the same character that have been on the court docket for a longer period of time. The court shall hear all such motions as expeditiously as possible.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.

(b) "Enrolling entity" means:

(I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;

(II) A school district; or

(III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

REGULATIONS

No relevant regulations found.

Students with Chronic Disciplinary Issues

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(e) "Habitually disruptive student" has the same meaning as set forth in section 22-33-106 (1)(c.5). (a) Conduct and discipline code.

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each

student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, and in accordance with standardized methods and any revised reporting categories identified and adopted through the stakeholder process set forth in section 22-1-138, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year, including any disciplinary incident specified in subsection (2)(b)(iv)(e) or (2)(b)(iv)(k) of this section that requires additional reporting on the incident.

(I) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students. In addition to providing information on such disciplinary incidents in the compiled report required by this subsection (2)(b), the report filing must include any additional information deemed necessary by the department of education pursuant to the process required pursuant to section 22-1-138. Information included in reporting for incidents currently categorized as disobedience or defiance may include, but is not limited to school and district code; location of incidents; description of the behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incident; and descriptive information of the student or students involved in the incidents, including, but not limited to, gender, grade level, ethnicity, race, and whether the student has federal section 504 accommodations or an individualized education plan. Information on the report must be submitted in accordance with the department of education's data privacy and reporting requirements;

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(a) Continued willful disobedience or open and persistent defiance of proper authority;

(b) Willful destruction or defacing of school property;

(c) Behavior on or off school property that is detrimental to the welfare or safety of other pupils or of school personnel, including behavior that creates a threat of physical harm to the child or to other children; except that, if the child who creates the threat is a child with a disability pursuant to section 22- 20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school

district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

(c.5)(I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

(IV)(Deleted by amendment, L. 2000, p. 1971, § 12, effective June 2, 2000.)

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.; or

(III) The commission of an act that, if committed by an adult, would be robbery pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part 2 of article 3 of title 18, C.R.S., other than the commission of an act that would be third degree assault under section 18-3-204, C.R.S., if committed by an adult.

(e) Repeated interference with a school's ability to provide educational opportunities to other students.

(f) Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. Each school district shall develop a policy that shall authorize a student to carry, bring, use, or possess a firearm facsimile on school property for either a school-related or a nonschool-related activity. Such policy shall also consider student violations under this section on a case-by-case basis using the individual facts and circumstances to determine whether suspension, expulsion, or any other disciplinary action, if any, is necessary.

(g) Pursuant to section 22-12-105 (3), making a false accusation of criminal activity against an employee of an educational entity to law enforcement authorities or school district officials or personnel.

(1.2) Each school district is encouraged to consider each of the following factors before suspending or expelling a student pursuant to a provision of subsection (1) of this section:

(a) The age of the student;

(b) The disciplinary history of the student;

(c) Whether the student has a disability;

(d) The seriousness of the violation committed by the student;

(e) Whether the violation committed by the student threatened the safety of any student or staff member; and

(f) Whether a lesser intervention would properly address the violation committed by the student.

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7961, a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, shall be expelled for a period of not less than one year; except that the superintendent of the student's school district may modify this requirement for a student on a case-by-case basis if such modification is in writing.

(2) Subject to the district's responsibilities under article 20 of this title, the following may be grounds for expulsion from or denial of admission to a public school, or diversion to an appropriate alternate program:

(a) Physical or mental disability such that the child cannot reasonably benefit from the programs available;

(b) Physical or mental disability or disease causing the attendance of the child suffering therefrom to be inimical to the welfare of other pupils.

(3) The following may constitute additional grounds for denial of admission to a public school:

(a) Graduation from the twelfth grade of any school or receipt of any document evidencing completion of the equivalent of a secondary curriculum;

(b) Failure to meet the requirements of age, by a child who has reached the age of six at a time after the beginning of the school year, as fixed by the board of education of the district in which the child applies for enrollment, as provided in section 22-1-115;

(c) Having been expelled from any school district during the preceding twelve months;

(d) Not being a resident of the district, unless otherwise entitled to attend under the provisions of article 23, 32, or 36 of this title;

(e) Failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S. Any suspension, expulsion, or denial of admission for such failure to comply shall not be recorded as a disciplinary action but may be recorded with the student's immunization record with an appropriate explanation.

(f) Behavior in another school district during the preceding twelve months that is detrimental to the welfare or safety of other pupils or of school personnel.

(4)(a) Except as provided in paragraph (b) of this subsection (4), a school district shall prohibit any student who is expelled from a public school of the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed. If the school district has no actual knowledge of the name of the victim of the offense for which the student was expelled, the provisions of this subsection (4) shall be implemented only upon request of the victim or a member of the victim's immediate family.

(b) In any school district that has only one school in which the expelled student can enroll, the school district shall either:

(I) Prohibit the student expelled from the school district pursuant to paragraph (c) or (d) of subsection (1) of this section or pursuant to subsection (1.5) of this section from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed; or

(II) Design a schedule for the expelled student that, to the extent possible, avoids contact between the expelled student and the victim or a member of the victim's immediate family.

(c) The provisions of this subsection (4) shall not apply to an offense that constitutes a crime against property.

(d) The provisions of this subsection (4) shall apply only if the expelled student is convicted, is adjudicated a juvenile delinquent, receives a deferred judgment, or is placed in a diversion program as a result of committing the offense for which the student was expelled. Prior to implementation of the

provisions of this subsection (4), the school district shall contact the appropriate court to determine whether the provisions of this subsection (4) apply to an expelled student. The school district shall be authorized by the provisions of section 19-1-303 (1)(b), C.R.S., to obtain such information.

(e)(I) Notwithstanding any other provision of law to the contrary, any county or district court shall have original concurrent jurisdiction to issue a temporary or permanent civil restraining order that enjoins the expelled student from enrolling or reenrolling in the same school in which the victim of the offense or member of a victim's immediate family is enrolled or employed.

(II) A motion for a temporary civil restraining order pursuant to this paragraph (e) shall be set for hearing, which hearing shall be ex parte, at the earliest possible time and shall take precedence over all matters except those matters of the same character that have been on the court docket for a longer period of time. The court shall hear all such motions as expeditiously as possible.

22-33-201. Legislative declaration.

The general assembly hereby finds that except when a student's behavior would cause imminent harm to others in the school or when an incident requires automatic expulsion as defined by state law or a school's conduct and discipline code, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid expulsion.

REGULATIONS

No relevant regulations found.

Chronic Absenteeism and Truancy

LAWS

13-5-145. Truancy detention reduction policy - legislative declaration.

(1) The general assembly finds that:

- (a) Imposing a sentence of detention on a juvenile who violates a court order to attend school does not improve the likelihood that the juvenile will attend school and does not address the underlying causes of the juvenile's truancy;
- (b) The best methods to address truancy and its underlying causes and the resources needed to implement those methods are different in each community;
- (c) Since 2014, the juvenile courts in many judicial districts around the state have successfully reduced the use of detention for juveniles who are truant by implementing pilot projects through which the juvenile court imposes reasonable sanctions and, where possible, provides incentives to attend school, reserving detention as a sanction of last resort; and
- (d) These pilot projects need additional time to produce meaningful data regarding the effectiveness of the alternate sanctions and incentives and to determine whether they result in improved outcomes for juveniles and their families.

(2) The chief judge in each judicial district, or his or her designee, shall convene a meeting of community stakeholders to create a policy for addressing truancy cases that seeks alternatives to the use of detention as a sanction for truancy. Community stakeholders may include, but need not be limited to:

- (a) Parents;
- (b) Representatives from school districts;
- (c) Representatives from county departments of human or social services;
- (d) Guardians ad litem;
- (e) Court-appointed special advocates;
- (f) Juvenile court judges;
- (g) Respondent counsel;
- (h) Representatives from law enforcement agencies;
- (i) Mental health care providers;
- (j) Substance use disorder treatment providers;

- (k) Representatives from the division of criminal justice in the department of public safety;
 - (l) Representatives from the state department of human services; and
 - (m) Representatives from the department of education.
- (3) The chief judge in each judicial district shall adopt a policy for addressing truancy cases no later than March 15, 2016. In developing the policy for addressing truancy cases, the chief judge and the community stakeholders shall consider, at a minimum:
- (a) Best practices for addressing truancy that are used in other judicial districts and in other states;
 - (b) Evidence-based practices to address and reduce truancy;
 - (c) Using a wide array of reasonable sanctions and reasonable incentives to address and reduce truancy;
 - (d) Using detention only as a last resort after exhausting all other reasonable sanctions and, when imposing detention, appropriately reducing the number of days served; and
 - (e) Research regarding the effect of detention on juveniles.
- (4) The state court administrator's office shall report to the judiciary committees of the house of representatives and the senate, or any successor committees, no later than April 15, 2016, regarding the policy for addressing truancy cases adopted by each judicial district.

22-11-302. School district accountability committee - powers and duties.

- (1) Each school district accountability committee has the following powers and duties:
- (g) To increase the level of parent engagement in the school district and in the public schools of the school district, especially the engagement of parents of students in the populations described in section 22-11-301 (3). The committee's activities to increase parent engagement must include, but need not be limited to:
 - (III) Assisting school personnel to increase parents' engagement with educators, including but not limited to parents' engagement in creating students' READ plans pursuant to part 12 of article 7 of this title, in creating individual career and academic plans pursuant to section 22-32-109 (1)(oo), and in creating plans to address habitual truancy pursuant to section 22-33-107 (3).

22-11-402. School accountability committee - powers and duties - meetings.

- (1) Each school accountability committee has the following powers and duties:
- (h) To increase the level of parent engagement in the school, especially the engagement of parents of students in the populations described in section 22-11-401 (1)(d). The committee's activities to increase parent engagement must include, but need not be limited to:
 - (III) Assisting school personnel to increase parents' engagement with teachers, including but not limited to parents' engagement in creating students' READ plans pursuant to part 12 of article 7 of this title, in creating individual career and academic plans pursuant to section 22-32-109 (1)(oo) or 22-30.5-525, and in creating plans to address habitual truancy pursuant to section 22-33-107 (3).

22-32-118.5. Intervention strategies - students at risk of dropping out - legislative declaration.

- (1) The general assembly finds that research shows there are certain behaviors such as truancy, low academic achievement, and misbehavior that results in suspension or expulsion that, when exhibited by a student, are clear indications that the student is at increased risk of dropping out of school before graduation. These behaviors are often noticeable as early as grades six through nine and, even at this relatively early stage of a student's academic career, are accurate predictors of whether the student will graduate or drop out of high school. The general assembly further finds that interventions with students who demonstrate these behaviors in these middle grades can be very successful in enabling the student to refocus his or her efforts, improve in academic achievement, and successfully graduate from high school. Therefore, it is the intent of the general assembly that school districts and public schools focus

attention on the data collected for students in these middle grades, identify students who require interventions, and provide the appropriate interventions to assist students in graduating from high school.

(2)(a) Each school district board of education shall consider adopting procedures by which the schools of the school district, including charter schools, that include any of grades six through nine shall review the relevant data for students in those grades and identify students who are demonstrating behaviors that indicate the student is at greater risk of dropping out of school. The behaviors may include, but need not be limited to, low academic achievement, truancy, insubordinate behavior, and disengagement.

(b) The procedures may specify that, after a school identifies a student as being at increased risk of dropping out of school, the school shall provide appropriate interventions that are designed to assist the student in improving his or her academic performance and behavior and in increasing his or her overall level of engagement in school. Interventions may include, but need not be limited to, counseling, tutoring, parent engagement, and developmental education services.

(c) If a school district board of education adopts procedures pursuant to this subsection (2), the school district shall notify a student's parents as soon as possible after the school district identifies the student as being at greater risk of dropping out of school. The school district shall provide to the student's parents a description of the interventions that the school district intends to implement for the student, if any. The parent may approve or reject the described interventions. If the parent rejects the interventions, the school district shall not implement the interventions. The parent may terminate the interventions at any time after the school district begins providing the interventions.

(d) A parent may contact the school district in which his or her student is enrolled to request interventions pursuant to this subsection (2) if the parent determines that the student is at greater risk of dropping out of school.

22-33-104. Compulsory school attendance.

(4)(a) The board of education shall adopt a written policy setting forth the district's attendance requirements. The policy must provide for excused absences, including those listed as exclusions from compulsory school attendance in accordance with subsection (2) of this section, as well as temporary absences due to behavioral health concerns. An attendance policy developed pursuant to this section may include appropriate penalties for nonattendance due to unexcused absence.

(b) The attendance policy adopted pursuant to this subsection (4) shall specify the maximum number of unexcused absences a child may incur before the attorney for the school district, the attendance officer, or the local board of education may initiate judicial proceedings pursuant to section 22-33-108. Calculation of the number of unexcused absences a child has incurred includes all unexcused absences occurring during any calendar year or during any school year.

(b.5) Each board of education is encouraged to establish attendance procedures for identifying students who are chronically absent and to implement best practices and research-based strategies to improve the attendance of students who are chronically absent.

(c) On or before January 1, 2009, the state board shall adopt rules establishing a standardized calculation for counting unexcused absences of students, including the circumstance in which a student is absent for part of a school day, and the format for reporting the information to the department pursuant to section 22-33-107.

22-33-107. Enforcement of compulsory school attendance - definitions.

(1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district. It is the attendance officer's duty in appropriate cases to counsel with students and parents and investigate the causes of nonattendance and report to the local board of education so as to enforce the provisions of this article which relate to compulsory attendance.

(2) The commissioner of education shall designate an employee of the department of education whose duty it is to assist the individual school districts and to supervise the enforcement of compulsory school attendance for the entire state.

(3)(a) As used in this subsection (3):

(II) "Local community services group" means the local juvenile services planning committee created pursuant to section 19-2-211, C.R.S., the local collaborative management group created by a memorandum of understanding entered into pursuant to section 24-1.9-102, C.R.S., or another local group of public agencies that collaborate with the school district to identify and provide support services for students.

(b) The board of education of each school district shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant. The policies and procedures must include provisions for the development of a plan. The plan must be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child's parent, guardian, or legal custodian. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child's truancy. The appropriate school personnel are encouraged to work with the local community services group to develop the plan. The plan must be in compliance with section 22-33-108 (7) and include appropriate sanctions other than placement in a juvenile detention facility for a child who is habitually truant and who has refused to comply with the plan. The policies and procedures may also include but need not be limited to the following:

(I.5) Procedures to monitor the attendance of each child enrolled in the school district to identify each child who has a significant number of unexcused absences and to work with the local community services group and the child's parent to identify and address the likely issues underlying the child's truancy, including any nonacademic issues;

(II) Annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent of each child enrolled in the public schools in writing of such parent's obligations pursuant to section 22-33-104 (5) and requesting that the parent acknowledge in writing awareness of such obligations;

(III) Annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent of each child a telephone number or other means of contacting such parent during the school day; and

(IV) Establishing a system of monitoring individual unexcused absences of children which shall provide that, whenever a child who is enrolled in a public school fails to report to school on a regularly scheduled school day and school personnel have received no indication that the child's parent is aware of the child's absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify by telephone such parent. Any person who, in good faith, gives or fails to give notice pursuant to this subparagraph (IV) shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

(4) On or before September 15, 2010, and on or before September 15 each year thereafter, the board of education of each school district shall report to the department of education the number of children who are habitually truant, as defined in section 22-33-102 (3.5), for the preceding academic year. The department shall post this information for each school district on its website for the public to access and may post additional information reported by school districts related to truancy.

(5) The department of education may post on its website information concerning effective, research-based, truancy- and dropout-prevention programs for the benefit of school districts.

22-33-107.5. Notice of failure to attend.

(1) Except as otherwise provided in subsection (2) of this section, a school district shall notify the appropriate court or parole board if a student fails to attend all or any portion of a school day where the school district has received notice from the court or parole board:

- (a) Pursuant to section 19-2-508 (3)(a)(X) that the student is required to attend school as a condition of release pending an adjudicatory trial;
- (b) Pursuant to section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907 (4), 19-2-925 (9), or 19-2-1002 (1) or (3) that the student is required to attend school as a condition of or in connection with any sentence imposed by the court, including a condition of probation or parole; or
- (c) Pursuant to section 13-10-113 (8), C.R.S., that the student is required to attend school as a condition of or in connection with any sentence imposed by a municipal court.

(2) If the school district has notice that a student who is required to attend school as a condition of release or as a condition of or in connection with any sentence imposed by a court, including a condition of probation or parole, has enrolled in a nonpublic home-based educational program, pursuant to section 22-33-104.5, or in an independent or parochial school, the school district shall notify the appropriate court or parole board and shall no longer be required to notify the court or parole board, pursuant to subsection (1) of this section, if the student fails to attend.

22-33-108. Judicial proceedings.

(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this article, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fees shall be collected by the court in connection with this proceeding.

(3) After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106 (a)(4) of the Colorado rules of civil procedure and rule 3.8 of the Colorado rules of juvenile procedure.

(4) It is the duty of the attorney for the school district, an employee authorized by the local board of education pursuant to section 13-1-127 (7), C.R.S., to represent the school district in truancy proceedings, the attendance officer designated by the local board of education, or the local board of education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

(5)(a) It is the intent of the general assembly that, in enforcing the compulsory school attendance requirements of this article, a school district shall employ best practices and research-based strategies to minimize the need for court action and the risk that a court will issue detention orders against a child or parent.

(b) A school district shall initiate court proceedings to compel a child and the child's parent to comply with the attendance requirements specified in this article but only as a last-resort approach to address the child's truancy and only if a child continues to be habitually truant after school or school district personnel have created and implemented a plan pursuant to section 22-33-107 (3) to improve the child's school attendance.

(c) Before initiating court proceedings to compel compliance with the attendance requirements specified in this article, the school district shall give the child and the child's parent written notice that the school district will initiate proceedings if the child does not comply with the attendance requirements of this article. The school district may combine the notice and summons. If combined, the petition must state the date on which the school district will initiate proceedings, which date must not be less than five days after the date of the notice and summons. The notice must state the provisions of this article with which

compliance is required and must state that the school district will not initiate proceedings if the child complies with the identified provisions before the proceedings are filed.

(d) If a school district initiates court proceedings pursuant to this subsection (5), the school district, at a minimum, must submit to the court evidence of:

(I) The child's attendance record prior to and after the point at which the child was identified as habitually truant;

(II) Whether the child was identified as chronically absent and, if so, the strategies the school district used to improve the child's attendance;

(III) The interventions and strategies used to improve the child's attendance before school or school district personnel created the child's plan described in section 22-33-107 (3); and

(IV) The child's plan and the efforts of the child, the child's parent, and school or school district personnel to implement the plan.

(6) The court before which a proceeding to compel attendance is brought may issue, in its discretion, an order against the child or the child's parent or both compelling the child to attend school as provided by this article or compelling the parent to take reasonable steps to assure the child's attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child pursuant to section 22-33-107 (3).

(7)(a) If the child or youth does not comply with the valid court order issued against the child or youth or against both the parent and the child or youth, the court may order that an assessment for neglect as described in section 19-3-102 (1) be conducted as provided in section 19-3-501. In addition, the court may order the child or youth to show cause why he or she should not be held in contempt of court. When instituting contempt of court proceedings pursuant to this subsection (7), the court shall provide all procedural protections mandated in rule 107 of the Colorado rules of civil procedure, or any successor rule, concerning punitive sanctions for contempt.

(a.5) A judge or magistrate of any court may issue a warrant that authorizes the taking into temporary custody of a child or youth who has failed to appear for a court hearing for a truancy or contempt action; except that any such warrant must provide for release of the child or youth from temporary custody on an unsecured personal recognizance bond that is cosigned by the child's or youth's parent or legal guardian or, if the child or youth is in the custody of the department of human services, cosigning may be accomplished by a representative of the department of human services. In the alternative, the warrant may direct that the child or youth must only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.

(b) The court may impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child or youth, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having the goal of ensuring that the child or youth has an opportunity to obtain a quality education.

(c)(I) If the court finds that the child or youth has refused to comply with the plan created for the child or youth pursuant to section 22-33-107 (3), the court may impose on the child or youth, as a sanction for contempt of court, a sentence of detention for no more than forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402 and any rules promulgated by the Colorado supreme court. The court shall not sentence a child or youth to detention as a sanction for contempt of court unless the court finds that detention is in the best interest of the child or youth as well as the public. In making such a finding, the court shall consider the following factors, including that:

(A) The child or youth has violated a valid court order;

(B) National and Colorado-specific evidence shows that detaining children and youth for truancy alone is counterproductive and harmful to children and youth;

- (C) The legislative intent is that a child or youth who is truant must not be placed in secure confinement for truancy alone;
- (D) Detention is likely to have a detrimental effect on the child's or youth's school attendance; and
- (E) Detention is likely to have an effect on the child's or youth's future involvement with the criminal justice system.

(II) There is a rebuttable presumption that a child or youth must receive credit for time served if he or she is sentenced to detention pursuant to subsection (7)(c)(I) of this section for violating a valid court order to attend school. If the court rebuts this presumption, it shall explain its reasoning on the record.

(8) If the parent refuses or neglects to obey the order issued against the parent or against both the parent and the child, the court may order the parent to show cause why he or she should not be held in contempt of court, and, if the parent fails to show cause, the court may impose a fine of up to but not more than twenty-five dollars per day or confine the parent in the county jail until the order is complied with.

22-33-202. Identification of at-risk students.

(1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who are truant, who have been or are likely to be declared habitually truant, or who are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with a plan to provide the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing the services and may provide the services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion-prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

(2) Each school district may provide educational services to students who are identified as at risk of suspension or expulsion from school. Any school district that provides educational services to students who are at risk of suspension or expulsion may apply for moneys through the expelled and at-risk student services grant program established in section 22-33-205 to assist in providing such educational services.

REGULATIONS

1 CCR 301-78. Section 1.00. Statement of basis and purpose.

1.00 Statement of Basis and Purpose

This regulation is adopted pursuant to the authority in section 22-33-104 (4)(c), C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 et seq. (the "APA"), C.R.S.

This regulation shall govern the standardized calculation for counting unexcused absences of students, including the circumstance in which a student is absent for part of a school day, and the format for reporting the number of students identified as habitually truant. Many research studies have concluded that truancy is a problem that impacts a student's ability to attain the maximum benefit from the education process. Families, schools and communities must work together to ensure regular daily and punctual school attendance. Students should be advised that each scheduled school day will count in their attendance records. Further, students are required to attend classes, unless excused for good reason, in accordance with the Colorado School Attendance Law (C.R.S. 22-33-101). The purpose of this regulation is to provide specificity for consistency in reporting attendance and truancy data across school districts and BOCES. This regulation intends to increase data accuracy by generating uniform indicators for aggregate excused and unexcused absences and habitually truant student numbers. Another purpose is

to allow the usage of these indicators to leverage resources to support the complete success of children and youth in school.

1 CCR 301-78. Section 2.00. Definitions.

2.00 Definitions

- (1) "Absences" means the scheduled school days or portions thereof missed by the student.
- (2) "Attendance Period" means the period of time in which student attendance is recorded.
- (3) "Attendance" is one collection of the Data Pipeline system to obtain attendance, excused and unexcused absences and habitually truant information.
- (4) "Data Pipeline" means the state reporting system to collect, through electronic transfer where possible, all student and public school performance data as required by 22-7-603 C.R.S.
- (5) "BOCES" means Boards of Cooperative Educational Services.
- (6) "Department" means the Colorado Department of Education.
- (7) "Excused Absence" means the student is absent for a reason as identified within the attendance policy set by local school board of education as declared in 22-33-104 (4)(a) C.R.S. which may include, but is not limited to, the following reasons: funerals, illness, injury, legal obligations, medical procedures and religious observations.
- (8) "Habitually Truant" means a student who is at least the age of six on or before August 1 of the school year in question and under the age of seventeen years having four total days of unexcused absences from public school in any one calendar month or ten total days of unexcused absences from public school during the reported school year in congruence with C.R.S. 22-33-107(3)(a).
- (9) "Level of Detail" means the most detailed data available for reporting purposes of attendance information.
- (10) "Month" means a named calendar month regardless of the number of school days within each month.
- (11) "Reported School Year" means the full school year as defined by the local school board of education.
- (12) "Tardies" may be defined by local school district/BOCES board policy, generally meaning a student entering classes after the scheduled start time.
- (13) "Truancy/Unexcused Absence" means a student is absent from school without a valid and verifiable excuse by the parent/guardian that is consistent with school or board policy as defined in 22-33-104 (4)(a) C.R.S. or the student leaves school or a class without permission of authorized school staff.
- (14) "Unexcused Absence/Truancy" means a student is absent from school without a valid and verifiable excuse by the parent/guardian that is consistent with school or board policy as defined in 22-33-104 (4)(a) C.R.S. or the student leaves school or a class without permission of authorized school staff.

1 CCR 301-78. Section 3.00. Standardized calculation for counting absences for students.

3.00 Standardized Calculation for Counting Absences of Students

3.01 District/BOCES Uphold Written Attendance Policy.

- (1) The local board of education shall adopt a written policy setting forth the district's or BOCES' attendance requirements. Said policy shall provide for Excused Absences, including those listed as exclusions from compulsory school attendance as declared in 22-33-104 (4)(a).
- (2) The school district or BOCES shall uphold its written attendance policy. To ensure consistency in reporting attendance and Truancy data, districts and BOCES shall enforce uniform interpretations of the

definitions of Excused Absences and Unexcused Absences across all schools within the school district or BOCES, according to the adopted district/BOCES attendance policy.

(3) The district/BOCES attendance policy shall be implemented in accordance with 22-33-107 C.R.S. which states that school district/BOCES policies shall include provisions for the development of a plan with the goal of assisting the child who is habitually truant to remain in school and when practicable, with the full participation of the child's parent, guardian or legal custodian.

3.02 Excused Versus Unexcused Absences.

3.02(1) Excused Absences.

(1)(a) Excused Absences occur when the student is absent for an acceptable reason as identified within the attendance policy set by local school board of education as declared in 22-33-104 (4)(a) C.R.S. which may include, but is not limited to, the following reasons: funeral, illness, injury, legal obligation, medical procedure and religious observation.

(1)(b) Local schools may require appropriate documentation to verify excused absences.

(1)(c) Absences due to suspension or expulsion of a child shall be considered excused absences for purposes of calculating habitually truant students (22-33-107 (3)(a) C.R.S.).

(2) Unexcused Absences.

(2)(a) Unexcused Absences occur when the student is absent without a reason or for an unacceptable reason as identified within the attendance rules set by local school board of education policy as declared in 22-33-104 (4)(a) C.R.S.

(2)(b) If authorized school officials determine that the parent's excuse is not valid or verified, the absence shall be unexcused.

(2)(c) Unexcused Absences are used to calculate Truancy rates.

3.03 Aggregation of Absences.

(1) A district or BOCES, and its schools, shall report truancy/attendance data as specifically as its student information system (SIS) allows, i.e., by minutes, hours or by periods.

(2) At a minimum, attendance shall be recorded once during each scheduled school day.

(3) For Department reporting purposes, a student who is absent more than 50 percent of any Attendance Period during a scheduled school day shall be considered absent for that entire recorded and reported period. For the 2020-21 academic year, during any period during which students are participating in remote learning due to public health and safety requirements, students may be recorded as present when participating in that remote learning. Districts should record absences and attendance consistent with the district's attendance policy as it applies to these remote learning situations.

(4) For Department reporting purposes, a student who is present 50 percent or more of any Attendance Period during a scheduled school day shall be considered present for that entire recorded and reported period. For the 2020-21 academic year, during any period during which students are participating in remote learning due to public health and safety requirements, students may be recorded as present when participating in that remote learning. Districts should record absences and attendance consistent with the district's attendance policy as it applies to these remote learning situations.

(5) All units of time shall be summed and converted to the number of days absent for reporting to the Department.

(6) Student Excused Absences shall be totaled for each student utilizing the most specific Level of Detail collected and reported to the Department through the Attendance collection. When totaling this sum, the calculation shall include percentages of each student's scheduled instructional day as applicable.

(7) Student Unexcused Absences shall be totaled for each student utilizing the most specific Level of Detail collected and reported to the Department through the Attendance collection. When totaling this

sum, the calculation shall include percentages of each student's scheduled instructional day as applicable.

3.04 Days Suspended/Expelled.

(1) Days suspended or expelled shall be totaled within the student Total Days Excused reported to the Department in accordance with 22-33-107 C.R.S. through the Attendance collection.

(2) Absences due to suspension or expulsion of a student shall not be totaled into the student Total Days Unexcused reported to the Department through Attendance collection.

(3) For expelled students enrolled in a district-sponsored or BOCES-sponsored expulsion program, attendance shall be taken and counted toward the school that administers the program or the student's school of record at the discretion of the district/BOCES. Absences for students in such programs shall be determined to be excused or unexcused in accordance with the rules in this document.

1 CCR 301-78. Section 4.00. Format for reporting habitually truant student data to the department.

4.00 Format for Reporting Habitually Truant Student Data to the Department

4.01 Habitually Truant.

(1) A Habitually Truant student is one who is at least the age of six on or before August 1 of the year in question and under the age of seventeen years having four total days of Unexcused Absences from public school in any one calendar Month or ten total days of Unexcused Absences from public school during the Reported School Year.

4.02 Habitually Truant Status.

(1) The status of a Habitually Truant student is calculated using the sum of Unexcused Absences converted to days and fractions of days.

(2) A student shall be reported as a Habitually Truant student if, at any time during the Reported School Year, their Unexcused Absences from public school in any one calendar Month equals or exceeds four total days.

4.02

(1)[(3)] A student shall be reported as a Habitually Truant student, if at any time during the Reported School Year, their Unexcused Absences from public school equals or exceeds ten total days.

4.03 Days Suspended/ Expelled.

(1) Student Absences due to suspension or expulsion shall be considered excused for purposes of determining student Truancy status (22-33-107 (3)(a) C.R.S.) and as such, shall not be included in the calculation of Habitually Truant status.

4.04 Tardies.

(1) Tardies shall not be included in the calculation of Habitually Truant students for Department reporting purposes.

4.05 Reporting Categories.

4.05(1) Districts and BOCES shall report Habitually Truant students in each school during the entire Reported School Year. Each student will be reported only once in one of three categories.

(2) "Four or more days in any one month" indicates that the Habitually Truant student accrued four or more total days of Unexcused Absences from the reporting public school in any one calendar Month, but never accumulated ten or more total days Unexcused Absences from that public school during the Reported School Year.

(3) "Ten or more days in one school year" indicates that the Habitually Truant student accrued ten or more total days of Unexcused Absences from the reporting public school during the Reported School Year, but never accumulated four or more total days of Unexcused Absences from that public school in any one calendar Month.

4.05

(4) "Met both conditions" indicates that the Habitually Truant student accrued four or more total days of Unexcused Absences from the reporting public school in any one calendar Month and also accumulated ten or more total days Unexcused Absences from the same public school during the Reported School Year.

4.06 Data Collection.

(1) Districts and BOCES shall provide Habitually Truant student data in the Data Pipeline Attendance collection.

4.07 Beginning Date.

(1) Districts and BOCES shall provide Habitually Truant student data beginning with the 2009-2010 school year.

4.08 Duplication of Data.

(1) The Habitually Truant student counts provided may be duplicated across schools within a district or BOCES, and will be duplicated in state totals because of student mobility between schools and districts.

Substance Use

LAWS

22-12-104. Liability.

(1) An educational entity and its employees are immune from suit for taking an action regarding the supervision, grading, suspension, expulsion, or discipline of a student while the student is on the property of the educational entity or under the supervision of the educational entity or its employees; except that immunity shall not apply if the action is committed willfully and wantonly and violates a statute, rule, or regulation or a clearly articulated policy of the educational entity. The burden of proving the violation shall rest with the plaintiff and must be established by clear and convincing evidence to the court as part of a summary proceeding. If at the summary proceeding the court finds a violation exists, the educational entity and its employee may raise immunity at trial under the provisions of this article and the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.

(2) An educational entity and its employees are immune from suit for making a report consistent with federal law to the appropriate law enforcement authorities or officials of an educational entity if the individual making the report has reasonable grounds to suspect that a student is:

- (a) Under the influence of alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
- (b) In possession of a firearm or alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
- (c) Involved in the illegal solicitation, sale, or distribution of firearms or alcoholic beverages or of a controlled substance.

(3) A person claiming to have suffered an injury by an educational entity or an employee, whether or not by a violation of a statute, rule, or regulation or a clearly articulated policy of the educational entity, shall file a written notice as provided in section 24-10-109, C.R.S., within one hundred eighty days after the date of discovery of the injury, regardless of whether the person then knew all of the elements of a claim or of a cause of action for the injury. Compliance with the provisions of this subsection (3) shall be a jurisdictional prerequisite to any action brought under the provisions of this article, and failure of compliance shall forever bar any such action.

22-25-102. Legislative declaration.

(1) The general assembly hereby finds and declares that comprehensive health education is an essential element of public education in the state of Colorado. The school system is a logical vehicle for conveying

to children and parents significant health information, developing an awareness of the value of good health to the individual and to the community, promoting healthy behavior and positive self-concepts, and providing means for dealing with peer and other pressures. It is further declared that many serious health problems in Colorado, including high-risk behaviors, are directly attributable to the insufficient health knowledge and motivation of the school-age population and the general public and that studies have demonstrated the effectiveness of a planned school curriculum throughout the elementary and secondary grades in developing healthy behavior. The purpose of this article is to foster healthy behaviors in our children and communities through a comprehensive educational plan which has as its goal not only the increase of health knowledge but also the modification of high-risk behaviors.

(2) Since the enactment of this article, the general assembly has further determined that the insidious attractions of gangs and substance abuse are endangering the youth of Colorado and, by doing so, are endangering all Colorado citizens. Accordingly, the general assembly finds and declares that the implementation of educational programs in the public schools, including facility schools, is necessary to assist young people in avoiding gang involvement and substance abuse.

(3) The general assembly further finds that:

(a) For students to reach their full potential, school communities need to address comprehensive issues of student wellness, including but not limited to addressing the physical, mental, emotional, and social needs of students;

(b) High-quality physical education programs taught by persons who are licensed and endorsed in physical education may be a factor in battling the rising incidence of obesity by ensuring not only that children receive a healthy level of physical activity but that they also learn skills and develop knowledge that will enable them to maintain a healthy level of activity throughout their lifetimes;

(c) It is therefore appropriate for the general assembly to expand the "Colorado Comprehensive Health Education Act" to include funding for local student wellness programs that are coordinated with local comprehensive health education programs in public schools, including facility schools.

22-25-103. Definitions.

As used in this article 25, unless the context otherwise requires:

(3) "Comprehensive health education" means a planned, sequential health program of learning experiences in preschool, kindergarten, and grades one through twelve that must include, but is not limited to, the following topics:

(e) Tobacco, alcohol, and other drug use

(4) "High-risk behaviors" means actions by children and adolescents which present a danger to their physical or mental health or which may impede their ability to lead healthy and productive lives. "High-risk behaviors" includes, but is not limited to, dropping out of school, incest and other sexual activity with adults, sexual activity by school aged children, physical and mental abuse, violence, and use of tobacco, alcohol, or other drugs.

22-25-104.5. Law-related education program - creation.

(1)(a) There is hereby created, within the Colorado department of education prevention initiatives unit, the Colorado law-related education program for the purpose of promoting behavior which will reduce through education the incidence of gang or other antisocial behavior and substance abuse by students in the public school system.

(b) Under the program, each school district and facility school in the state is strongly encouraged to implement a law-related education program pursuant to the requirements of this article, which program shall specifically address the development of resistance to antisocial gang behavior and substance abuse without compromising academics.

(2)(a) A law-related education program implemented by a school district or facility school may be designed to promote responsible citizenship and reduce antisocial behavior without compromising

academics. Specific grade levels should be determined by school districts and facility schools based on local curricular frameworks and review of what is known about existing and promising programs. All topics addressed in such law-related education program shall be taught in a manner which is appropriate for the ages of the students to be instructed.

(b) The topics for instruction in a law-related education program shall include instruction on the United States constitution and the declaration of independence and may include, but need not be limited to, the following:

- (I) The rights and responsibilities of citizenship;
- (II) The foundations and principles of American constitutional democracy;
- (III) The role of law in American society;
- (IV) The organization and purpose of legal and political systems;
- (V) The disposition to abide by law;
- (VI) The opportunities for responsible participation;
- (VII) The alternative dispute resolution approach including mediation and conflict resolution.

(c)(Deleted by amendment, L. 2000, p. 372, § 25, effective April 10, 2000.)

(3) and (4)(Deleted by amendment, L. 99, p. 106, § 1, effective March 24, 1999.)

(5)(a) The state board shall promulgate guidelines to provide grants to and to assist school districts and facility schools in the implementation of effective, comprehensive law-related education programs addressing gang awareness and substance abuse resistance. Such guidelines shall include, but shall not be limited to, the following:

- (I) Suggested topics for instruction;
- (II) Suggested texts and other instructional materials; and
- (III) The necessary training for instructors.

(b) The state board shall make such guidelines available to all school districts and facility schools for use in implementing law-related education programs.

(c) The department of education, through the coordinator and staff of the prevention initiatives unit, shall be responsible for implementation, monitoring, and administration of the program and shall maintain certifications and records and act as a statewide clearinghouse for information and assistance for the law-related education programs.

(6)(a) All school districts and facility schools are encouraged to create programs for the training of instructors and administrators in gang awareness and substance abuse resistance education in order to provide effective instruction to students concerning the dangers of gang involvement and substance abuse.

(b) Upon the request of school district officials, the state board shall assist school district officials in the preparation of plans for the creation by school districts of training programs for instructors and administrators in gang awareness and substance abuse resistance education.

(7)(a) Each school district and facility school may prepare an annual report concerning the progress of the school district or facility school in implementing a law-related education program. The report shall be filed with the state board on or before October 1 of each year.

(b) Each annual report prepared pursuant to paragraph (a) of this subsection (7) shall include, but shall not be limited to, an analysis by school district or facility school officials of the effect of the law-related education program on the incidence of gang involvement and substance abuse by the students in the school district or facility school.

22-32-109. Board of education - specific duties - definitions.

(1) In addition to any other duty required to be performed by law, each board of education has the following specific duties:

(bb)(I) To adopt a policy mandating a prohibition against the use of all tobacco products on school property and at school-sponsored activities by students, teachers, staff, and visitors pursuant to the provisions of section 25-14-103.5, C.R.S., and to adopt such rules as are necessary to enforce such prohibition; except that no such policy shall require the expulsion of any student solely for such tobacco use;

(II) To the extent funds are available, to operate and maintain an educational program to assist students, faculty, and staff to avoid and discontinue the use of tobacco at each school under the board's direction and control;

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. [...] The plan, at a minimum, shall include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, and in accordance with standardized methods and any revised reporting categories identified and adopted through the stakeholder process set forth in section 22-1-138, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year, including any disciplinary incident specified in subsection (2)(b)(iv)(e) or (2)(b)(iv)(k) of this section that requires additional reporting on the incident.

(IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

(B) Use or possession of alcohol on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(C) Use, possession, or sale of a drug or controlled substance, other than marijuana, on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(C.5) The unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(D) Use or possession of a tobacco product on school grounds, in a school vehicle, or at a school activity or sanctioned event.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

(a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5).

22-33-204. Services for at-risk students - agreements with state agencies and community organizations.

(1) Each school district, regardless of the number of students expelled by the district, may enter into agreements with appropriate local governmental agencies and, to the extent necessary, with the managing state agencies, including the department of human services and the department of public health and environment; with community-based nonprofit and faith-based organizations; with nonpublic, nonparochial schools; with the department of military and veterans affairs; and with public and private institutions of higher education to work with the student's parent or guardian to provide services to any student, or the student's family, who is identified as being at risk of suspension or expulsion or who has been suspended or expelled. Any services provided pursuant to an agreement with a nonpublic, nonparochial school are subject to approval by the state board of education pursuant to section 22-2-107. Services provided through such agreements may include, but are not limited to:

(a) Educational services required to be provided under section 22-33-203 (2) and any educational services provided to at-risk students identified pursuant to section 22-33-202;

(b) Counseling services;

(c) Substance use disorder treatment programs;

(d) Family preservation services.

(e) and (f)(Deleted by amendment, L. 98, p. 570, § 3, effective April 30, 1998.).

25-1.5-106. Medical marijuana program - powers and duties of state health agency - rules - medical review board - medical marijuana program cash fund - subaccount - created - "Ethan's Law" - definitions - repeal.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(d) Committing one of the following offenses on school grounds, in a school vehicle, or at a school activity or sanctioned event:

(I) Possession of a dangerous weapon without the authorization of the school or the school district;

- (II) The use, possession, or sale of a drug or controlled substance as defined in section 18-18-102 (5), C.R.S.

25.5-1-206. School-based substance abuse prevention and intervention program - creation - reporting - legislative declaration - definitions.

(1)(a) The general assembly finds and declares that:

- (I) The 2011 healthy kids Colorado survey indicates that the top three substances that high school students report they use are alcohol, marijuana, and prescription drugs;
- (II) With the legalization of marijuana by citizen initiative in Colorado, there is an increased availability of marijuana in the community and, at the same time, a decreased perception of harm related to marijuana use;
- (III) Evidence-based prevention and intervention programs and education awareness programs targeted to school children who are twelve to nineteen years of age are needed to:
 - (A) Increase the perceived risk of harm associated with marijuana and alcohol use and prescription drug misuse;
 - (B) Decrease the rates of youth marijuana and alcohol use and prescription drug misuse and delay the age of first-time use; and
 - (C) Decrease the number of drug- and alcohol-related violations, suspensions, and expulsions reported by schools.

(b) Therefore, the general assembly declares that it is appropriate to award grants to schools, community-based organizations, and health organizations to provide school-based prevention and intervention programs that use evidence-based strategies, practices, and approaches to reduce the risk of marijuana and alcohol use and prescription drug misuse by school-aged children. Successful school-based programs will lead to increased overall health, behavioral health, and educational outcomes for Colorado's youth.

(2) As used in this section, unless the context otherwise requires:

- (a) "Entity" means a school, school district, board of cooperative services, a nonprofit or not-for-profit community-based organization, or a community-based behavioral health organization.
- (b) "Grant program" means the school-based substance abuse prevention and intervention grant program created in subsection (3) of this section.

(3)(a) The school-based substance abuse prevention and intervention grant program is created within the state department. The purpose of the grant program is to award competitive grants to entities to provide school-based prevention and intervention programs for youth twelve to nineteen years of age primarily focused on reducing marijuana use, but including strategies and efforts to reduce alcohol use and prescription drug misuse.

(b) To be considered for a competitive grant, the entity must demonstrate in the grant proposal that:

- (I) The grant will be used to implement evidence-based programs and strategies delivered in the school setting that are designed to improve overall health, behavioral health, and educational outcomes for youth who are twelve to nineteen years of age;
- (II) The entity is delivering the program and strategies to at-risk youth, regardless of the youths' eligibility for Colorado's medical assistance program; and
- (III) The evidence-based programs and strategies are designed to achieve the following outcomes:
 - (A) An increase in the perceived risk of harm associated with marijuana use, prescription drug misuse, and underage alcohol use among youth who are twelve to nineteen years of age;
 - (B) A decrease in the rates of youth marijuana use, alcohol use, and prescription drug misuse;
 - (C) A delay in the age of first use of marijuana, alcohol, or prescription drug misuse;

(D) A decrease in the rates of youth who have ever used marijuana or alcohol or misused prescription drugs in their lifetime; and

(E) A decrease in the number of drug- and alcohol-related violations on school property, suspensions, and expulsions reported by schools.

(4) On or before September 1, 2014, the state department shall establish procedures and timelines for grant applications, criteria for determining grant amounts and grantee reporting requirements, and any other grant program policies. The state department may amend these policies at any time.

(5) Subject to available appropriations, the state department shall award grants for the 2014-15 academic year and for each academic year thereafter. There is no limit on the number of grants that the state department may award, and the same entity may receive more than one grant if the state department considers the needs of at-risk students in communities throughout the state for school-based substance abuse prevention and intervention programs.

25-14-103.5. Prohibition against the use of tobacco products and retail marijuana on school property - legislative declaration - education program - special account - definitions.

(1) The general assembly finds that many of the schools in this state permit the use of tobacco products in and around school property. The general assembly further finds that secondhand smoke generated by such activity and the negative example set and frequently imitated by our school children are detrimental to the health and well-being of such children as well as to school teachers, staff, and visitors. Accordingly, the general assembly finds and declares that it is appropriate to create a safe and healthy school environment by prohibiting the use of tobacco products on all school property.

(2) As used in this section, unless the context otherwise requires:

(a) "School" means a public nursery school, day care center, child care facility, head start program, kindergarten, or elementary or secondary school through grade twelve.

(b) "School property" means all property, whether owned, leased, rented, or otherwise used by a school, including, but not limited to, the following:

(I) All interior portions of any building used for instruction, administration, support services, maintenance, and storage and any other structure used by a school; except that such term shall not apply to a building primarily used as a residence;

(II) All school grounds surrounding any building specified in subparagraph (I) of this paragraph (b) over which the school is authorized to exercise dominion and control. Such grounds shall include any playground, athletic field, recreation area, and parking area; and

(III) All vehicles used by the school for the purpose of transporting students, workers, visitors, or any other persons.

(c) "Tobacco product" shall have the same meaning as set forth in section 18-13-121 (5), C.R.S.

(d) "Use" means the lighting, chewing, smoking, ingestion, or application of any tobacco product.

(3)(a)(I) The board of education of each school district shall adopt appropriate policies and rules that mandate a prohibition against the use of all tobacco products and all retail marijuana or retail marijuana products authorized pursuant to article 10 of title 44 on all school property by students, teachers, staff, and visitors and that provide for the enforcement of such policies and rules.

(b) Signs regarding such prohibition and the consequences of violation shall be displayed prominently on all school property to ensure compliance no later than September 1, 1994.

(4) This section shall not be applicable to the use of a tobacco product in a limited classroom demonstration to show the health hazards of tobacco.

(5) The board of education of each school district is authorized to seek and accept gifts, donations, or grants of any kind from any private or charitable source or from any governmental agency to meet expenses required by this section. Such gifts, donations, and grants shall be accounted for separately, and, to the extent that such moneys are available, the board of education of each school district may

maintain and operate an educational program designed to assist students, faculty, and staff to avoid and discontinue the use of tobacco products. Such program shall be offered at each school under the board's direction and control.

(6) This section shall not prohibit any school from enacting more stringent policies or rules than required by this section.

25-20.5-503. School-based health center grant program - creation - funding - grants.

(1) There is hereby created, in the prevention services division of the department of public health and environment, the school-based health center grant program, referred to in this part 5 as the "grant program", for the purpose of assisting the establishment, expansion, and ongoing operations of school-based health centers in Colorado. The grant program shall be funded by moneys annually appropriated by the general assembly specifically for said program.

(2)(a) Operators of school-based health centers may apply for grants for the benefit of school-based health centers. The grant program shall provide grants for school-based health centers selected by the division. The division, in consultation with school-based health centers, shall develop criteria under which the grants are distributed and evaluated. In developing the criteria for grants, the division shall give priority to centers that serve a disproportionate number of uninsured children or a low-income population or both and may award grants to establish new school-based health centers; to expand primary health services, behavioral health services, including education, intervention, and prevention services for opioid, alcohol, and marijuana, and other substance use disorders, or oral health services offered by existing school-based health centers; to expand enrollment in the children's basic health plan; or to provide support for ongoing operations of school-based health centers. None of the grants shall be awarded to provide abortion services in violation of section 50 of article V of the state constitution.

(b)(I) On or before July 1, 2018, the general assembly shall appropriate seven hundred seventy-five thousand dollars to the department from the marijuana tax cash fund created in section 39-28.8-501 for the purposes of expanding behavioral health therapy, intervention, and prevention services for opioid, alcohol, and marijuana, and other substance use disorders pursuant to this subsection (2). The department shall prioritize funding to school-based health centers that serve communities with high-risk factors for substance abuse combined with limited access to treatment services according to state needs assessments, Colorado health indicator data, and national best practice trends.

(c) (I) For the 2022-23 budget year, the general assembly shall appropriate one million five hundred thousand dollars from the behavioral and mental health cash fund created pursuant to section 24-75-230 to the department to fund the grant program for the benefit of school-based health centers to respond to the COVID-19 pandemic and its negative public health impacts. The department or the grantees awarded money shall spend or obligate any money prior to December 31, 2024. any money obligated by December 31, 2024, must be expended by December 31, 2026.

(II) The department and the grantees shall comply with the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller in accordance with section 24-75-226(5).

REGULATIONS

1 CCR 301-68. Rules for the administration of Medications

7.00. Policy for management of student possession and administration of prescription medication

7.05 A student shall not possess or self-administer controlled substances, including medical marijuana, as defined in section 27-80-203(7), C.R.S., on school grounds, on a school bus, or at any school sponsored event. Exceptions to the restriction against controlled substances, other than medical marijuana, may be determined by the school administrator and parents or legal guardian in consultation with the School Nurse. The sale or sharing of any drug or controlled substance may be grounds for suspension or expulsion according to section 22-33-106(1)(d)(I), C.R.S. 7.06

There shall be a process for the storage, possession, and administration of medical marijuana in a nonsmokeable form to a student who holds a valid recommendation for medical marijuana upon the grounds of the preschool or primary or secondary school in which the student is enrolled. For purposes of this rule, a public school shall treat a recommendation for a nonsmokeable form of medical marijuana from a licensed physician as medication that is prescribed by a licensed healthcare practitioner.

7.06(a) A primary caregiver may possess and administer to a student who holds a valid recommendation for medical marijuana, medical marijuana in a nonsmokeable form upon the grounds of the preschool or primary or secondary school in which the student is enrolled, or upon a school bus or at a school-sponsored event. School personnel may volunteer to possess, administer, or assist in the administration of medical marijuana in a nonsmokeable form to any student with a valid recommendation for medical marijuana. The primary caregiver shall not administer the nonsmokeable medical marijuana in a manner that creates disruption to the educational environment or causes exposure to other students.

7.06(b) Nothing in this section requires the school district staff to administer medical marijuana.

7.06(c) A school district board of education or charter school may adopt policies regarding who may act as a primary caregiver pursuant to section 7.06 and the reasonable parameters of the administration and use of medical marijuana in a nonsmokeable form upon the grounds of the preschool or primary or secondary school in which the student is enrolled, or upon a school bus or at a school-sponsored event.

7.06(d) This section 7.06 does not apply to a school district or charter school if:

7.06(d)(I) The school district or charter school loses or will lose federal funding as a result of implementing this section 7.06;

7.06(d)(II) The school district or charter school can demonstrate a reasonable, documented expectation of lost federal funding based on federal guidance or grant requirements directly as a result of implementing this section 7.06; and

7.06(d)(III) The school district or charter school posts on its website in a conspicuous place a statement regarding its decision not to comply with this section 7.06. \

7.06(e) Student possession, use, distribution, or sale or being under the influence of a cannabinoid product inconsistent with this section 7.06 is not permitted.

7.06(f) Notwithstanding the provision of section 22-33-106 (1)(d)(II) C.R.S., a school district or charter school may not discipline a student who holds a valid recommendation for medical marijuana solely because the student requires medical marijuana in a nonsmokeable form as authorized by 22-1-119.3, C.R.S.

7.06(g) A school district or charter school may not deny eligibility to attend school to a student who holds a valid recommendation for medical marijuana solely because the student requires medical marijuana in a nonsmokeable form as authorized by 22-1-119.3, C.R.S.

Gang-related Activity

LAWS

22-1-120. Rights of free expression for public school students.

(1) The general assembly declares that students of the public schools have the right to exercise freedom of speech and of the press, and no expression contained in a student publication, whether printed, broadcast, or online, and whether or not such publication is school-sponsored, is subject to prior restraint except for the types of expression described in subsection (3) of this section. An advisor may encourage expression consistent with high standards of English and journalism. [...]

(8) Nothing in this section shall be construed to limit the promulgation or enforcement of lawful school regulations designed to control gangs. For the purposes of this section, the definition of "gang" shall be the definition found in section 19-1-103 (52), C.R.S.

22-25-102. Legislative declaration.

(2) Since the enactment of this article, the general assembly has further determined that the insidious attractions of gangs and substance abuse are endangering the youth of Colorado and, by doing so, are endangering all Colorado citizens. Accordingly, the general assembly finds and declares that the implementation of educational programs in the public schools, including facility schools, is necessary to assist young people in avoiding gang involvement and substance abuse.

22-25-103. Definitions.

As used in this article 25, unless the context otherwise requires:

(3.5) "Gang" means a group of three or more individuals with a common interest, bond, or activity characterized by criminal or delinquent conduct, engaged in either collectively or individually.

22-25-104.5. Law-related education program - creation.

(1)(a) There is hereby created, within the Colorado department of education prevention initiatives unit, the Colorado law-related education program for the purpose of promoting behavior which will reduce through education the incidence of gang or other antisocial behavior and substance abuse by students in the public school system.

(b) Under the program, each school district and facility school in the state is strongly encouraged to implement a law-related education program pursuant to the requirements of this article, which program shall specifically address the development of resistance to antisocial gang behavior and substance abuse without compromising academics.

(2)(a) A law-related education program implemented by a school district or facility school may be designed to promote responsible citizenship and reduce antisocial behavior without compromising academics. Specific grade levels should be determined by school districts and facility schools based on local curricular frameworks and review of what is known about existing and promising programs. All topics addressed in such law-related education program shall be taught in a manner which is appropriate for the ages of the students to be instructed.

(b) The topics for instruction in a law-related education program shall include instruction on the United States constitution and the declaration of independence and may include, but need not be limited to, the following:

- (I) The rights and responsibilities of citizenship;
- (II) The foundations and principles of American constitutional democracy;
- (III) The role of law in American society;
- (IV) The organization and purpose of legal and political systems;
- (V) The disposition to abide by law;
- (VI) The opportunities for responsible participation;
- (VII) The alternative dispute resolution approach including mediation and conflict resolution.

(c) (Deleted by amendment, L. 2000, p. 372, § 25, effective April 10, 2000.)

(3) and (4)(Deleted by amendment, L. 99, p. 106, § 1, effective March 24, 1999.)

(5)(a) The state board shall promulgate guidelines to provide grants to and to assist school districts and facility schools in the implementation of effective, comprehensive law-related education programs addressing gang awareness and substance abuse resistance. Such guidelines shall include, but shall not be limited to, the following:

- (I) Suggested topics for instruction;
- (II) Suggested texts and other instructional materials; and
- (III) The necessary training for instructors.

(b) The state board shall make such guidelines available to all school districts and facility schools for use in implementing law-related education programs.

(c) The department of education, through the coordinator and staff of the prevention initiatives unit, shall be responsible for implementation, monitoring, and administration of the program and shall maintain certifications and records and act as a statewide clearinghouse for information and assistance for the law-related education programs.

(6)(a) All school districts and facility schools are encouraged to create programs for the training of instructors and administrators in gang awareness and substance abuse resistance education in order to provide effective instruction to students concerning the dangers of gang involvement and substance abuse.

(b) Upon the request of school district officials, the state board shall assist school district officials in the preparation of plans for the creation by school districts of training programs for instructors and administrators in gang awareness and substance abuse resistance education.

(7)(a) Each school district and facility school may prepare an annual report concerning the progress of the school district or facility school in implementing a law-related education program. The report shall be filed with the state board on or before October 1 of each year.

(b) Each annual report prepared pursuant to paragraph (a) of this subsection (7) shall include, but shall not be limited to, an analysis by school district or facility school officials of the effect of the law-related education program on the incidence of gang involvement and substance abuse by the students in the school district or facility school.

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan.

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the preschool, elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(F) A specific policy concerning gang-related activities on school grounds, in school vehicles, and at school activities or sanctioned events.

REGULATIONS

No relevant regulations found.

Bullying, Harassment, or Hazing

LAWS

18-9-124. Hazing - penalties - legislative declaration.

(1)(a) The general assembly finds that, while some forms of initiation constitute acceptable behavior, hazing sometimes degenerates into a dangerous form of intimidation and degradation. The general assembly also recognizes that although certain criminal statutes cover the more egregious hazing activities, other activities that may not be covered by existing criminal statutes may threaten the health of students or, if not stopped early enough, may escalate into serious injury.

(b) In enacting this section, it is not the intent of the general assembly to change the penalty for any activity that is covered by any other criminal statute. It is rather the intent of the general assembly to define hazing activities not covered by any other criminal statute.

(2) As used in this section, unless the context otherwise requires:

(a) "Hazing" means any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that "hazing" does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.

(b) "Hazing" includes but is not limited to:

(I) Forced and prolonged physical activity;

(II) Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption or forced consumption of any substance not generally intended for human consumption;

(III) Prolonged deprivation of sleep, food, or drink.

(3) It shall be unlawful for any person to engage in hazing.

(4) Any person who violates subsection (3) of this section commits a class 3 misdemeanor.

22-2-144. Bullying prevention and education policies - short title - study.

(1) The short title of this section is "Ashawnty's Law".

(2)(a) The department shall research approaches, policies, and practices related to bullying prevention and education used by education providers in other states. On or before July 1, 2019, after consideration of the research conducted pursuant to this subsection (2)(a), the department, in consultation with the school safety resource center created in section 24-33.5-1803, shall develop a model bullying prevention and education policy. The research and model policy described in this subsection (2)(a) must be updated every three years. The department shall utilize a stakeholder process when updating the model bullying prevention and education policy, which process must include participation by the parents of students who have been bullied.

(b) On or before July 1, 2019, and every three years thereafter, the department shall publish the results of the research and model policy required by subsection (2)(a) of this section on its website as guidance for school districts, charter schools, and the charter school institute to consider when developing and implementing bullying prevention and education policies.

(3) At a minimum, the model policy developed pursuant to subsection (2)(a) of this section must:

(a) clearly differentiate between a conflict and bullying and between harassment and bullying; and

(b) clarify the role of cyberbullying during online instruction, which may occur on or off school property.

22-32-109. Board of education - specific duties - definitions.

(kk)(II)(I) To adopt written policies specifying that:

(A) The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry, or need for special education services;

(B) Enrollment in a school in the district must be open to any child who resides within the state; except that a school is not required to make alterations in the structure of the facility used by the school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law; and

(C) Enrollment decisions shall be made in a nondiscriminatory manner.

(II) As used in this subsection (1)(II):

(A) "Protective hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

(B) "Race" includes hair texture, hair type, or a protective hairstyle that is commonly or historically associated with race.

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(b) "Bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1)(II)(I). This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

(2) Safe school plan. [...]

The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district shall ensure that the school district's policy, at a minimum, incorporates the approaches, policies, and practices outlined in the model bullying prevention and education policy developed pursuant to section 22-2-144.(b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, and in accordance with standardized methods and any revised reporting categories identified and adopted through the stakeholder process set forth in section 22-1-138, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year, including any disciplinary incident specified in subsection (2)(b)(iv)(e) or (2)(b)(iv)(k) of this section that requires additional reporting on the incident. (IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

(G) Behavior on school grounds, in a school vehicle, or at a school activity or sanctioned event that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to behavior that creates a threat of physical or emotional harm to the student or to other students;

(G.5) Bullying;

(VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school;

(VIII) The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs; al(c) Internet safety plan.

(b.5) In addition to the items specified in subsection (2)(b) of this section, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall annually review and submit data to the department of education concerning the number and types of disciplinary incidents and the disciplinary actions taken in response to such incidents. The department of education shall collect the data described in subsection (2)(b)(iv) of this section at the individual student level and report disaggregated student data on the type of disciplinary incidents and action taken. Such student data must be disaggregated by gender, grade level, race, ethnicity, disability, whether the student has federal section 504 accommodations or an individualized education plan, English language learner status, free and reduced-price lunch status, and homeless status, to the maximum extent possible in compliance with the "Colorado Privacy Act", established pursuant to part 13 of article 1 of title 6, the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, and the "Student Data Transparency and Security Act", created in article 16 of this title 22. the department of education shall not publicly report individual student data for any purpose, shall include the application of data suppression policies to avoid the re-identification of any individual in any public reports, and shall ensure compliance with standards for reporting data for a student with a federal section 504 accommodation or an individualized education plan

(I) Each school district is encouraged to provide a comprehensive, age-appropriate curriculum that teaches safety in working and interacting on the internet in grades kindergarten through twelve. At a minimum, the curriculum may address the following topics:

- (A) Interaction with persons in the cybercommunity;
- (B) Personal safety in interacting with persons on the internet;
- (C) Recognition and avoidance of on-line bullying.

22-32-144. Restorative justice practices - legislative declaration.

(2)(a) Therefore, the general assembly supports and encourages the use of restorative justice as a school's first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment and internet harassment, and attendance issues.

22-93-101. Definitions.

As used in this article, unless the context otherwise requires:

(1) "Bullying" shall have the same meaning as set forth in section 22-32-109.1 (1)(b).

22-93-102. School bullying prevention and education grant program - created.

(1) There is hereby created in the department the school bullying prevention and education grant program. Under the program, on and after July 1, 2012, or not more than ninety days after the promulgation of rules by the state board pursuant to section 22-93-104, whichever is later, a public school, a facility school, or a collaborative group of public schools or facility schools may apply for a grant to fund efforts to reduce the frequency of bullying incidents. The department shall administer the program in consultation with the school safety resource center created in section 24-33.5-1803, C.R.S.

(2) Notwithstanding any other provision of this article, the department shall not be required to implement the provisions of this article until sufficient moneys have been transferred or appropriated to the cash fund.

(3) The department is hereby authorized to hire any employees necessary to carry out the duties associated with the provisions of this article. The creation of any new positions of employment within the department pursuant to this article shall be subject to the availability of sufficient moneys in the cash fund

and shall be eliminated when sufficient moneys are no longer available in the cash fund. The department shall ensure that all position descriptions and notices to hire for positions created pursuant to this article clearly state that such positions are subject to the availability of sufficient moneys in the cash fund.

22-93-103. School bullying prevention and education grant program - grant process - reports by grant recipients.

(1) The department shall solicit and review applications from public schools and facility schools for grants pursuant to this section. The department may award grants to public schools, facility schools, and collaborative groups of public schools and facility schools for periods of one to three years.

(2) Each application, at a minimum, shall describe how the applicant public school, facility school, or collaborative group of public schools or facility schools will use any awarded grant moneys to reduce the frequency of bullying incidents. Each grant recipient shall use its grant moneys to supplement and not supplant any moneys currently being used by the grant recipient to reduce the frequency of bullying incidents.

(3) The department shall select those public schools, facility schools, and collaborative groups of public schools and facility schools that will receive grants pursuant to this section and the duration and amount of each grant. In selecting the grant recipients, the department, at a minimum, shall take into account the criteria established by rules promulgated by the state board pursuant to section 22-93-104 (1)(b).

(4) Notwithstanding section 24-1-136 (11)(a)(I), on or before a date specified by rule of the state board pursuant to section 22-93-104 (1)(d), the department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year:

- (a) The number of grant recipients that received grants under the program;
- (b) The amount of each grant awarded to each grant recipient;
- (c) The average amount of each grant awarded under the program;
- (d) The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and
- (e) The source and amount of each gift, grant, and donation received by the department for the implementation of this article pursuant to section 22-93-105 (3)(b).

(5) In selecting grant recipients, the department, to the extent possible, shall ensure that grants are awarded to public schools, facility schools, and collaborative groups of public schools and facility schools in a variety of geographic areas of the state.

(6) Each grant recipient shall submit a written report to the department not later than six months after the expiration of the term of the grant concerning the effectiveness or ineffectiveness of each use of grant moneys by the grant recipient in reducing the frequency of bullying incidents.

22-93-104. Rules.

(1) On or before April 1, 2012, or not more than ninety days after the department receives sufficient moneys to implement this article as described in section 22-93-102 (2), whichever is later, the state board shall promulgate rules for the administration of this article, including but not limited to:

- (a) Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants pursuant to this article;
- (b) Criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient, which criteria, at a minimum, shall require each grant recipient to:
 - (I) Use awarded grant moneys for purposes that are based upon evidence-based best practices for preventing bullying;

(II) Use at least a portion of awarded grant moneys for the purpose of educating students' parents and legal guardians regarding the grant recipient's policies concerning bullying prevention and education and the grant recipient's ongoing efforts to reduce the frequency of bullying incidents; and

(III) Adopt a specific policy concerning bullying education and prevention that includes:

(A) Provisions for the biennial administration of surveys of students' impressions of the severity of bullying in their schools, the administration of which surveys, at a minimum, shall satisfy the rules promulgated by the state board pursuant to paragraph (c) of this subsection (1); and

(B) The designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, counselors, teachers, administrators, parents, and students.

(c) Rules for the administration of surveys of students' impressions of the severity of bullying in their schools, which procedures, at a minimum, shall include:

(I) Procedures for the distribution, collection, standardization, and analysis of data collected in each survey, which procedures shall ensure the confidentiality of each student's answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student;

(II) Certain questions that each survey shall ask of each student concerning how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying; and

(III) Provisions to ensure that, to the extent practicable, a school district or school, including a district charter school or an institute charter school, may utilize existing forms and procedures in administering the surveys.

(d) The designation of a date by which the department shall annually submit to the state board and to the education committees of the senate and house of representatives, or any successor committees, the information described in section 22-93-103 (4).

22-93-105. School bullying prevention and education cash fund - created.

(1) There is hereby established in the state treasury the school bullying prevention and education cash fund. The cash fund shall consist of moneys transferred or appropriated thereto pursuant to subsection (3) of this section and any other moneys that may be made available by the general assembly. The moneys in the cash fund are continuously appropriated to the department for the direct and indirect costs associated with implementing this article. Any moneys not provided as grants may be invested by the state treasurer as provided in section 24-36-113, C.R.S. All interest and income derived from the investment and deposit of moneys in the cash fund shall be credited to the cash fund. Any amount remaining in the cash fund at the end of any fiscal year shall remain in the cash fund and shall not be credited or transferred to the general fund or to any other fund.

(2) No more than five percent of the moneys annually expended from the cash fund may be used for the expenses incurred by the department in administering this article.

(3)(a) The general assembly may appropriate money to the bullying prevention and education cash fund from the marijuana tax cash fund created in section 39-28.8-501.

(b) The department may seek, accept, and expend public or private gifts, grants, and donations from public and private sources to implement this article; except that the department shall not accept a gift, grant, or donation that is subject to conditions that are inconsistent with the provisions of this article or any other law of the state. The department shall transfer all private and public moneys received through gifts, grants, and donations to the state treasurer, who shall credit the same to the cash fund.

(4) Nothing in this section shall be interpreted to require the department to solicit moneys for the purposes of this article.

22-93-106. School bullying prevention and education - availability of best practices and other resources.

(1) On or before November 1, 2011, the department shall create a page on its public website at which the department shall continuously make publicly available evidence-based best practices and other resources for educators and other professionals engaged in bullying prevention and education.

(2) The department shall solicit evidence-based best practices and other resources from the school safety resource center created in section 24-33.5-1803, C.R.S.; from school districts; from the state charter school institute established in section 22-30.5-503; and from other state and federal agencies that are concerned with school bullying prevention and education. The department shall review materials that it receives and, as may be appropriate, make such materials available to the public on the website described in subsection (1) of this section.

REGULATIONS

1 CCR 301-99. Section 0.00. Statement of basis and purpose.

The Bullying Prevention and Education Program, 22-93-101 et. seq., C.R.S., requires the State Board of Education to promulgate rules to implement and administer the program. At a minimum, the rules must include: Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants; criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient.

CCR 301-99. Section 1.00. Definitions.

1.0 Definitions

1.01 For purposes of the bullying prevention and education grant program, "bullying" means any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that a reasonable person would believe is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance; or against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109(1)(II)(I). This definition is not intended to infringe upon any right guaranteed to any person by the First Amendment to the United States Constitution and shall not be used to prevent the expression of any religious, political, or philosophical views.

1.02 "Cash Fund" means the school bullying prevention and education cash fund created in section 22-93-105, C.R.S.

1.03 "Department" means the department of education created and existing pursuant to section 24-1-115, C.R.S.

1.04 "Evidence-based best practices" means that the bullying prevention practice is based on research that applies rigorous, systematic, and objective procedures to obtain valid knowledge that is relevant to bullying and bullying prevention.

1.05 "Facility Schools" means an approved facility school, as defined in section 22-2-402 (1), C.R.S.

1.06 "Program" means the school bullying prevention and education grant program created in section 22-93-102, C.R.S.

1.07 "Public School" means a school of a school district, a district charter school, an institute charter school, or a board of cooperative services, as defined in section 22-5-103, C.R.S.

1.08 "State Board" means the state board of education created pursuant to section 1 of article IX of the state constitution.

1.09 "Website" means the Department of Education's Bullying Prevention Website as outlined in section 2.0., created pursuant to 22-93-106, C.R.S.

1 CCR 301-99. Section 2.00. Bullying prevention website.

2.0 Bullying Prevention Website

2.01 The department of education shall maintain a page on its public website pursuant to 22-93-106, C.R.S.

2.01.1 As a part of this website, the department continuously makes publicly available resources and evidence-based best practices in bullying prevention.

2.01.2 Using the website, the department will also continuously make publicly available procedures for the distribution, collection, standardization, and analysis of data collected from surveys of students' impressions of the severity of bullying in their schools for the Bullying Prevention and Education Grant Program.

2.01.2.1 These procedures shall include those to ensure the confidentiality of each student's answers to the survey and to clarify that the completion of a survey shall be voluntary and shall not be required of any student.

2.01.2.2 The website will also provide guidance on survey questions, such as the forms of bullying that the student has experienced, where those incidents occurred, how frequently the student witnessed bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying.

1 CCR 301-99. Section 3.00. Application requirements and timeline.

3.0 Application Requirements and Timeline

3.01 As legislated monies are available, the department shall solicit, review, and award grants to public schools, facility schools, and collaborative groups of public schools and facility schools for periods of one to three years.

3.02 On an annual basis on a date determined by the Department, public schools, facility schools, and collaborative groups of public schools and facility schools interested in obtaining funding shall submit a bullying prevention grant application electronically to the department, using the application form provided by the Department.

3.03 Each application submitted shall include, but need not be limited to the following:

3.03.1 A description of the evidence-based best practices for preventing bullying that applicants plan to implement using the grant moneys, including a description of the evidence supporting the chosen practices that have proven successful in other public schools in the country. These evidence-based practices for bullying prevention may be drawn from the department's bullying prevention website, pursuant to section 2.01.1;

3.03.2 A description of the methods that will be used to ensure sustained implementation of evidence-based best practices in bullying prevention that result in improved outcomes and reduced bullying over time and past the grant period;

3.03.3 A description of how grantees will use at least a portion of awarded grant moneys for the purpose of educating students' parents and legal guardians regarding the grant recipient's policies concerning bullying prevention and education, the grant recipient's ongoing efforts to reduce the frequency of bullying incidents, and the grant recipient's strategies for including families and the community in school bullying prevention.

3.03.4 A description of how grantees will include student leadership and voice in the creation and implementation of bullying prevention strategies.

3.03.5 A description of how the applicant will adopt specific policies concerning bullying education and prevention that includes:

3.03.5.1 Creation or revision of a district safe school plan as indicated in 22-32-109.1;

3.03.5.2 Provisions for the administration of surveys of students' impressions of the severity of bullying in their schools;

3.03.5.3 The designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents;

3.03.5.4 Provisions for adequate due processes and safeguards for students accused of engaging in bullying behaviors.

3.03.6 A description of the procedures for the distribution, collection, standardization, and analysis of student impression survey data collected, and procedures that ensure the confidentiality of each student's answers to the survey, and clarify that the completion of a survey shall be voluntary and shall not be required of any student.

3.03.6.1 A description of the survey that will be used to ask about how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying;

3.03.6.2 To the extent practicable, grantees may utilize existing forms and procedures, including those outlined on the Bullying Prevention website, to administer surveys;

3.03.6.3 Grantees may use a digital or paper and pencil version of the survey;

3.03.6.4 Grantees are required to implement an active opt in procedure for parents and students for any surveys used as a part of the grantee's program;

3.03.7 A description of the procedures for the distribution, collection, standardization, and analysis of implementation data that indicates the degree to which the school, leadership teams, and school staff implement the evidence-based bullying prevention best practices; and

3.03.8 An explanation of the cost of the bullying prevention program that the applicant(s) plan to implement using the grant moneys and an explanation of how grant funding will be used to supplement and not supplant any funding currently being used on bullying prevention practices already provided to the students, school, families, and community.

1 CCR 301-99. Section 4.00. Application evaluation criteria.

4.0 Application Evaluation Criteria

4.01 In reviewing grant applications to determine which applicants should receive grant funding and the duration and amount of each grant, the Department shall consider the following criteria:

4.01.1 The quality of the evidence-based best practices for preventing bullying that the applicant(s) plans to implement using the grant moneys, including the evidence supporting the chosen practices that have proven successful in other public schools in the country;

4.01.2 The quality of the methods that will be used to ensure sustained implementation of the best practices in bullying prevention that can result in improved outcomes and reduced bullying over time and beyond the grant period;

4.01.3 The quality of the plan for using at least a portion of awarded grant moneys for the purpose of educating students' parents and legal guardians regarding the grant recipient's policies concerning bullying prevention and education, the grant recipient's ongoing efforts to reduce the frequency of bullying incidents, and the grant recipient's strategies for including families and the community in school bullying prevention;

4.01.4 The quality of the plan for including student leadership and voice in the creation and implementation of bullying prevention strategies;

4.01.5 The quality of the plans to adopt specific policies concerning bullying education and prevention;

4.01.6 The rigor with which the applicant(s) intend(s) to monitor the distribution, collection, standardization, and analysis of survey data collected, and procedures that ensure the confidentiality of each student's answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student;

4.01.7 The rigor with which the applicant(s) intend(s) to monitor the distribution, collection, standardization, and analysis of implementation data that indicates the degree to which the school, leadership teams, and school staff implement the evidence-based bullying prevention best practices; and

4.01.8 The cost of the bullying prevention best evidence-based practices that the applicant(s) plan to implement using the grant moneys.

1 CCR 301-99. Section 5.00. Data collection and reporting.

5.0 Data Collection and Reporting

5.01 Each public school, facility school, and collaborative group of public schools and facility schools funded through the Bullying Prevention and Education Grant Program shall submit annually information to the Department describing the following:

5.01.1 The evidence-based best practices in bullying prevention that the applicant(s) implemented using the grant moneys;

5.01.2 The number and grade levels of students who participated in each of the bullying prevention practices or services provided;

5.01.3 The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in including family and community partnering in school bullying prevention strategies;

5.01.4 The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in adopting specific policies concerning bullying education and prevention;

5.01.5 The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in implementing the evidence-based best practices in bullying prevention with fidelity; and

5.01.6 The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in reducing the frequency of bullying as indicated by school surveys and other relevant measures.

5.02 On or before May 1, 2017, and each year thereafter as long as monies are available, the Department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year:

5.02.1 The number of grant recipients that received grants under the program;

5.02.2 The amount of each grant awarded to each grant recipient;

5.02.3 The average amount of each grant awarded under the program;

5.02.4 The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and

5.02.5 The source and amount of each gift, grant, and donation received by the Department for the implementation of the bullying prevention program, pursuant to section 22-93-105 (3)(b), C.R.S.

Dating and Relationship Violence

LAWS

22-1-128. Comprehensive human sexuality education - legislative declaration - definitions - guidelines and content standards.

(b) The general assembly further finds and declares that:

(I) There is a need to continue and expand efforts to ensure that all young people in Colorado have access to evidence-based, medically accurate, culturally sensitive, and age-appropriate comprehensive sexuality education, information, and resources to guide them in making informed decisions about their health and relationships. Additionally, schools need to promote healthy relationships through age-appropriate, culturally sensitive, and comprehensive human sexuality education, including providing information and resources for early intervention and response strategies to teen dating violence.

REGULATIONS

No relevant regulations found.

Prevention, Behavioral Intervention, and Supports

State Model Policies and Implementation Support

LAWS

22-2-127.9. Mental health education literacy - resource bank - technical assistance.

(1) The department, with assistance from the office of suicide prevention created pursuant to section 25-1.5-101 (1)(w)(I), the Colorado youth advisory council created pursuant to section 2-2-1302, and the suicide prevention commission created pursuant to section 25-1.5-111, shall create and maintain a resource bank of evidence-based, research-based, and promising program materials and curricula pertaining to mental health and comprehensive suicide prevention, as that term is defined in section 25-1.5-112. these materials and curricula may be used in elementary and secondary schools in the state. The resource bank and curricula must be youth-friendly, culturally sensitive, and available in both English and Spanish. In creating the resource bank and curricula, the department may provide internet links to resources and materials pertaining to mental health available from other entities that the department finds reliable. Additionally, the department shall solicit input from persons, including youth, within and outside of the mental health profession, including both community and school mental health professionals. Subject to available appropriations, the department shall solicit requests for information and may contract for:

- (a) The organization and enhancement of the resource bank, including materials on the prevention of suicide, the after-effects of suicide attempts and suicide deaths, and postvention training, and education on mental and behavioral health;
- (b) The development of mental and behavioral health and suicide prevention, intervention, and postvention curricula for schools and providing such curricula to schools; and
- (c) Training for educators and school staff concerning mental and behavioral health and suicide prevention.

(2) On and after July 1, 2020, the department shall make material in the resource bank available without charge to school districts, charter schools, institute charter schools, boards of cooperative services, professional educators, parents or guardians of youth, students, and community providers. At the request of a school district, charter school, institute charter school, or board of cooperative services, the department shall provide technical assistance to the school district, charter school, institute charter school, or board of cooperative services in designing age-appropriate curricula pertaining to mental health.

(3) The materials and resources available to students must be developed and updated with input from youth.

(4) School districts, charter schools, institute charter schools, and boards of cooperative services are encouraged to report to the department on the effectiveness of the resource bank and curricula and to recommend changes to improve the resource bank or curricula. The department is encouraged to update the resource bank and curricula based on recommendations from school districts, charter schools, institute charter schools, boards of cooperative services, professional educators, parents or guardians of youth, students, and community providers.

22-102-103. Definitions.

As used in this article 102, unless the context otherwise requires:

- (1) "Department" means the department of education created and existing pursuant to section 24-1-115.
- (2) "Pilot program" means the K-5 social and emotional health pilot program, created in section 22-102-104.

(3) "Pilot school" means a school selected by the department to participate in the pilot program created in section 22-102-104 for students in kindergarten through fifth grade.

(4) "School counselor" means a counselor holding a master's degree in educational counseling and a professional special services license in Colorado with an endorsement in school counseling, including but not limited to the completion of course work in the areas of academic and social emotional development; assessment for social and emotional concerns, including suicide prevention and intervention; crisis intervention; social-emotional prevention programs, including character education and violence prevention; mental health, protective factors for at-risk students, and career awareness, exploration, and planning.

(5) "School district" means a school district organized and existing pursuant to law but does not include a local college district. "School district" includes the state charter school institute and a board of cooperative services that operates a school.

(6) "School mental health professional" means a school counselor, a school psychologist, or a school social worker.

(7) "School psychologist" means a school psychologist holding a master's degree and a professional special services license in Colorado with a school psychologist endorsement.

(8) "School social worker" means a social worker holding a master's degree and a professional special services license in Colorado with an endorsement in school social work, including but not limited to the completion of course work in the areas of school and special education law, including content covering functional behavior assessment and the development of behavior intervention plans.

22-102-104. K-5 social and emotional health pilot program - creation - selection of pilot schools - rules.

(1) There is created the K-5 social and emotional health pilot program in the department to determine the impact of dedicated school mental health professionals in kindergarten through fifth grade in elementary schools that have high-poverty, high-need students. The pilot program is implemented within the selected pilot schools and administered by the department as a pilot program for three consecutive school years, unless extended by the general assembly. Subject to available appropriations or gifts, grants, or donations for the three-year term of the pilot program, pursuant to section 22-102-106, the department shall employ or contract with a pilot program coordinator and contract for preliminary and final program evaluations of the pilot program. The department shall promulgate any rules necessary for the administration of the pilot program.

(2)(a) Subject to available appropriations or gifts, grants, or donations for the three-year term of the pilot program, no later than January 15 immediately preceding the first implementation year, the department shall select up to ten pilot schools to participate in the pilot program. If available appropriations and gifts, grants, or donations are insufficient to fully fund the pilot program, the department may select fewer than ten pilot schools to participate in the pilot program. The department shall select pilot schools that exhibit the characteristics set forth in subsection (2)(b) of this section and that are appropriate test schools to evaluate the impact and effectiveness of the pilot program. The pilot schools must demonstrate a willingness to participate in the pilot program and to collect the data and information necessary for the evaluation of the pilot program.

(b) The department shall select pilot schools, including rural, small, and geographically diverse schools, which schools shall be located in a school district that has a high rate of youth suicide, attempted suicide, or suicidal ideation; have a high-poverty student population and a high percentage of students

who experience or may experience food insecurity, as evidenced by the number or percentage of students in the school who are eligible for free and reduced-priced meals; and may include schools:

- (I) In large, metropolitan school districts;
- (II) That have significant ethnic, cultural, and language diversity within their student populations, which may include students from refugee populations;
- (III) That have a high number or density of youth who are students in out-of-home placement, as defined in section 22-32-138;
- (IV) That are in a school district that has a high percentage of students who are adjudicated delinquent; and
- (V) That are in a school district that has a plan in place to recruit, hire, and retain a diverse workforce that reflects the race, ethnicity, and other characteristics of the student body.

(c) Prior to a selected school implementing the pilot program pursuant to this article 102, the school must notify all parents or legal guardians of students at the school of the school's selection as a pilot school.

24-33.5-1803. School safety resource center - created - duties.

(1) There is hereby created within the department the school safety resource center to assist schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations and to foster positive learning environments. The director of the center shall be appointed by the executive director pursuant to section 13 of article XII of the state constitution.

(2) The center and the director shall exercise their powers and perform their duties and functions under the department and the executive director as if the same were transferred to the department by a type 2 transfer, as such transfer is defined in the "Administrative Organization Act of 1968", article 1 of this title.

(3) The center has the following duties:

- (a) To assist schools in developing and implementing safety and preparedness plans, including but not limited to any such plans that are required by state law or applicable rules of accreditation;
- (b) To assist schools in establishing practices and strategies for use in responding to an emergency or crisis situation;
- (c) To assist schools in developing and establishing prevention and intervention efforts to ensure safe and secure learning environments;
- (d) To conduct regular research and assessment projects to determine the efficacy of statewide and local policies and programming;
- (e) To make information and other resources available to all schools and school officials;

(f)(I) To select at least one but not more than five school districts or regions, with the consent of the affected school district boards of education, to serve as pilot sites during the first year of the center's operation. The center shall evaluate and develop enhanced school safety services to be provided by the center to the pilot sites.

- (II) In selecting the school districts or regions that shall serve as pilot sites pursuant to subparagraph (I) of this paragraph (f), the center shall designate at least one but not more than three schools within each of the pilot sites to participate in a cooperative effort by all such designated schools within the pilot sites to create a first responder school mapping system to provide first responders immediate electronic or digital access to maps of, and other schematic information about, school buildings at such designated schools in the event of an emergency at the designated schools. In creating the first responder school mapping system, the pilot sites may contract with one or more public or private entities with experience in creating first responder school mapping systems. Before entering into any

such contract or otherwise proceeding with plans for the creation of the first responder school mapping system, the pilot sites shall submit the contract or plans to the center to approve or disapprove. The department shall reimburse the pilot sites for the direct and indirect costs of creating the first responder school mapping system pursuant to this subparagraph (II).

(III) The general assembly hereby finds and declares that, for purposes of section 17 of article IX of the state constitution, the development and creation of a first responder school mapping system, pursuant to subparagraph (II) of this paragraph (f), is an important element of improving student safety and may therefore receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

(g) To provide information and resources relating to school safety, school emergency response planning and training, and interoperable communications in schools, as determined by the center, to the division of fire prevention and control in the department of public safety to be distributed to school districts and schools pursuant to section 24-33.5-1213.4;

(h)(I) To consult with school districts, schools, and charter schools concerning evidence-based best practices for bullying prevention and education;

(II) To consult with the department of education concerning its administration of the school bullying prevention and education grant program created in section 22-93-102, C.R.S.; and

(III) To submit evidence-based best practices for bullying prevention and education to the department of education for the purposes of section 22-93-106, C.R.S.

(j) To provide information and resources relating to the development and maintenance of school resource officer programs, as determined by the center, to the division of fire prevention and control in the department of public safety for distribution to school districts and schools pursuant to section 24-33.5-1213.4 and to law enforcement agencies and other community partners, as described in section 22-32-109.1, C.R.S.;

(k) To provide suggestions for school resource officer training to the peace officers standards and training board, pursuant to section 24-31-312;

(l) To provide materials and training as described in section 24-33.5-1809 to personnel in school districts and charter schools, parents, and students regarding the awareness and prevention of child sexual abuse and assault, including human trafficking;

(m) By June 1, 2018, to make available a model program that conforms with section 22-1-128, regarding the risks and consequences of sexting for school districts to use, which curriculum must include information informing students of the provisions of section 18-7-109, including that, if a student receives a sexually explicit image in violation of section 18-7-109, the student can avoid adjudication as a juvenile delinquent by taking reasonable steps to either destroy or delete or report the initial viewing of the image within seventy-two hours after receiving the image; and

(n)(I) To act as a resource for school districts, public schools, charter schools, and institute charter schools concerning crisis and suicide prevention training; and

(II) To work collaboratively with the office of suicide prevention in the department of public health and environment concerning the crisis and suicide prevention training grant program created in section 25-1.5-113.

(4) Subject to the provisions of section 13 of article XII of the state constitution, the director shall appoint employees necessary to conduct an efficient center.

REGULATIONS

1 CCR 301-43. Rule for the administration of the expelled and at risk student services grant program

1.1 The statutory basis for these Rules is § 22-33-205.(2), C.R.S., Services for Expelled Students - Grants - Criteria. Statute requires the State Board of Education (state board) to promulgate rules to implement the

grant program, including the application timeline, application requirements, and criteria for determining awards

2.0 Eligibility

2.1 Eligible applicants for the Expelled and At-Risk Student Services Grant Program (grant) include school districts, charter schools, alternative education campuses (AECs) within school districts, nonpublic schools, boards of cooperative services (BOCES), and facility schools.

2.01(a) Nonpublic schools may apply for a grant only to fund educational services that have been approved by the state board pursuant to section 22-2-107(1)(s), C.R.S.

3.0 Application Timeline and Procedures

3.1 The Department of Education (department) shall annually post the application for funding under the grant on its website.

3.2 To be eligible for funding, applicants shall submit an application for the grant by a deadline specified by the department.

3.3 The department will annually make recommendations for funding to the state board, and the state board shall award funds.

4.0 Application requirements

Applications for funding under the grant program must include the following items.

4.1 The number of students at the applicant school or district during the school year preceding the school year who:

4.01(a) were expelled, as defined in [section 22-33-203\(2\), C.R.S.](#), from applicant district or school during the school year preceding the school year for which the grant is requested;

4.01(b) were identified as at risk of dropping out of school due to chronic absenteeism or disciplinary action as identified in [section 22-33-202\(1\), C.R.S.](#); and/or

4.01(c) were identified as truant pursuant to [sections 22-33-107\(3\) and 22-33-108\(5\), C.R.S.](#)

4.2 The applicant's plan to provide educational services, attendance supports, and behavior interventions. The plan must address:

4.02(a) disproportionate discipline practices, chronic absenteeism, and alternatives to suspension and expulsion; and

4.02(b) effective attendance and discipline systems, which may include multi-tiered systems of support, positive behavior intervention models, or restorative justice practices as described in [section 22-32-144, C.R.S.](#);

5.0 Grant requirements

The department and the state board shall use the following criteria in making recommendations for and awarding funding under the grant program.

5.1 The quality of student supports and services provided under the applicant's plan and the likelihood that the plan will achieve its intended results, including:

5.01(a) increasing academic success;

5.01(b) reducing chronic absenteeism;

5.01(c) decreasing conduct and discipline code violations;

5.01(d) increasing age-appropriate and developmentally appropriate discipline methods; and

5.01(e) increasing student and family engagement;

5.2 The number of expelled, at-risk, or chronically absent students who are receiving attendance and behavior interventions and educational services through the applicant under agreements entered into pursuant to the provisions of [section 22-33-204, C.R.S.](#), during the school year preceding the year for which the grant is requested;

- 5.3 The cost-effectiveness of the plan, including the amount of funding requested by the applicant in relation to the cost of the supports and services to be provided under the applicant's plan;
- 5.4 The cost-effectiveness and quality of the services that the applicant will provide under the plan to employees who support students at risk of dropping out of school due to chronic absenteeism or disciplinary action, pursuant to section 22-33-204(1.5), C.R.S.;
- 5.5 If the applicant is seeking to renew a grant or has been awarded a grant pursuant to this section in the previous five years, the demonstrated effectiveness of services funded by the previous grant; and
- 5.6 The need for services in rural, suburban, and urban communities

Multi-tiered Frameworks and Systems of Support

LAWS

22-7-304. Council - advisory duties - technical assistance - report.

(1) The council shall inform, at a minimum, the early childhood councils, public schools, school districts, the state charter school institute, the department, the state board, the department of higher education, the Colorado commission on higher education, and the governing boards for the state institutions of higher education concerning best practices and strategies, aligned with the national standards for family-school partnerships, for increasing parent involvement in public education and promoting family and school partnerships, including but not limited to best practices and strategies in the following areas:

(c) Involving parents in response to intervention programs in public schools and school districts.

22-102-105. Implementation of pilot program.

(5) Each pilot school's team of school mental health professionals shall participate in the school's or school district's multi-tiered systems of support process to assist in developing appropriate plans for the mental health and behavioral needs of individual students.

REGULATIONS

No relevant regulations found.

Prevention

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each

student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(II) (K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district shall ensure that the school district's policy, at a minimum, incorporates the approaches, policies, and practices outlined in the model bullying prevention and education policy developed pursuant to section 22-2-144. In creating and enforcing a school conduct and discipline code pursuant to subparagraph (I) of this paragraph (a), each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;

(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

(C) Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities, as defined in section 22-20-103 (5); and

(D) Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of title IX of the United States Code and other state and federal laws.

REGULATIONS

No relevant regulations found.

Social-emotional Learning (SEL)

LAWS

22-14-109.5. Ninth-grade success grant program - created - criteria - use of grant money - report - rules - definitions - repeal.

(2)(a) There is created in the department the ninth-grade success grant program to provide funding to local education providers and charter schools to implement a ninth-grade success program, as described in subsection (5) of this section, to assist students enrolled in ninth grade to develop the skills they need to successfully persist to high school graduation and succeed in their education and professional careers. [...]

(5) A local education provider or charter school that receives a grant through the program must use the grant money to implement a ninth-grade success program that, at a minimum, must include the following elements:

(e) Providing instructional support for ninth-grade students including attendance support, content-specific academic interventions, tutoring, course-completion programs, social-emotional learning, and trauma-informed instruction.

22-25-103. Definitions.

As used in this article 25, unless the context otherwise requires:

(3) "Comprehensive health education" means a planned, sequential health program of learning experiences in preschool, kindergarten, and grades one through twelve that must include, but is not limited to, the following topics:

(h) Mental and emotional health.

22-29-101. Legislative declaration.

The general assembly finds and declares that, while parents are the primary and most important moral educators of their children, such efforts should be reinforced in the school and community environments. The general assembly further finds that research indicating that core character qualities such as family support, community involvement, positive peer influence, motivation to achieve, respect for person and property, common courtesy, conflict resolution, integrity, honesty, fairness, a sense of civil and personal responsibility, purpose, and self-respect help give youth the basic interpersonal skills and attributes that are critical building blocks for successful relationships. The general assembly recognizes each school district's authority to exercise control over the specific instruction of students, yet also recognizes and hereby asserts a significant statewide interest in providing direction to school districts with regard to the character education of Colorado's youth. Therefore, the general assembly hereby encourages school districts to develop and strengthen character education instruction to students. By enacting this article, the general assembly acknowledges the importance of character development and encourages school districts, parents, and communities to work together to prepare youth for positive relationships in today's society.

22-29-103. Character education - development - resource.

1) Each school district, either individually or through a board of cooperative services, is strongly encouraged to establish a character education program designed to help students cultivate honesty, respect, responsibility, courtesy, respect for and compliance with the law, integrity, respect for parents, home, and community, and the dignity and necessity of a strong work ethic, conflict resolution, and other skills, habits, and qualities of character that will promote an upright, moral, and desirable citizenry and better prepare students to become positive contributors to society. The program may include information concerning this country's founding documents and concerning religion in American history. Such character education program should be designed to stress the importance that each teacher model and promote the guidelines of behavior established in the character education program for youth to follow at all times, in every class.

(2) The general assembly encourages each school district to work with parents and legal guardians of students enrolled in the school district and the community in which the school district operates in the development of any character education program established pursuant to subsection (1) of this section.

22-102-101. Short title.

The short title of this article 102 is the "Colorado K-5 Social and Emotional Health Act".

22-102-102. Legislation declaration.

(1) The general assembly finds that:

(a) School mental health professionals, including school social workers, positively impact the school environment by working with young students and their families to identify safety-net insecurities, social and emotional skills deficits, instances of abuse and neglect, and mental health challenges;

(b) Identifying these student issues as early as possible increases the likelihood that problems can be resolved successfully and in a manner that decreases long-term problems with learning and other barriers to student success in the future;

(c) A pilot program that places a team of school mental health professionals in every pilot program school will allow the team, in partnership with classroom teachers, to provide needed support for young students and their families at a critical time in their education;

- (d) A significant goal of the pilot program is to ensure that students of elementary age receive the right level of necessary services, in the right place, and at the right time;
- (e) Receiving the right level of services, in the right place, and at the right time helps remove the burden placed on teachers to be everything to a student, from therapist to family counselor, and instead allows teachers to return to their primary task: Teaching; and
- (f) The pilot program will enable parents, students, teachers, administrators, and school mental health professionals to create a safe, positive, and successful school learning environment.

(2) Therefore, the general assembly declares that the creation and successful implementation of a Colorado K-5 social and emotional health pilot program could have a profound impact on the early educational and social experiences of kindergarten through fifth-grade students, resulting in those students graduating to middle and high school programs with fewer social, emotional, and behavioral issues; adverse childhood experiences; disciplinary referrals and delinquent conduct; school absences and truancy; and incidences of self-harm.

REGULATIONS

No relevant regulations found.

Trauma-informed Practices

LAWS

22-60.5-110. Renewal of licenses.

(b) A professional licensee shall complete such ongoing professional development within the period of time for which such professional license is valid. Such professional development may include but need not be limited to in-service education programs, including training in preventing, identifying, and responding to child sexual abuse and assault; behavioral health training that is culturally responsive and trauma- and evidence-informed; and laws and practices relating to the education of students with disabilities in the classroom, including but not limited to child find and inclusive learning environments; college or university credit from an accepted institution of higher education or a community, technical, or local district college; educational travel that meets the requirements specified in subsection (3)(d) of this section; involvement in school reform; service as a mentor teacher for teacher candidates participating in clinical practice, as defined in section 23-78-103; internships; and ongoing professional development training and experiences. The state board of education, by rule, may establish minimum criteria for professional development

(c) In selecting professional development activities for the renewal of a professional license pursuant to this section, each licensee shall choose those activities that will aid the licensee in meeting the standards for a professional educator, including but not limited to the following goals:

(XI) Awareness of warning signs of dangerous behavior in youth and situations that present a threat to the health and safety of students and knowledge of the community resources available to enhance the health and safety of students and the school community, youth mental health, safe de-escalation of crisis situations, recognition of signs of poor mental health and substance use, and support of students. Training provided pursuant to this subsection (3)(c)(XI) must be provided using culturally responsive and trauma- and evidence-based practices. [...]

(f)(I) In selecting professional development activities for renewal of a professional teacher license only, in addition to the other requirements set forth in this section, except for those set forth for special services, principal, or administrator licenses in subsection (3)(b.7) of this section, the professional teacher licensee shall complete a minimum of ten clock hours of the professional development hours required during the term of any professional license in training relating to:

(A) Behavioral health training that is culturally responsive and trauma- and evidence-informed [...]

(V) The behavioral health training required pursuant to subsection (3)(f)(I) of this section may include programs such as:

(F) Training modules concerning child traumatic stress.

REGULATIONS

No relevant regulations found.

Mental Health Literacy Training

LAWS

22-2-127.9. Mental health education literacy - resource bank - technical assistance.

(1) The department, with assistance from the office of suicide prevention created pursuant to section 25-1.5-101 (1)(w)(I), the Colorado youth advisory council created pursuant to section 2-2-1302, and the suicide prevention commission created pursuant to section 25-1.5-111, shall create and maintain a resource bank of evidence-based, research-based, and promising program materials and curricula pertaining to mental health, which materials and curricula may be used in elementary and secondary schools in the state. The resource bank and curricula must be youth-friendly, culturally sensitive, and available in both English and Spanish. In creating the resource bank and curricula, the department may provide internet links to resources and materials pertaining to mental health available from other entities that the department finds reliable. Additionally, the department shall solicit input from persons, including youth, within and outside of the mental health profession, including both community and school mental health professionals. Subject to available appropriations, the department shall solicit requests for information and may contract for:

(c) Training for educators and school staff concerning mental health.

22-60.5-110. Renewal of licenses.

(b) A professional licensee shall complete such ongoing professional development within the period of time for which such professional license is valid. Such professional development may include but need not be limited to in-service education programs, including training in preventing, identifying, and responding to child sexual abuse and assault; behavioral health training that is culturally responsive and trauma- and evidence-informed; and laws and practices relating to the education of students with disabilities in the classroom, including but not limited to child find and inclusive learning environments; college or university credit from an accepted institution of higher education or a community, technical, or local district college; educational travel that meets the requirements specified in subsection (3)(d) of this section; involvement in school reform; service as a mentor teacher for teacher candidates participating in clinical practice, as defined in section 23-78-103; internships; and ongoing professional development training and experiences. The state board of education, by rule, may establish minimum criteria for professional development; except that such criteria shall not:

(IV) Require prior approval or supervision of professional development activities.

(c) In selecting professional development activities for the renewal of a professional license pursuant to this section, each licensee shall choose those activities that will aid the licensee in meeting the standards for a professional educator, including but not limited to the following goals:

(XI) Awareness of warning signs of dangerous behavior in youth and situations that present a threat to the health and safety of students and knowledge of the community resources available to enhance the health and safety of students and the school community, youth mental health, safe de-escalation of crisis situations, recognition of signs of poor mental health and substance use, and support of students. Training provided pursuant to this subsection (3)(c)(XI) must be provided using culturally responsive and trauma- and evidence-based practices [...]

(f)(I) In selecting professional development activities for renewal of a professional teacher license only, in addition to the other requirements set forth in this section, except for those set forth for special services, principal, or administrator licenses in subsection (3)(b.7) of this section, the professional teacher licensee shall complete a minimum of ten clock hours of the professional development hours required during the term of any professional license in training relating to:

(A) Behavioral health training that is culturally responsive and trauma- and evidence-informed [...]

(V) The behavioral health training required pursuant to subsection (3)(f)(I) of this section may include programs such as:

(A) Mental health first aid specific to youth and teens;

(B) Staff development training modules concerning how to prevent teen suicide;

(C) Interconnected systems framework for positive behavioral interventions and supports and mental health;

(D) Training approved or provided by the school district where the teacher is employed;

(E) Training concerning students with behavioral concerns or disabilities;

(F) Training modules concerning child traumatic stress; and

(G) Any other program or training that meets the requirements of this subsection (3)(f).

22-96-103. Behavioral health care professional matching grant program - created - rules.

(1)(a) There is created in the department the behavioral health care professional matching grant program, referred to in this article 96 as the "program", to provide funding to education providers for the following purposes:

(II) To provide training and resources for school staff on the implementation of evidence-based programming on behavioral health education for all students.

22-102-105. Implementation of pilot program.

(1) In the first and subsequent years of operation of the pilot program, each pilot school shall employ or contract with additional school mental health professionals so that each of grades one through five and the kindergarten program in each pilot school has a school mental health professional dedicated to each grade and the kindergarten program. If a single grade or the kindergarten program has more than two hundred fifty students, additional school mental health professionals must be added to the grade or kindergarten program to maintain a ratio of approximately one school mental health professional per two hundred fifty students, as determined by the pilot school. A small pilot school shall maintain a ratio of approximately one school mental health professional per two hundred fifty students, as determined by the pilot school. At least one of the school mental health professionals at each pilot school must be a school social worker.

(2) The goal of the pilot program is for a school mental health professional to develop an ongoing relationship with pilot school students and to follow those students, to the extent possible, as the students advance through the grades at the pilot school. This will allow the school mental health professional to understand the needs of the students and their families over time and to help address those needs over time, if necessary. To achieve this goal, school mental health professionals may be assigned to a cohort of students by grade or, in a smaller school, by multiple grades. School mental health professionals in each pilot school shall work as a team to address the academic and social-emotional needs of the pilot school's students and to create a safe and positive school learning environment through additional behavioral health supports.

(3) For purposes of implementing this pilot program, the general assembly shall appropriate to the department for distribution to the pilot schools, or to the governing body for the pilot school, the amount of money necessary for the pilot schools to employ or contract with the number of additional school mental health professionals necessary to implement the pilot program, as described in subsection (1) of this section. Throughout the duration of the pilot program, the pilot school must employ or contract with, at the

pilot school's expense, the same number of school mental health professionals employed by or contracted with the pilot school during the 2019-20 school year, so that the appropriation to the pilot school for the pilot program supplements, but does not supplant, the pilot school's existing expenditures for school mental health professional positions prior to the operation of the pilot program.

(4)(a) In implementing the pilot program, the school mental health professionals shall work as a team, with each professional providing services to students and offering training and resources to school faculty and administrators that are authorized under the school mental health professional's special services license and endorsement.

REGULATIONS

1 CCR 301-97. Rules for the administration of the school health professional grant program.

1.00 Statement of Basis and Purpose.

The School Health Professional Grant Program, sections 22-96-101 through 22-96-105, C.R.S., requires the State Board of Education to promulgate rules for the implementation of the program, including but not limited to: the timeline for submitting applications to the Department; the form of the grant application and any information in addition to that specified in section 22-96-104 (2), C.R.S. to be included in the application; any criteria for awarding grants in addition to those specified in section 22-96-104 (3), C.R.S.; and any information to be included in the Department's program report in addition to that required in section 22-96-105, C.R.S. [...]

2.01 Implementation Procedures.

(1) Application Timeline. Grants will be awarded for an initial term of one year. Grantees may receive funds for up to two additional years, based on annual approval by the Department and available appropriations. Applications will be due to the Department on or before May 1 of each funding cycle, subject to available appropriations. The Department will make funding available to grantees on or before June 30 of the same fiscal year.

(2) Application Procedures. The Department will be the responsible agency for implementing the School Health Professional Grant Program. The Department will develop a Request for Proposal (RFP), pursuant to the Department's RFP process and pursuant to the requirements and timelines found in 22-96-104, C.R.S. If the Department determines an application is missing any information required by rule to be included with the application, the Department may contact the education provider to obtain the missing information. As applicable, each grant application, at a minimum, shall specify:

(2)(b) The education provider's plan for use of the grant moneys, including the extent to which the grant moneys will be used to increase the number of school health professionals at recipient schools and to provide behavioral health care services at recipient schools, including but not limited to screenings, counseling, therapy, referrals to community organizations, and training for students and staff on behavioral health issues;

(3)(f) The extent to which the education provider prioritizes use of grant money for staff training related to behavioral health supports.

School-based Behavioral Health Programs

LAWS

22-96-101. Legislative declaration.

(1) The general assembly hereby finds and declares that:

(h) School health professionals are in a unique position to educate, assess, and treat youth who have substance abuse or behavioral health issues.

(2) The general assembly further finds and declares that a program to provide matching grants to education providers to enhance the presence of school health professionals in schools throughout the

state will facilitate better screening, education, and referral care coordination for students with substance abuse and other behavioral health needs.

22-96-102. Definitions.

As used in this article 96, unless the context otherwise requires:

- (3) "School health professional" means a state-licensed or state-certified school nurse, school psychologist, school social worker, school counselor, or other state-licensed or state-certified professional qualified under state law to provide support services to children and adolescents, including mental health professionals licensed pursuant to article 245 of title 12.

22-96-103. Behavioral health care professional matching grant program - created - rules.

(1)(a) There is created in the department the behavioral health care professional matching grant program, referred to in this article 96 as the "program", to provide funding to education providers for the following purposes:

- (I) To increase the presence of school health professionals in schools to provide behavioral health care to students who have mental health, substance use or misuse, or other behavioral health needs;
- (II) To provide training and resources for school staff on the implementation of evidence-based programming on behavioral health education for all students;
- (III) To allow school health professionals to connect students with services that are provided by community-based organizations for treatment and counseling for students who need behavioral health care; and
- (IV) To provide behavioral health care services at recipient schools, including but not limited to screenings, counseling, therapy, referrals to community organizations, and training for students and staff on behavioral health issues.

(b) An education provider that receives a grant under the program shall use the money to increase the level of funding the education provider allocates to school health professionals to provide behavioral health care to students prior to receiving the grant and not to replace other funding sources allocated to provide school health professionals for students. The education provider may use the money to contract with a community partner for behavioral health care services, including hiring private health care professionals, training, screening, and preventive supports. Additionally, the education provider may use the money to provide direct services or consultation by a school health professional through telehealth technology. The department shall administer the program as provided in this article 96 and pursuant to rules adopted by the state board.

(2) The state board shall adopt rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., for implementation of the program, including but not limited to rules regarding:

- (a) The timeline for submitting applications to the department;
- (b) The form of the grant application and any information in addition to that specified in section 22-96-104 (2) to be included in the application;
- (c) Any criteria for awarding grants in addition to those specified in section 22-96-104 (3); and
- (d) Any information to be included in the department's program report in addition to that required in section 22-96-105.

22-96-104. Behavioral health care professional matching grant program - application - criteria - grant awards.

(1) An education provider that seeks a grant from the program shall submit an application to the department in accordance with the rules adopted by the state board. The department shall review each application received from an education provider and make recommendations to the state board concerning whether a grant should be awarded to the education provider and the recommended amount of the grant. If the department determines an application is missing any information required by rule to be

included with the application, the department may contact the education provider to obtain the missing information.

(2) At a minimum, each grant application must specify:

- (a) The intended recipient schools, the number of health professionals employed by the education provider prior to receipt of a grant, and the ratio of students to school health providers in the schools operated by or receiving services from the education provider;
- (b) The education provider's plan for use of the grant money, including the extent to which the grant money will be used to increase the number of school health professionals at recipient schools and to provide behavioral health care services at recipient schools, including screenings, counseling, therapy, referrals to community organizations, and training for students and staff on behavioral health issues;
- (c) The education provider's plan for involving leaders at the recipient schools and in the surrounding community and the faculty at recipient schools in increasing the capacity and effectiveness of the behavioral health care services provided to students enrolled in or receiving educational services from the education provider;
- (d) The extent to which the education provider has developed or plans to develop community partnerships to serve the behavioral health care needs of all of the students enrolled in or receiving educational services from the education provider;
- (e) The extent to which the education provider has seen increased incidence of disciplinary actions for drug use or selling drugs, suicide attempts, deaths by suicide, bullying, adverse childhood experiences, or other factors that affect students' mental well-being;
- (f) The extent to which the education provider has an existing program that can be expanded to increase the availability of school health professionals;
- (g) The amount of matching funds that the education provider intends to provide to augment any grant moneys received from the program and the anticipated amount and source of any matching funds; and
- (h) The education provider's plan for continuing to fund the increase in school health professional services following expiration of the grant.

(3) In reviewing applications and making recommendations, the department shall prioritize applications based on the following criteria and any other criteria adopted by rule of the state board:

- (a) The education provider's need for additional school health professionals in schools, demonstrated by the local school and community data regarding student alcohol or drug use, access to a behavioral health care provider, or other data showing the need for a school health professional;
- (b) The existence of a successful school health team in the education provider's school or schools;
- (c) The amount of the matching money that the education provider or a community partner is able to commit;
- (d) The education provider's emphasis and commitment to implement evidence-based and research-based programs and strategies;
- (e) The likelihood that the education provider or community partner will continue to fund the increases in the level of school health professional services following expiration of the grant; and
- (f) The extent to which an education provider prioritizes use of grant money for staff training related to behavioral health supports.

(4) The department and the state board shall consult with experts in the area of school health professional services when establishing any additional criteria for awarding grants and in reviewing applications and selecting grant recipients.

(5) Subject to available appropriations, the state board shall award grants to applying education providers pursuant to this section. The state board shall base the grant awards on the department's

recommendations. Each grant shall have an initial term of one year. In making the award, the state board shall specify the amount of each grant.

(6) The department may expend no more than three percent of the moneys annually appropriated for the program to offset the costs incurred in implementing the program.

(7) Grant applications and reporting will be designed to limit administrative burden on applicants and recipients.

22-96-105. Reporting.

(1) In any fiscal year in which the general assembly makes an appropriation to the department for the purposes of the program, each education provider that receives a grant through the program shall report the following information to the department each year during the term of the grant:

- (a) The number of school health professionals hired using grant moneys;
- (b) A list and explanation of the services provided using grant moneys; and
- (c) Any additional information that the state board, by rule, may require.

(2) On or before May 1, 2015, and on or before May 1 in each fiscal year thereafter in which the general assembly makes an appropriation to the department for the purposes of the program, the department shall submit to the education committees of the senate and the house of representatives, or any successor committees, a report that, at a minimum, summarizes the information received by the department pursuant to subsection (1) of this section. The department shall also post the report to its website.

22-102-102. Legislation declaration.

(1) The general assembly finds that:

- (a) School mental health professionals, including school social workers, positively impact the school environment by working with young students and their families to identify safety-net insecurities, social and emotional skills deficits, instances of abuse and neglect, and mental health challenges;
- (b) Identifying these student issues as early as possible increases the likelihood that problems can be resolved successfully and in a manner that decreases long-term problems with learning and other barriers to student success in the future;
- (c) A pilot program that places a team of school mental health professionals in every pilot program school will allow the team, in partnership with classroom teachers, to provide needed support for young students and their families at a critical time in their education;
- (d) A significant goal of the pilot program is to ensure that students of elementary age receive the right level of necessary services, in the right place, and at the right time;
- (e) Receiving the right level of services, in the right place, and at the right time helps remove the burden placed on teachers to be everything to a student, from therapist to family counselor, and instead allows teachers to return to their primary task: Teaching; and
- (f) The pilot program will enable parents, students, teachers, administrators, and school mental health professionals to create a safe, positive, and successful school learning environment.

(2) Therefore, the general assembly declares that the creation and successful implementation of a Colorado K-5 social and emotional health pilot program could have a profound impact on the early educational and social experiences of kindergarten through fifth-grade students, resulting in those students graduating to middle and high school programs with fewer social, emotional, and behavioral issues; adverse childhood experiences; disciplinary referrals and delinquent conduct; school absences and truancy; and incidences of self-harm.

22-102-103. Definitions.

As used in this article 102, unless the context otherwise requires:

- (1) "Department" means the department of education created and existing pursuant to section 24-1-115.
- (2) "Pilot program" means the K-5 social and emotional health pilot program, created in section 22-102-104.
- (3) "Pilot school" means a school selected by the department to participate in the pilot program created in section 22-102-104 for students in kindergarten through fifth grade.
- (4) "School counselor" means a counselor holding a master's degree in educational counseling and a professional special services license in Colorado with an endorsement in school counseling, including but not limited to the completion of course work in the areas of academic and social emotional development; assessment for social and emotional concerns, including suicide prevention and intervention; crisis intervention; social-emotional prevention programs, including character education and violence prevention; mental health, protective factors for at-risk students, and career awareness, exploration, and planning.
- (5) "School district" means a school district organized and existing pursuant to law but does not include a local college district. "School district" includes the state charter school institute and a board of cooperative services that operates a school.
- (6) "School mental health professional" means a school counselor, a school psychologist, or a school social worker.
- (7) "School psychologist" means a school psychologist holding a master's degree and a professional special services license in Colorado with a school psychologist endorsement.
- (8) "School social worker" means a social worker holding a master's degree and a professional special services license in Colorado with an endorsement in school social work, including but not limited to the completion of course work in the areas of school and special education law, including content covering functional behavior assessment and the development of behavior intervention plans.

22-102-104. K-5 social and emotional health pilot program - creation - selection of pilot schools - rules.

- (1) There is created the K-5 social and emotional health pilot program in the department to determine the impact of dedicated school mental health professionals in kindergarten through fifth grade in elementary schools that have high-poverty, high-need students. The pilot program is implemented within the selected pilot schools and administered by the department as a pilot program for three consecutive school years, unless extended by the general assembly. Subject to available appropriations or gifts, grants, or donations for the three-year term of the pilot program, pursuant to section 22-102-106, the department shall employ or contract with a pilot program coordinator and contract for preliminary and final program evaluations of the pilot program. The department shall promulgate any rules necessary for the administration of the pilot program.
- (2)(a) Subject to available appropriations or gifts, grants, or donations for the three-year term of the pilot program, no later than January 15 immediately preceding the first implementation year, the department shall select up to ten pilot schools to participate in the pilot program. If available appropriations and gifts, grants, or donations are insufficient to fully fund the pilot program, the department may select fewer than ten pilot schools to participate in the pilot program. The department shall select pilot schools that exhibit the characteristics set forth in subsection (2)(b) of this section and that are appropriate test schools to evaluate the impact and effectiveness of the pilot program. The pilot schools must demonstrate a willingness to participate in the pilot program and to collect the data and information necessary for the evaluation of the pilot program.

(b) The department shall select pilot schools, including rural, small, and geographically diverse schools, which schools shall be located in a school district that has a high rate of youth suicide, attempted suicide, or suicidal ideation; have a high-poverty student population and a high percentage of students who experience or may experience food insecurity, as evidenced by the number or percentage of students in the school who are eligible for free and reduced-priced meals; and may include schools:

(I) In large, metropolitan school districts;

(II) That have significant ethnic, cultural, and language diversity within their student populations, which may include students from refugee populations;

(III) That have a high number or density of youth who are students in out-of-home placement, as defined in section 22-32-138;

(IV) That are in a school district that has a high percentage of students who are adjudicated delinquent; and

(V) That are in a school district that has a plan in place to recruit, hire, and retain a diverse workforce that reflects the race, ethnicity, and other characteristics of the student body.

(c) Prior to a selected school implementing the pilot program pursuant to this article 102, the school must notify all parents or legal guardians of students at the school of the school's selection as a pilot school.

22-102-105. Implementation of pilot program.

(1) In the first and subsequent years of operation of the pilot program, each pilot school shall employ or contract with additional school mental health professionals so that each of grades one through five and the kindergarten program in each pilot school has a school mental health professional dedicated to each grade and the kindergarten program. If a single grade or the kindergarten program has more than two hundred fifty students, additional school mental health professionals must be added to the grade or kindergarten program to maintain a ratio of approximately one school mental health professional per two hundred fifty students, as determined by the pilot school. A small pilot school shall maintain a ratio of approximately one school mental health professional per two hundred fifty students, as determined by the pilot school. At least one of the school mental health professionals at each pilot school must be a school social worker.

(2) The goal of the pilot program is for a school mental health professional to develop an ongoing relationship with pilot school students and to follow those students, to the extent possible, as the students advance through the grades at the pilot school. This will allow the school mental health professional to understand the needs of the students and their families over time and to help address those needs over time, if necessary. To achieve this goal, school mental health professionals may be assigned to a cohort of students by grade or, in a smaller school, by multiple grades. School mental health professionals in each pilot school shall work as a team to address the academic and social-emotional needs of the pilot school's students and to create a safe and positive school learning environment through additional behavioral health supports.

(3) Throughout the duration of the pilot program, the pilot school must employ or contract with, at the pilot school's expense, the same number of school mental health professionals employed by or contracted with the pilot school during the school year immediately preceding the first year of implementation of the pilot program so that additional money for the pilot program supplements, but does not supplant, the pilot school's existing expenditures for school mental health professional positions prior to the operation of the pilot program.

(4)(a) In implementing the pilot program, the school mental health professionals shall work as a team, with each professional providing services to students and offering training and resources to school faculty and administrators that are authorized under the school mental health professional's special services license and endorsement.

(b) In addition, school mental health professionals shall, consistent with the school mental health professional's job duties and licensure:

(I) Provide the school with resources to develop and improve the social and emotional health of students, including resources translated into the primary languages of the student population to the extent possible, and create a safe and positive learning environment through additional behavioral health supports; and

(II) Provide social and emotional skill building in the school and with students in the classroom.

(c) School mental health professionals may, consistent with the school mental health professional's job duties and licensure:

(I) Assist students and their families with applying for and obtaining necessary public benefits for which each student and the student's family is eligible;

(II) Provide services and supports to students who have an individualized education program, as provided in section 22-20-108;

(III) Consult and coordinate with other school professionals on behalf of students and support families accessing community-based resources as needed and appropriate; and

(IV) Identify food insecurity, homelessness, and other issues affecting students and make referrals to services within the community, bringing those services into the school setting where possible.

(d) As appropriate, and to the extent possible, the school mental health professional must provide services or arrange for services to be provided for students at the school and during school hours or when student busing is available.

(e) Services provided by the school mental health professional to the student must include the student's family and household, where appropriate. The school mental health professional is specifically authorized to make home visits when appropriate under the circumstances and consistent with licensure.

(5) Each pilot school's team of school mental health professionals shall participate in the school's or school district's multi-tiered systems of support process to assist in developing appropriate plans for the mental health and behavioral needs of individual students.

(6) Each pilot school, or each pilot school's governing body, where appropriate, shall collect, transmit, and retain any data and information necessary for the evaluation of the pilot program pursuant to section 22-102-106. Each pilot school shall record the unique student identifier, as defined in section 22-16-103, for all students enrolled in the pilot school.

(7) A student who is home-schooled but who participates in extracurricular activities or athletic programs at a school that is selected as a pilot school is excluded from any data collection or reporting requirements pursuant to this article 102.

22-102-106. Pilot program coordinator - evaluation of pilot program - student impacts and outcomes.

(1) The department shall employ or contract with a pilot program coordinator to oversee the implementation of the pilot program across the pilot schools. The pilot program coordinator must be a school social worker who shall work with each pilot school's team of school mental health professionals. The duties of the pilot program coordinator include, at a minimum:

- (a) Coordinating data collection and program evaluation requirements with the professional program evaluator retained pursuant to subsection (2) of this section;
- (b) Serving as a contact person and resource for teams of school mental health professionals in the pilot schools;
- (c) Helping pilot schools identify successful practices for recruiting and retaining mental health professionals;
- (d) Sharing best practices relating to the pilot program and its implementation at the pilot schools; and
- (e) Ensuring fidelity to the goals of the pilot program across the pilot schools.

(2)(a) The department shall select a professional program evaluator to complete a preliminary evaluation of the pilot program on or before September 1 of the second full school year of implementation of the pilot program and a final evaluation of the pilot program to be completed on or before September 1 immediately following the conclusion of the final school year of the pilot program. Subject to available appropriations or gifts, grants, or donations for the three-year term of the pilot program, the department shall contract with the evaluator in the school year prior to the implementation of the pilot program in the pilot schools to create a process for the collection and transmission of data and information to the evaluator to ensure that the evaluator has the data and information necessary to complete the preliminary and final reports concerning the impact and outcomes of the pilot program. The pilot program evaluator, in conjunction with the department, shall select a group of control schools that have school characteristics and student demographics similar to those of the pilot schools to serve as a control group for purposes of evaluating the impacts and outcomes of the pilot program on participating students and pilot schools. Data collected for pilot schools and control group schools must include data from school climate and healthy schools surveys for any grade in which such surveys have been created.

(b) The department shall select a professional program evaluator that has the knowledge and skills necessary to evaluate the effectiveness of services provided by the pilot program and the resulting impacts and outcomes of the pilot program on the student cohorts participating in the pilot program. The department is encouraged, but is not required, to contract with a state institution of higher education to complete the evaluation of the pilot program.

(c) The department and the pilot schools shall cooperate fully with the pilot program evaluator's collection and analysis of data and information relating to the pilot program's impact and outcomes. The department, pilot schools, the pilot program coordinator, and the contracted evaluator shall comply with all state and federal laws relating to the confidentiality of academic and medical records of students and shall provide aggregated data where appropriate.

(d) The pilot program evaluator shall determine the impact of the pilot program on students' academic, mental, social-emotional, and physical health and well-being. The evaluator shall collect and analyze data relating to student and school outcomes, which outcomes may include:

- (I) The increase or decrease in students' disciplinary referrals, either within the pilot school, or pilot school's district, if relevant, or with law enforcement, and the increase or decrease in students adjudicated delinquent within the pilot school's district;
- (II) The increase or decrease in students' lost instruction time due to disciplinary action or visits to the school nurse or school counselor;
- (III) The increase or decrease in excused and unexcused absences and truancy;
- (IV) The increase or decrease in overall student performance on statewide assessments, by grade;
- (V) The increase or decrease in the student cohorts' grade point average, by grade;

- (VI) The increase in access to supportive services for students and their families, as evidenced by:
- (A) An increase in the number or percentage of students identified as eligible for free or reduced-price meals, by grade;
 - (B) An increase in employment outcomes for students' families;
 - (C) An increase or decrease in students' food security as demonstrated by an increase or decrease in the number or percentage of students participating in the federal supplemental nutrition assistance program;
 - (D) An increase or decrease in the number or percentage of eligible students accessing public benefits;
 - (E) An increase or decrease in the pilot schools' awareness of or involvement with domestic violence or child abuse issues affecting students;
 - (F) Impact on the school's learning environment and changes to the school climate during the operation of the pilot program and evaluation of school climate;
 - (G) The reduction in adverse childhood experiences or the positive resolution of adverse childhood experiences, if available;
 - (H) The reduction in youth suicide and attempted suicide; and
- (VII) Any other relevant data and information relating to pilot program outcomes and impacts as determined by the pilot program evaluator.

25-20.5-501. Legislative declaration.

- (1) The general assembly hereby finds that:
- (a) Access to school-based primary health care for children and adolescents has been shown to increase the use of primary care, reduce the use of emergency rooms, and result in fewer hospitalizations;
 - (b) High-risk students who use school-based health centers are more likely to stay in school and be available for instruction;
 - (c) School-based health centers are effective at managing health conditions, such as asthma;
 - (d) School-based health centers serve primarily low-income schools. The majority of students who attend schools with on-site health centers are from low-income families, are medically uninsured or underinsured, and qualify for free or reduced-cost school lunch.

25-20.5-502. Definitions.

As used in this part 5, unless the context otherwise requires:

- (1) "School-based health center" means a clinic established and operated within a public school building, including charter schools and state-sanctioned high school equivalency examination programs associated with a school district, or on public school property by the school district. School-based health centers are operated by school districts in cooperation with hospitals, public or private health care organizations, licensed medical providers, public health nurses, community health centers, and community mental health centers. The term "school-based health center" includes clinics or facilities authorized to provide clinic services pursuant to section 25.5-5-301, C.R.S., or authorized to apply for and receive medical assistance payments under a contract entered into pursuant to section 25.5-5-318, C.R.S.

25-20.5-503. School-based health center grant program - creation - funding - grants.

(1) There is hereby created, in the prevention services division of the department of public health and environment, the school-based health center grant program, referred to in this part 5 as the "grant program", for the purpose of assisting the establishment, expansion, and ongoing operations of school-based health centers in Colorado. The grant program shall be funded by moneys annually appropriated by the general assembly specifically for said program.

(2)(a) Operators of school-based health centers may apply for grants for the benefit of school-based health centers. The grant program shall provide grants for school-based health centers selected by the division. The division, in consultation with school-based health centers, shall develop criteria under which the grants are distributed and evaluated. In developing the criteria for grants, the division shall give priority to centers that serve a disproportionate number of uninsured children or a low-income population or both and may award grants to establish new school-based health centers; to expand primary health services, behavioral health services, including education, intervention, and prevention services for opioid, alcohol, and marijuana, and other substance use disorders, or oral health services offered by existing school-based health centers; to expand enrollment in the children's basic health plan; or to provide support for ongoing operations of school-based health centers. None of the grants shall be awarded to provide abortion services in violation of section 50 of article V of the state constitution.

(b)(I) On or before July 1, 2018, the general assembly shall appropriate seven hundred seventy-five thousand dollars to the department from the marijuana tax cash fund created in section 39-28.8-501 for the purposes of expanding behavioral health therapy, intervention, and prevention services for opioid, alcohol, and marijuana, and other substance use disorders pursuant to this subsection (2). The department shall prioritize funding to school-based health centers that serve communities with high-risk factors for substance abuse combined with limited access to treatment services according to state needs assessments, Colorado health indicator data, and national best practice trends.

(II) Any unencumbered and unexpended money from an appropriation made pursuant to this subsection (2)(b) remains available for expenditure by the department in the next two fiscal years without further appropriation.

(3) The division shall specify and provide to potential grant recipients the following information:

- (a) Procedures and timelines by which an operator of a school-based health center may apply for a grant;
- (b) Grant application contents;
- (c) Criteria for selection, reporting, evaluation, and other criteria as necessary;
- (d) Criteria for determining the amount and duration of the grants;
- (e) Reporting requirements for grant recipients; and
- (f) Any other information the division deems necessary.

(4) Grant recipients shall submit reports to the division as outlined in the reporting requirements summarizing the use of the grant moneys.

(5) A grant awarded by the division shall be used for the school-based health center for the purposes stated in this part 5. The grants shall supplement existing funding sources for the school-based health center, such as federal funds, patient fees, public and private insurance, and grants and donations, including in-kind donations received from community hospitals, foundations, local governments, and private sources.

REGULATIONS

1 CCR 301-97. Rules for the administration of the school health professional grant program.

1.00 Statement of Basis and Purpose.

The School Health Professional Grant Program, sections 22-96-101 through 22-96-105, C.R.S., requires the State Board of Education to promulgate rules for the implementation of the program, including but not limited to: the timeline for submitting applications to the Department; the form of the grant application and any information in addition to that specified in section 22-96-104 (2), C.R.S. to be included in the application; any criteria for awarding grants in addition to those specified in section 22-96-104 (3), C.R.S.; and any information to be included in the Department's program report in addition to that required in section 22-96-105, C.R.S.

2.00 Definitions.

2.00(1) Behavioral health care: Services to prevent, identify, and treat substance use disorders, substance misuse, and mental health disorders, including services to support social- emotional health.

(2) Department: The Department of Education created and existing pursuant to section 24-1-115, C.R.S.

(3) Education provider: A school district, a board of cooperative services, a charter school authorized by a school district pursuant to Part 1 of Article 30.5 of Title 22 C.R.S., or a charter school authorized by the State Charter School Institute pursuant to Part 5 of Article 30.5 of Title 22 C.R.S.

(4) School health professional: A state-licensed or state-certified school nurse, school psychologist, school social worker, school counselor, or other state-licensed or state-certified professional qualified under state law to provide support services to children and adolescents, including mental health professionals licensed pursuant to article 245 of title 12, C.R.S.

(5) School: A public elementary, middle, junior high, or high school.

(6) State Board: The State Board of Education created pursuant to Section 1 of Article IX of the State Constitution.

2.01 Implementation Procedures.

(1) Application Timeline. Grants will be awarded for an initial term of one year. Grantees may receive funds for up to two additional years, based on annual approval by the Department and available appropriations. Applications will be due to the Department on or before May 1 of each funding cycle, subject to available appropriations. The Department will make funding available to grantees on or before June 30 of the same fiscal year.

(2) Application Procedures. The Department will be the responsible agency for implementing the School Health Professional Grant Program. The Department will develop a Request for Proposal (RFP), pursuant to the Department's RFP process and pursuant to the requirements and timelines found in 22-96-104, C.R.S. If the Department determines an application is missing any information required by rule to be included with the application, the Department may contact the education provider to obtain the missing information. As applicable, each grant application, at a minimum, shall specify:

(2)(a) The intended recipient schools, the number of health professionals employed by the education provider in schools prior to receipt of a grant, and the ratio of students to school health providers in the schools operated by or receiving services from the education provider;

(2)(b) The education provider's plan for use of the grant moneys, including the extent to which the grant moneys will be used to increase the number of school health professionals at recipient schools and to provide behavioral health care services at recipient schools, including but not limited to screenings, counseling, therapy, referrals to community organizations, and training for students and staff on behavioral health issues;

(2)(c) The education provider's plan for involving leaders at the recipient schools and in the surrounding community and the faculty at recipient schools in increasing the capacity and

effectiveness of the behavioral health care services provided to school students enrolled in or receiving educational services from the education provider;

(2)(d) The extent to which the education provider has developed or plans to develop community partnerships to serve the behavioral health care needs of all of the students enrolled in or receiving educational services from the education provider;

(2)(e) The extent to which the education provider has seen increased incidence of disciplinary actions for drug use or selling drugs, suicide attempts, deaths by suicide, bullying, adverse childhood experiences, or other factors that affect students' mental well-being;

(2)(f) The extent to which the education provider has an existing program that can be expanded to increase the availability of school health professionals;

(2)(g) The amount of matching funds that the education provider intends to provide to augment any grant moneys received from the program and the anticipated amount and source of any matching funds; and

(2)(h) The education provider's plan for continuing to fund the increase in school health professional services following expiration of the grant.

(3) Application Priority Criteria. In reviewing applications and making recommendations to the State Board, the Department shall prioritize applications based on the following criteria:

(3)(a) The education provider's need for additional school health professionals in schools, demonstrated by the local school and community data regarding student alcohol or drug use, access to behavioral health care provider, or other data showing the need for a school health professional;

(3)(b) The existence of a successful school health team in the education provider's school or schools;

(3)(c) The amount of the matching money that the education provider or a community partner is able to commit;

(3)(d) The education provider's emphasis and commitment to implement evidence-based and research-based programs and strategies; and

(3)(e) The likelihood that the education provider or community partner will continue to fund the increases in the level of school health professional services following expiration of the grant;

(3)(f) The extent to which the education provider prioritizes use of grant money for staff training related to behavioral health supports; and

(3)(g) Whether the education provider has an established process for a parent or legal guardian to opt their child out of a health course, part of the health curriculum, or behavioral health services.

(4) Additional Review Criteria. The Department and the State Board shall consult with experts in the area of school health professional services when establishing any additional criteria for awarding grants and in reviewing applications and selecting grant recipients.

(5) Duration, Amount, and Use of Grant Funding. Subject to available appropriations, the State Board shall award grants to applying education providers pursuant to 22-96-104, C.R.S. The State Board shall base the grant awards on the Department's recommendations. Each grant shall have an initial term of one year and may be renewed for two subsequent years based on annual approval by the Department and available appropriation. In making the award, the State Board shall specify the amount of each grant.

(5)(a) An education provider that receives a grant under the program shall use the money to increase the level of funding the education provider allocates to school health professionals to provide behavioral health care to students prior to receiving the grant and not to replace other funding sources allocated to provide school health professionals for students in schools.

(5)(b) An education provider may use the money to contract with a community partner for behavioral healthcare services, including hiring private health care professionals, training, screening, and

preventive supports. Additionally, the education provider may use the money to provide direct services or consultation by a school health professional through telehealth technology.

(6) Reporting. In any fiscal year in which the general assembly makes an appropriation to the department for the purposes of the program, each education provider that receives a grant through the program shall report the following Information to the department each year during the term of the grant:

(6)(a) The number of school health professionals hired using grant moneys; and

(6)(b) A list and explanation of the services provided using grant moneys.

(7) Evaluation of Program. On or before May 1, 2015, and on or before May 1 in each fiscal year thereafter in which the general assembly makes an appropriation to the Department for the purposes of the program, the Department shall submit to the Education Committees of the Senate and the House of Representatives, or any successor Committees, a report that, at a minimum, summarizes the Information received by the department pursuant to subsection (1) of this 22-96-105, C.R.S. The Department shall also post the report to its web site.

Monitoring and Accountability

Formal Incident Reporting of Conduct Violations

LAWS

22-32-146. School use of on-site peace officers as school resource officers.

(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

22-33-107. Enforcement of compulsory school attendance - definitions.

(1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district. It is the attendance officer's duty in appropriate cases to counsel with students and parents and investigate the causes of nonattendance and report to the local board of education so as to enforce the provisions of this article which relate to compulsory attendance.

[...]

(4) On or before September 15, 2010, and on or before September 15 each year thereafter, the board of education of each school district shall report to the department of education the number of children who are habitually truant, as defined in section 22-33-102 (3.5), for the preceding academic year. The department shall post this information for each school district on its website for the public to access and may post additional information reported by school districts related to truancy.

(5) The department of education may post on its website information concerning effective, research-based, truancy- and dropout-prevention programs for the benefit of school districts.

REGULATIONS

No relevant regulations found.

Parental Notification

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe

school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) Conduct and discipline code.

(I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be provided to each student upon enrollment at the elementary, middle, and high school levels and must be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from class. The general policies and procedures shall include a due process procedure, which at a minimum shall require that, as soon as possible after a removal, the teacher or the school principal shall contact the parent or legal guardian of the student to request his or her attendance at a student-teacher conference regarding the removal. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

22-33-105. Suspension, expulsion, and denial of admission.

(3)(a) If a pupil is suspended pursuant to subsection (2) of this section, the suspending authority shall immediately notify the parent, guardian, or legal custodian of the pupil that the pupil has been suspended and of the grounds for the suspension, the period of the suspension, and the time and place for the parent, guardian, or legal custodian to meet with the suspending authority to review the suspension.

(6) When a pupil is expelled by a school district, the pupil's parent, guardian, or legal custodian is responsible for seeing that the pupil complies with the provisions of this article during the period of expulsion.

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following may be grounds for suspension or expulsion of a child from a public school during a school year:

(c.5)(I) Declaration as a habitually disruptive student.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has caused a material and substantial disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event three or more times during the course of a school year. Any student who is enrolled in a public school may be subject to being declared a habitually disruptive student.

(III) The student and the parent, legal guardian, or legal custodian shall have been notified in writing of each disruption counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5), and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

22-33-107. Enforcement of compulsory school attendance - definitions.

(1) The board of education of each school district shall designate one or more of the employees of the district to act as attendance officer for the district. It is the attendance officer's duty in appropriate cases to

counsel with students and parents and investigate the causes of nonattendance and report to the local board of education so as to enforce the provisions of this article which relate to compulsory attendance.

(2) The commissioner of education shall designate an employee of the department of education whose duty it is to assist the individual school districts and to supervise the enforcement of compulsory school attendance for the entire state.

(3)(a) As used in this subsection (3):

(II) "Local community services group" means the local juvenile services planning committee created pursuant to section 19-2-211, C.R.S., the local collaborative management group created by a memorandum of understanding entered into pursuant to section 24-1.9-102, C.R.S., or another local group of public agencies that collaborate with the school district to identify and provide support services for students.

(b) The board of education of each school district shall adopt and implement policies and procedures concerning elementary and secondary school attendance, including but not limited to policies and procedures to work with children who are habitually truant. The policies and procedures must include provisions for the development of a plan. The plan must be developed with the goal of assisting the child to remain in school and, when practicable, with the full participation of the child's parent, guardian, or legal custodian. Appropriate school personnel shall make all reasonable efforts to meet with the parent, guardian, or legal custodian of the child to review and evaluate the reasons for the child's truancy. The appropriate school personnel are encouraged to work with the local community services group to develop the plan. The plan must be in compliance with section 22-33-108 (7) and include appropriate sanctions other than placement in a juvenile detention facility for a child who is habitually truant and who has refused to comply with the plan. The policies and procedures may also include but need not be limited to the following:

(I.5) Procedures to monitor the attendance of each child enrolled in the school district to identify each child who has a significant number of unexcused absences and to work with the local community services group and the child's parent to identify and address the likely issues underlying the child's truancy, including any nonacademic issues;

(II) Annually at the beginning of the school year and upon any enrollment during the school year, notifying the parent of each child enrolled in the public schools in writing of such parent's obligations pursuant to section 22-33-104 (5) and requesting that the parent acknowledge in writing awareness of such obligations;

(III) Annually at the beginning of the school year and upon any enrollment during the school year, obtaining from the parent of each child a telephone number or other means of contacting such parent during the school day; and

(IV) Establishing a system of monitoring individual unexcused absences of children which shall provide that, whenever a child who is enrolled in a public school fails to report to school on a regularly scheduled school day and school personnel have received no indication that the child's parent is aware of the child's absence, school personnel or volunteers under the direction of school personnel shall make a reasonable effort to notify by telephone such parent. Any person who, in good faith, gives or fails to give notice pursuant to this subparagraph (IV) shall be immune from any liability, civil or criminal, which might otherwise be incurred or imposed and shall have the same immunity with respect to any judicial proceeding which results from such notice or failure to give such notice.

(4) On or before September 15, 2010, and on or before September 15 each year thereafter, the board of education of each school district shall report to the department of education the number of children who are habitually truant, as defined in section 22-33-102 (3.5), for the preceding academic year. The department shall post this information for each school district on its website for the public to access and may post additional information reported by school districts related to truancy.

(5) The department of education may post on its website information concerning effective, research-based, truancy- and dropout-prevention programs for the benefit of school districts.

22-33-108. Judicial proceedings.

(5)(a) It is the intent of the general assembly that, in enforcing the compulsory school attendance requirements of this article, a school district shall employ best practices and research-based strategies to minimize the need for court action and the risk that a court will issue detention orders against a child or parent.

(b) A school district shall initiate court proceedings to compel a child and the child's parent to comply with the attendance requirements specified in this article but only as a last-resort approach to address the child's truancy and only if a child continues to be habitually truant after school or school district personnel have created and implemented a plan pursuant to section 22-33-107 (3) to improve the child's school attendance.

(c) Before initiating court proceedings to compel compliance with the attendance requirements specified in this article, the school district shall give the child and the child's parent written notice that the school district will initiate proceedings if the child does not comply with the attendance requirements of this article. The school district may combine the notice and summons. If combined, the petition must state the date on which the school district will initiate proceedings, which date must not be less than five days after the date of the notice and summons. The notice must state the provisions of this article with which compliance is required and must state that the school district will not initiate proceedings if the child complies with the identified provisions before the proceedings are filed.

REGULATIONS

1 CCR 301-45. Section 2620-R-2.04. Documentation and notification requirements.

(1) If there is a reasonable probability that restraint might be used with a particular student, appropriate school staff must notify, in writing, the parents and, if appropriate, the student of the restraint procedures (including types of restraints) that might be used; specific circumstances in which restraint might be used; and staff involved. For students with disabilities, if the parents request a meeting with school personnel to discuss the notification, school personnel must ensure that the meeting is convened. This notification may occur at the meeting where the student's Behavior Plan or IEP is developed/reviewed.

(2) If restraints are used by any school employee or volunteer, a written report must be submitted within one (1) school day to school administration.

(3) The school principal or designee shall verbally notify the parents as soon as possible but no later than the end of the school day that the restraint was used.

(4) A written report based on the findings of the staff review referenced in Section 2.05(1)(a) of these Rules, must be emailed, faxed, or mailed to the parent within five (5) calendar days of the use of restraint.

The written report of the use of restraint must include:

- (a) The antecedent to the student's behavior if known;
- (b) A description of the incident;
- (c) Efforts made to deescalate the situation;
- (d) Alternatives that were attempted;
- (e) The type and duration of the restraint used;
- (f) Injuries that occurred, if any; and
- (g) The staff present, and staff involved in administering the restraint.

(5) A copy of the written report on the use of restraint shall be placed in the student's confidential file.

Data Collection, Review, and Reporting of Discipline Policies and Actions

LAWS

22-1-138. Information collected and posted on department website.

On or before August 31, 2023, the department of education shall standardize the reporting method that school districts, including charter schools of a school district and institute charter schools, use to collect and report data concerning suspensions and expulsions, arrests and referrals, chronic absenteeism, incidents of violence, and harassment and bullying, and the safe school reporting requirements set forth in section 22-32-109.1. In making its determination regarding the standardization, the department of education shall consult with school districts and school administrators, school board members, teachers, law enforcement representatives, school resource officers, K-12 advocates, and other relevant stakeholders. In making its determination, the department of education shall ensure all student-level data is kept confidential and reporting complies with the “Colorado Privacy Act”, established pursuant to part 13 of article 1 of title 6, the federal “Family Educational Rights And Privacy Act of 1974”, 20 U.S.C. Sec. 1232g, and the “Student Data Transparency and Security Act”, created pursuant to article 16 of this title 22, which must include the application of data suppression policies to avoid the re-identification of any individual in any public reports. As part of the process, the department of education may consider whether to adopt new reporting categories or require additional or different data to be collected to improve accuracy, consistency, and quality of data.

22-1-139. Accessible district profile reports, including school climate and safety data

(1)(a) On or before August 31, 2024, the department of education shall work to develop easily accessible, user-friendly profile reports for each school district and the charter school institute. The reports must be made easily accessible to the general public through a link on the department of education’s website; updated annually; and disaggregated by gender, grade level, ethnicity, disability, English language learner status, free and reduced-price lunch status, and homeless status to the maximum extent possible in compliance with the “Colorado Privacy Act”, established pursuant to part 13 of article 1 of title 6, the federal “Family educational rights and privacy rights act of 1974”, 20 U.S.C. Sec. 1232g, and the “Student Data Transparency and Security Act” created pursuant to article 16 of this title 22. To prepare the profile reports, the department of education shall collect the individual student data described in subsection (1)(b) of this section. The department of education shall maintain strict standards for student data privacy, comply with standards for reporting data for a student with an accommodation pursuant to section 504 of the federal “Rehabilitation Act of 1973”, 29 U.S.C. sec. 701 et seq., as amended, and its implementing regulations, or a student with an individualized education plan, and shall not publicly report individual student data for any purpose, including as part of the district profile reports.

(b) The profile reports must include, but are not limited to:

(I) Chronic absenteeism rates;

(II) The number of in-school and out-of-school suspensions;

(III) The number of expulsions;

(IV) The number of students handcuffed;

(V) The number of referrals to law enforcement. As used in this section, “referrals to law enforcement” means when a school employee proactively calls, summons, or requests a law enforcement official, including a school resource officer, to:

(A) Respond to an incident on school grounds involving a possible violation of local, state, or federal law;

(B) Engage with a student or third party on school grounds who is creating a potentially dangerous situation; or

(C) Enforce a local, state, or federal rule, regulation, or law on school grounds, in a school vehicle, or at a school activity or school-sanctioned event;

(VI) The number of school-related arrests, including an arrest that occurs on school grounds, in a school vehicle, or at a school activity or school-sanctioned event;

(VII) The number of students physically restrained; and

(VIII) The number of students placed in seclusion.

(2)(a) The district profiles must include data collected pursuant to section 22-2-112 (1)(u)(I) and any other existing district-level measures that the department of education determines relevant and related to school climate. In developing the profiles, the department of education shall consult with stakeholders, including members of the state advisory council for parent involvement in education, created in section 22-7-303; members of the Colorado special education advisory committee appointed pursuant to section 22-20-104 (2)(a); and stakeholders who represent the disability community; K-12 advocates and students; and representatives of associations representing school executives, school boards, special education directors, charter schools, and teachers.

(b) The department of education may consult with state and national organizations or other states with expertise in measuring and improving students' experiences at school. By December 31, 2023, the department of education may make recommendations to the state board of education and the general assembly for additional indicators to consider for inclusion in the district profile report, including, but not limited to, measures of student engagement, students' emotional and physical safety and sense of belonging, and teachers' perspectives of learning conditions. Recommendations may also leverage information learned from pilot and grant programs related to improving students' experiences in school.

(3) Beginning in the 2023-24 school year, the department of education shall annually collect information concerning school climate surveys administered to students or families, or school climate tools utilized by schools and school districts, including which survey or tool is used, if any, and how the results of such surveys are made publicly accessible, if at all. The department of education shall include this information in the district profile reports.

22-2-503. Teaching and learning conditions.

(1) Subject to available appropriations, the department shall administer a biennial teaching and learning conditions survey, referred to in this section as the "survey", to all preschool teachers, elementary teachers, secondary teachers, and education support professionals in public schools of the state. The survey must be designed to assess, at a minimum:

(d) The relationship, if any, between teaching and learning conditions and measures of school climate, as experienced by students and teachers.

(2) The survey results may be used by schools, school districts, the department, state policymakers, and researchers as a resource for:

(g) Improving ways to measure and improve school climate and teaching and learning environments.

22-14-105. Assessment of statewide student attendance data - report.

Beginning in the 2009-10 academic year, the office, with assistance from other divisions within the department, shall annually analyze data collected by the department from local education providers throughout the state concerning student attendance and the implementation of school attendance policies and practices and shall assess the overall incidence, causes, and effects of student dropout, engagement, and re-engagement in Colorado. On or before February 15, 2010, and on or before February 15 each year thereafter, the office shall provide to local education providers, the state board, the education committees of the senate and the house of representatives, or any successor committees, and the governor's office the assessment and any recommended strategies to address student dropout,

engagement, and re-engagement in Colorado. The office may combine this assessment and recommendation with the report required by section 22-14-111.

22-14-110. State board - rules.

(1) The state board shall promulgate, pursuant to the "State Administrative Procedure Act", article 4 of title 24, such rules as may be necessary to implement the provisions of this article 14. At a minimum, the rules must include:

- (a) The rules required pursuant to section 22-14-103 (4) to establish criteria for identifying high priority and priority local education providers;
- (b) The rules required pursuant to section 22-14-109 for the student re-engagement grant program;
- (b.5) The rules required pursuant to section 22-14-109.5 for the ninth-grade success grant program; and
- (c) Rules to define and calculate the following rates:
 - (I) The student dropout rate;
 - (II) The graduation rate;
 - (III) The completion rate;
 - (IV) The student re-engagement rate;
 - (V) The truancy rate;
 - (VI) The student mobility rate;
 - (VII) The student suspension rate; and
 - (VIII) The student expulsion rate.

(2) To the extent the state board, as of May 21, 2009, has already promulgated any of the rules specified in subsection (1) of this section, the state board shall review said rules and determine whether they should be revised based on the provisions of this article.

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(2) Safe school plan. In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

- (b) Safe school reporting requirements. A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, and in accordance with standardized methods and any revised reporting categories identified and adopted through the stakeholder process set forth in section 22-1-138, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's web site homepage. The report must include, but need not be limited to, the following specific information for the preceding school year, including any disciplinary

incident specified in subsection (2)(b)(iv)(e) or (2)(b)(iv)(k) of this section that requires additional reporting on the incident.

(I) The total enrollment for the school;

(II) The average daily attendance rate at the school;

(III) Dropout rates for grades seven through twelve, if such grades are taught at the school;

(IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, including but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations:

(A) Possessing a dangerous weapon on school grounds, in a school vehicle, or at a school activity or sanctioned event without the authorization of the school or the school district;

(B) Use or possession of alcohol on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(C) Use, possession, or sale of a drug or controlled substance, other than marijuana, on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(C.5) The unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(D) Use or possession of a tobacco product on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students. In addition to providing information on such disciplinary incidents in the compiled report required by this subsection (2)(b), the report filing must include any additional information deemed necessary by the department of education pursuant to the process required pursuant to section 22-1-138. Information included in reporting for incidents currently categorized as disobedience or defiance may include, but is not limited to school and district code; location of incidents; description of the behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incident; and descriptive information of the student or students involved in the incidents, including, but not limited to, gender, grade level, ethnicity, race, and whether the student has federal section 504 accommodations or an individualized education plan. Information on the report must be submitted in accordance with the department of education's data privacy and reporting requirements;

(F) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered first degree assault, as

described in section 18-3-202, C.R.S., second degree assault, as described in section 18-3-203, C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;

(G) Behavior on school grounds, in a school vehicle, or at a school activity or sanctioned event that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to behavior that creates a threat of physical or emotional harm to the student or to other students;

(G.5) Bullying;

(H) Willful destruction or defacement of school property;

(I) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered third degree assault, as described in section 18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106

(1)(d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106 (1)(e) and (1)(f), C.R.S.;

(J) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered robbery; and

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record. In addition to providing information on such disciplinary incidents in the compiled report required by this subsection (2)(b), the report filing must include any additional information deemed necessary by the department of education pursuant to the process required pursuant to section 22-1-138. Information included in reporting for incidents currently categorized as disobedience or defiance may include, but is not limited to, school and district code; location of the incidents; description of the behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incidents; and descriptive information of the student or students involved in the incidents, including, but not limited to, gender, grade level, ethnicity, race, and whether the student has federal section 504 accommodations or an individualized education plan. Information on the report must be submitted in accordance with the department of education's data privacy and reporting requirements.

(V) and (VI)(Deleted by amendment, L. 2012.)

(VII) The average class size for each public elementary school, middle school or junior high school, and senior high school in the state calculated as the total number of students enrolled in the school divided by the number of full-time teachers in the school;

(VIII) The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs; and

(IX) The number of acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event. Any information provided as a part of this subparagraph (IX) for the safe school reporting requirements must be reported as aggregate data and must not include any personally identifying information. For the purposes of this subparagraph (IX), "sexual violence" means a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.

(b.5) In addition to the items specified in subsection (2)(b) of this section, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall annually review and submit data to the department of education concerning the number and types of disciplinary incidents and the disciplinary actions taken in response to such incidents. The department of education shall collect the data described in subsection (2)(b)(iv) of this section at the individual student level and report disaggregated student data on the type of disciplinary incidents and action taken. Such student data must be disaggregated by gender, grade level, race, ethnicity, disability, whether the student has federal section 504 accommodations or an individualized education plan, English language learner status, free and reduced-price lunch status, and homeless status, to the maximum extent possible in compliance with the "Colorado Privacy Act", established pursuant to part 13 of article 1 of title 6, the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, and the "Student Data Transparency and Security Act", created in article 16 of this title 22. the department of education shall not publicly report individual student data for any purpose, shall include the application of data suppression policies to avoid the re-identification of any individual in any public reports, and shall ensure compliance with standards for reporting data for a student with a federal section 504 accommodation or an individualized education plan.

22-32-146. School use of on-site peace officers as school resource officers.

(4) Commencing August 1, 2013, and continuing through August 1, 2014, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., in aggregate form without personal identifying information, data about the cases handled by the agency on school grounds, in a school vehicle, or at a school activity or sanctioned event. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (4) does not relieve a law enforcement agency of its responsibility to file the report required by this subsection (4). A law enforcement agency that has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015. Each such report must include, at a minimum, the following information:

- (a) The number of students investigated by the officer for delinquent offenses, including the number of students investigated for each type of delinquent offense for which the officer investigated at least one student;
- (b) The number of students arrested by the officer, including the offense for which each such arrest was made;
- (c) The number of summonses or tickets issued by the officer to students; and
- (d) The age, gender, school, and race or ethnicity of each student whom the officer arrested or to whom the officer issued a summons, ticket, or other notice requiring the appearance of the student in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event.

(5)(a) On or before August 1, 2015, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in the formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred during the 2014-15 academic year, excluding incidents that occurred during the summer of 2014, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(b) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., on or before August 1, 2016, and every August 1 thereafter, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred for the previous academic year, including incidents that occurred during the previous summer months, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(c) For each report required pursuant to paragraph (a) or (b) of this subsection (5), the law enforcement agency shall report:

- (I) The student's full name;
- (II) The student's date of birth;
- (III) The student's race, ethnicity, and gender;
- (IV) The name of the school where the incident occurred or the name of the school that operated the vehicle or held the activity or event;
- (V) The date of the arrest or taking of a student into custody;
- (VI) The date of the issuance of the summons or ticket;
- (VII) The arrest or incident report number as recorded by the law enforcement agency;

(VIII) The single most serious offense for which a student is arrested, issued a summons, or issued a ticket using the national crime information center (NCIC) crime code;

(IX) The type of weapon involved, if any, for offenses classified as group A offenses under the national incident-based reporting system; and

(X) The law enforcement agency's originating reporting identifier.

(d) A law enforcement agency may report the information required pursuant to this subsection (5) on a monthly, quarterly, or annual basis. The law enforcement agency shall inform the division of criminal justice of the reporting schedule it will follow.

22-32-147. Use of restraints on students - certain restraints prohibited - reports and review process - definitions - rules.

(1) As used in this section, unless the context otherwise requires:

(a) "Chemical restraint" has the same meaning as set forth in section 26-20-102 (2).

(b) "Mechanical restraint" has the same meaning as set forth in section 26-20-102 (4).

(b.7) "Physical restraint" has the same meaning as set forth in section 26-20-102 (5).

(c) "Prone position" means a face-down position.

(d) "Prone restraint" means a restraint in which the individual being restrained is secured in a prone position.

(e) "Restraint" has the same meaning as set forth in section 26-20-102 (6).

(2) Pursuant to section 26-20-111, the use of a chemical, mechanical, or prone restraint upon a student in a school or charter school of a school district or board of cooperative services is prohibited.

(3)(a) On and after August 9, 2017, each school district shall require any school employee or volunteer who uses any type of restraint on a student of the school district to submit a written report of the incident to the administration of the school not later than one school day after the incident occurred.

(b) On and after August 9, 2017, each school district shall establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint was used on a student during the preceding year. The purpose of each annual review process is to ensure that the school district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

(I) Analysis of incident reports, including consideration of procedures used during the restraint, preventative or alternative techniques attempted, documentation, and follow-up;

(II) Training needs of staff;

(III) Staff-to-student ratios; and

(IV) Environmental considerations, including physical space, student seating arrangements, and noise levels.

(b.5). If a physical restraint is more than one minute but less than five minutes, the notification requirement is a written notice to the parent on the day of the restraint. The written notice must include the date, the name of the student, and the number of restraints that day that lasted between one and five minutes.

(c) If a physical restraint is five minutes or more, the school administration shall mail, fax, or e-mail a written report of the incident to the parent or legal guardian of the student not more than five calendar days after the use of the restraint on the student. The written report must be placed in the student's confidential file and include:

(I) The antecedent of the student's behavior, if known;

(II) A description of the incident;

- (III) Any efforts made to de-escalate the situation;
- (IV) Any alternatives to the use of restraints that were attempted;
- (V) The type and duration of the restraint used;
- (VI) Any injuries that occurred; and
- (VII) The staff members who were present and staff members who were involved in administering the restraint.

(d) No later than June 30, 2023, and every June 30 thereafter, each school district shall submit the data from the annual review conducted pursuant to subsection (3)(b) of this section to the department of education pursuant to section 22-1-138.

(4) On or before November 1, 2017, the state board shall promulgate rules establishing a process by which a student or a parent or legal guardian of a student may formally complain about the use of restraint or seclusion by any employee or volunteer of any school or charter school of a school district or board of cooperative services. To the extent practicable, the process must reflect the complaint process for filing a state complaint under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended.

22-33-105. Suspension, expulsion, and denial of admission.

Beginning in the 2009-10 academic year, the office, with assistance from other divisions within the department, shall annually analyze data collected by the department from local education providers throughout the state concerning student attendance and the implementation of school attendance policies and practices and shall assess the overall incidence, causes, and effects of student dropout, engagement, and re-engagement in Colorado. On or before February 15, 2010, and on or before February 15 each year thereafter, the office shall provide to local education providers, the state board, the education committees of the senate and the house of representatives, or any successor committees, and the governor's office the assessment and any recommended strategies to address student dropout, engagement, and re-engagement in Colorado. The office may combine this assessment and recommendation with the report required by section 22-14-111.

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions.

(1) As used in this section, unless the context otherwise requires:

- (a) "Charter school" means a charter school that is authorized by a school district board of education pursuant to part 1 of article 30.5 of this title 22 or an institute charter school that is authorized by the state charter school institute pursuant to part 5 of article 30.5 of this title 22.
- (b) "Enrolling entity" means:
 - (I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, or students who are funded with state or federal money to educate children with disabilities;
 - (II) A school district; or
 - (III) A charter school.

(2) Notwithstanding any provision of this article 33 to the contrary, an enrolling entity may impose an out-of-school suspension or expel a student enrolled in preschool, kindergarten, first grade, or second grade only if:

- (a) The enrolling entity determines that the student has engaged in conduct on school grounds, in a school vehicle, or at a school activity or sanctioned event that:
 - (I) Involves the possession of a dangerous weapon without the authorization of the public school or enrolling entity, if different;

(II) Involves the use, possession, or sale of a drug or controlled substance, as defined in section 18-18-102 (5); or

(III) Endangers the health or safety of others;

(b) The enrolling entity determines that failure to remove the student from the school building would create a safety threat that cannot otherwise be addressed; and

(c) The enrolling entity, on a case-by-case basis, considers each of the factors set forth in section 22-33-106 (1.2) before suspending or expelling the student. The enrolling entity shall document any alternative behavioral and disciplinary interventions that it employs before suspending or expelling the student.

(3) If an enrolling entity imposes an out-of-school suspension on a student who meets the criteria specified in subsection (2) of this section, the out-of-school suspension shall not exceed three school days unless the executive officer or chief administrative officer of the enrolling entity, or designee of either, determines that a longer period of suspension is necessary to resolve the safety threat or recommends that the student be expelled in accordance with section 22-33-105 (2)(c).

(4) This section does not prevent an enrolling entity from excluding, removing, or disenrolling a student for reasons unrelated to student discipline.

(5) For purposes of this section, if an enrolling entity requests that a parent remove a child for disciplinary reasons from the school grounds for any length of time during a school day, the request constitutes a suspension and is subject to the requirements of this section.

(6) The state board shall annually review the data concerning the number of students who are suspended or expelled pursuant to this section and, if available, the reasons for the suspensions and expulsions.

22-33-205. Services for expelled and at-risk students - grants - criteria.

(1)(a) There is hereby established in the department of education the expelled and at-risk student services grant program, referred to in this section as the "program". The program shall provide grants to school districts, to charter schools, to alternative schools within school districts, to nonpublic, nonparochial schools, to boards of cooperative services, to facility schools, and to pilot schools established pursuant to article 38 of this title to assist them in providing educational services, and other services provided pursuant to section 22-33-204, to expelled students pursuant to section 22-33-203 (2), to students at risk of expulsion as identified pursuant to section 22-33-202 (1), and to truant students.

(b) In addition to school districts, charter schools, alternative schools within school districts, nonpublic, nonparochial schools, boards of cooperative services, facility schools, and pilot schools, the department of military and veterans affairs may apply for a grant pursuant to the provisions of this section to assist the department with a program to provide educational services to expelled students; except that nonpublic, nonparochial schools may only apply for a grant pursuant to the provisions of this section to fund educational services that have been approved by the state board pursuant to section 22-2-107. The department shall follow application procedures established by the department of education pursuant to subsection (2) of this section. The department of education shall determine whether to award a grant to the department of military and veterans affairs and the amount of the grant.

(c) Grants awarded pursuant to this section shall be paid for out of any moneys appropriated to the department of education for implementation of the program.

(2)(a) The state board by rule shall establish application procedures by which a school district, a charter school, an alternative school within a school district, a nonpublic, nonparochial school, a board of cooperative services, a facility school, or a pilot school may annually apply for a grant under the program. At a minimum, the application shall include a plan for provision of educational services, including the type of educational services to be provided, the estimated cost of providing such educational services, and the criteria that will be used to evaluate the effectiveness of the educational services provided.

(b) The state board shall determine which of the applicants shall receive grants and the amount of each grant. In awarding grants, the state board shall consider the following criteria:

(I) The costs incurred by the applicant in providing educational services to expelled or at-risk students pursuant to the provisions of this part 2 during the school year preceding the school year for which the grant is requested;

(II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30, 1998.)

(III) The number of expelled, at-risk, or truant students who are receiving educational services through the applicant under agreements entered into pursuant to the provisions of this part 2 during the school year preceding the year for which the grant is requested;

(IV) The quality of educational services to be provided by the applicant under the plan;

(V) The cost-effectiveness of the educational services to be provided under the plan;

(VI) The amount of funding received by the applicant in relation to the cost of the educational services provided under the plan; and

(VII) If the applicant is seeking to renew a grant or has been awarded a grant pursuant to this section in the previous five years, the demonstrated effectiveness of the educational services funded by the previous grant.

(3) The state board shall annually award at least forty-five percent of any moneys appropriated for the program to applicants that provide educational services to students from more than one school district and at least one-half of any increase in the appropriation for the program for the 2009-10 fiscal year to applicants that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families. The service and supports shall include, but need not be limited to, alternatives to guardian ad litem representation in truancy proceedings.

(4) The department of education is authorized to retain up to one percent of any money appropriated for the program for the purpose of annually evaluating the program. The department of education is authorized and encouraged to retain up to an additional two percent of any money appropriated for the program for the purpose of partnering with organizations or agencies that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families. The services and supports shall include, but need not be limited to, alternatives to guardian ad litem representation in truancy proceedings. Notwithstanding section 24-1-136 (11)(a)(I), on or before January 1, 2006, and on or before January 1 each year thereafter, the department of education shall report to the education committees of the house of representatives and the senate, or any successor committees, the evaluation findings on the outcomes and the effectiveness of the program related to school attendance, attachment, and achievement. The report shall also include specific information on the efficacy of services and supports that provide alternatives to court involvement and guardian ad litem representation in truancy proceedings.

22-93-103. School bullying prevention and education grant program - grant process - reports by grant recipients.

(1) The department shall solicit and review applications from public schools and facility schools for grants pursuant to this section. The department may award grants to public schools, facility schools, and collaborative groups of public schools and facility schools for periods of one to three years.

(2) Each application, at a minimum, shall describe how the applicant public school, facility school, or collaborative group of public schools or facility schools will use any awarded grant moneys to reduce the frequency of bullying incidents. Each grant recipient shall use its grant moneys to supplement and not supplant any moneys currently being used by the grant recipient to reduce the frequency of bullying incidents.

(3) The department shall select those public schools, facility schools, and collaborative groups of public schools and facility schools that will receive grants pursuant to this section and the duration and amount

of each grant. In selecting the grant recipients, the department, at a minimum, shall take into account the criteria established by rules promulgated by the state board pursuant to section 22-93-104 (1)(b).

(4) Notwithstanding section 24-1-136 (11)(a)(I), on or before a date specified by rule of the state board pursuant to section 22-93-104 (1)(d), the department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year:

- (a) The number of grant recipients that received grants under the program;
- (b) The amount of each grant awarded to each grant recipient;
- (c) The average amount of each grant awarded under the program;
- (d) The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and
- (e) The source and amount of each gift, grant, and donation received by the department for the implementation of this article pursuant to section 22-93-105 (3)(b).

(5) In selecting grant recipients, the department, to the extent possible, shall ensure that grants are awarded to public schools, facility schools, and collaborative groups of public schools and facility schools in a variety of geographic areas of the state.

(6) Each grant recipient shall submit a written report to the department not later than six months after the expiration of the term of the grant concerning the effectiveness or ineffectiveness of each use of grant moneys by the grant recipient in reducing the frequency of bullying incidents.

22-93-104. Rules.

(1) On or before April 1, 2012, or not more than ninety days after the department receives sufficient moneys to implement this article as described in section 22-93-102 (2), whichever is later, the state board shall promulgate rules for the administration of this article, including but not limited to:

- (a) Application procedures by which public schools, facility schools, and collaborative groups of public schools and facility schools may apply for grants pursuant to this article;
- (b) Criteria for the department to apply in selecting the public schools, facility schools, and collaborative groups of public schools and facility schools that shall receive grants and determining the amount of grant moneys to be awarded to each grant recipient, which criteria, at a minimum, shall require each grant recipient to:
 - (I) Use awarded grant moneys for purposes that are based upon evidence-based best practices for preventing bullying;
 - (II) Use at least a portion of awarded grant moneys for the purpose of educating students' parents and legal guardians regarding the grant recipient's policies concerning bullying prevention and education and the grant recipient's ongoing efforts to reduce the frequency of bullying incidents; and
 - (III) Adopt a specific policy concerning bullying education and prevention that includes:
 - (A) Provisions for the biennial administration of surveys of students' impressions of the severity of bullying in their schools, the administration of which surveys, at a minimum, shall satisfy the rules promulgated by the state board pursuant to paragraph (c) of this subsection (1); and
 - (B) The designation of a team of persons at each school of the school district who advise the school administration concerning the severity and frequency of bullying incidents that occur in the school, which team may include, but need not be limited to, law enforcement officials, social workers, prosecutors, health professionals, mental health professionals, counselors, teachers, administrators, parents, and students.

(c) Rules for the administration of surveys of students' impressions of the severity of bullying in their schools, which procedures, at a minimum, shall include:

(I) Procedures for the distribution, collection, standardization, and analysis of data collected in each survey, which procedures shall ensure the confidentiality of each student's answers to the survey and clarify that the completion of a survey shall be voluntary and shall not be required of any student;

(II) Certain questions that each survey shall ask of each student concerning how frequently the student witnesses bullying at his or her school and how frequently the student perceives himself or herself to be a victim of bullying; and

(III) Provisions to ensure that, to the extent practicable, a school district or school, including a district charter school or an institute charter school, may utilize existing forms and procedures in administering the surveys.

(d) The designation of a date by which the department shall annually submit to the state board and to the education committees of the senate and house of representatives, or any successor committees, the information described in section 22-93-103 (4).

24-33.5-503. Duties of division.

(2)(a)(I) On or before April 1, 2016, and every April 1 thereafter, the division has the duty to compile and analyze the data reported by law enforcement agencies and prepare a report, without identifying information, concerning the total number of tickets, summons, or arrests that occurred on school grounds, in school vehicles, or at a school activity or sanctioned event and describe the final disposition of those tickets, summons, or arrests by reporting agency, school, and location. The report must analyze the data by race, age, gender, ethnicity, and the specific type of offense with all national crime information center crime codes. The division of criminal justice shall support law enforcement agencies in their efforts to submit the required data, actively reach out to agencies that have failed to submit the required data and provide a reasonable degree of training if necessary.

(II) Notwithstanding section 24-1-136 (11)(a)(I), the division shall submit the report to the education and judiciary committees of the house of representatives and the senate, or any successor committees. The division shall provide the report to any member of the public upon request, in a manner that does not include any identifying information regarding any student. If the division provides the information to a member of the public upon request pursuant to this subsection (2)(a), the division may charge a fee to the person, which fee shall not exceed the direct and indirect costs incurred by the division in providing the information. If the division adheres to all state and federal privacy and confidentiality laws concerning student information, the division may provide the aggregate data gathered by a law enforcement agency to any independent research or community based organization working to analyze school-based criminal behavior and the response to that behavior by the juvenile and criminal justice systems. The data provided must not include any information that would identify any individual student.

(III) The division shall annually post the report on its website.

(b) The division has the duty to prepare a retroactive report meeting the requirements of paragraph (a) of this subsection (2) using existing data sources for the 2013-14 and 2014-15 school years.

(c) The division is only required to perform the duties of this subsection (2) if existing appropriations or resources are available.

26-20-106. Documentation requirements for restraint and seclusion - adults and youth.

(1) Each agency shall ensure that the use of restraint or seclusion is documented in the record of the individual who was restrained or secluded. Each agency that is authorized to promulgate rules or adopt ordinances shall promulgate rules or adopt ordinances applicable to the agencies within their respective jurisdictions specifying the documentation requirements for purposes of this section.

(2) The division of youth services shall maintain the following documentation each time a youth is placed in seclusion as a result of an emergency in any secure state-operated or state-owned facility:

(a) The date of the occurrence;

- (b) The race, age, and gender of the individual;
 - (c) The reason or reasons for seclusion, including a description of the emergency and the specific facts that demonstrate that the youth posed a serious, probable, and imminent threat of bodily harm to himself, herself, or others, and that there was a present ability to effect such bodily harm;
 - (d) A description of de-escalation measures taken by staff and the response, if any, of the youth in seclusion to those measures;
 - (e) An explanation of why less restrictive alternatives were unsuccessful;
 - (f) The total time in seclusion;
 - (g) Any incidents of self-harm or suicide that occurred while the youth was in seclusion;
 - (h) With respect to the interactions required by section 26-20-104.5, documentation of the justification for keeping the youth in seclusion and specific facts to demonstrate that the emergency was ongoing;
 - (i) The facility director or his or her designee's approval of continued seclusion at intervals as required by section 26-20-104.5;
 - (j) Documentation of notification within twelve hours to the parent, guardian, or legal custodian of the youth in seclusion as required by section 26-20-104.5; and
 - (k) The written approval by the director of the division of youth services for any seclusion that results from an emergency that extends beyond four consecutive hours, as required by section 26-20-104.5. This written approval must include documentation of specific facts to demonstrate that the emergency was ongoing and specific reasons why a referral to a mental health facility was not warranted.
- (3) The division of youth services shall maintain the following documentation each time one or more youths are placed in confinement for administrative reasons pursuant to section 26-20-104.5 (3) in a secure state-operated or state-owned facility:
- (a) The number of youth confined;
 - (b) The length of time the youth or youths were confined; and
 - (c) The reason or reasons for the confinement.
- (4) On or before January 1, 2017, and on or before July 1, 2017, and every January 1 and July 1 thereafter, the division of youth services shall report on its use of restraint or seclusion in any secure state-operated or state-owned facility to the youth restraint and seclusion working group established in section 26-20-110. The January report must include information from March 1 through August 31, and the July report must include information from September 1 through the last day of February. The reports must include the following:
- (a) An incident report on any use of seclusion on a youth due to an emergency for more than four consecutive hours, or for more than eight total hours in two consecutive calendar days. Each incident report must include length of seclusion, specific facts that demonstrate that the emergency was ongoing, any incidents of self-harm while in seclusion, the reasons why attempts to process the youth out of seclusion were unsuccessful, and any corrective measures taken to prevent lengthy or repeat periods of seclusion in the future. To protect the privacy of the youth, the division of youth services shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred.
 - (b) A report that lists the following aggregate information, both as combined totals and totals by facility for all secure state-operated or state-owned facilities:
 - (I) The total number of youths held in seclusion or restraint due to an emergency;
 - (II) The total number of incidents of seclusion or restraint due to an emergency;
 - (III) The average time in seclusion or restraint per incident;
 - (IV) An aggregate summary of race, age, and gender of youths held in seclusion or restraint; and
 - (V) The type of restraint or restraints used in each incident; and

(c) An incident report for any youth whom the division isolates from his or her peers for more than eight hours in two consecutive calendar days. Each incident report must include the age, race, and gender of the youth; the name of the facility; the length of time that the youth was isolated from his or her peers; and the justification for the isolation on an hour-by-hour basis. To protect the privacy of the youth, the division shall redact all private medical or mental health information and personal identifying information, including, if necessary, the facility at which the seclusion occurred. If the division has prepared an incident report of an incident involving seclusion pursuant to subsection (4)(a) of this section, the division is not required to include a report of the same incident pursuant to this subsection (4)(c).

(5) Reports prepared pursuant to this section must maintain the confidentiality of all youth. The reports made pursuant to this section are available to the public upon request.

(6) Prior to January 1, 2018, the division of youth services shall meet the requirements of this section to the extent that it is able using its current reporting mechanisms. The division of youth services shall fully comply with all requirements of this section on or before January 1, 2018.

26-20-107. Review of the use of restraint and seclusion.

An agency that utilizes restraint or seclusion shall ensure that a review process is established for the appropriate use of restraint or seclusion.

REGULATIONS

1 CCR 301-1. Section 11.0. Performance reporting.

11.05 Each school performance report shall include the following information concerning the operations and environment of the Public School that is the subject of the report:

(3) The occurrence of student conduct and discipline code violations reported pursuant to section 22-32-109.1(2)(b), C.R.S., expressed as a number and as a percentage of the total occurrences of violations reported.

1 CCR 301-78. Section 1.00. Statement of basis and purpose.

1.00 Statement of Basis and Purpose

This regulation is adopted pursuant to the authority in section 22-33-104 (4)(c), C.R.S. and is intended to be consistent with the requirements of the State Administrative Procedures Act, section 24-4-101 et seq. (the "APA"), C.R.S.

This regulation shall govern the standardized calculation for counting unexcused absences of students, including the circumstance in which a student is absent for part of a school day, and the format for reporting the number of students identified as habitually truant. Many research studies have concluded that truancy is a problem that impacts a student's ability to attain the maximum benefit from the education process. Families, schools and communities must work together to ensure regular daily and punctual school attendance. Students should be advised that each scheduled school day will count in their attendance records. Further, students are required to attend classes, unless excused for good reason, in accordance with the Colorado School Attendance Law (C.R.S. 22-33-101). The purpose of this regulation is to provide specificity for consistency in reporting attendance and truancy data across school districts and BOCES. This regulation intends to increase data accuracy by generating uniform indicators for aggregate excused and unexcused absences and habitually truant student numbers. Another purpose is to allow the usage of these indicators to leverage resources to support the complete success of children and youth in school.

1 CCR 301-78. Section 2.00. Definitions.

2.00 Definitions

(1) "Absences" means the scheduled school days or portions thereof missed by the student.

(2) "Attendance Period" means the period of time in which student attendance is recorded.

- (3) "Attendance" is one collection of the Data Pipeline system to obtain attendance, excused and unexcused absences and habitually truant information.
- (4) "Data Pipeline" means the state reporting system to collect, through electronic transfer where possible, all student and public school performance data as required by 22-7-603 C.R.S.
- (5) "BOCES" means Boards of Cooperative Educational Services.
- (6) "Department" means the Colorado Department of Education.
- (7) "Excused Absence" means the student is absent for a reason as identified within the attendance policy set by local school board of education as declared in 22-33-104 (4)(a) C.R.S. which may include, but is not limited to, the following reasons: funerals, illness, injury, legal obligations, medical procedures and religious observations.
- (8) "Habitually Truant" means a student who is at least the age of six on or before August 1 of the school year in question and under the age of seventeen years having four total days of unexcused absences from public school in any one calendar month or ten total days of unexcused absences from public school during the reported school year in congruence with C.R.S. 22-33-107(3)(a).
- (9) "Level of Detail" means the most detailed data available for reporting purposes of attendance information.
- (10) "Month" means a named calendar month regardless of the number of school days within each month.
- (11) "Reported School Year" means the full school year as defined by the local school board of education.
- (12) "Tardies" may be defined by local school district/BOCES board policy, generally meaning a student entering classes after the scheduled start time.
- (13) "Truancy/Unexcused Absence" means a student is absent from school without a valid and verifiable excuse by the parent/guardian that is consistent with school or board policy as defined in 22-33-104 (4)(a) C.R.S. or the student leaves school or a class without permission of authorized school staff.
- (14) "Unexcused Absence/Truancy" means a student is absent from school without a valid and verifiable excuse by the parent/guardian that is consistent with school or board policy as defined in 22-33-104 (4)(a) C.R.S. or the student leaves school or a class without permission of authorized school staff.

1 CCR 301-78. Section 3.00. Standardized calculation for counting absences for students.

3.00 Standardized Calculation for Counting Absences of Students

3.01 District/BOCES Uphold Written Attendance Policy.

- (1) The local board of education shall adopt a written policy setting forth the district's or BOCES' attendance requirements. Said policy shall provide for Excused Absences, including those listed as exclusions from compulsory school attendance as declared in 22-33-104 (4)(a).
- (2) The school district or BOCES shall uphold its written attendance policy. To ensure consistency in reporting attendance and Truancy data, districts and BOCES shall enforce uniform interpretations of the definitions of Excused Absences and Unexcused Absences across all schools within the school district or BOCES, according to the adopted district/BOCES attendance policy.
- (3) The district/BOCES attendance policy shall be implemented in accordance with 22-33-107 C.R.S. which states that school district/BOCES policies shall include provisions for the development of a plan with the goal of assisting the child who is habitually truant to remain in school and when practicable, with the full participation of the child's parent, guardian or legal custodian.

3.02 Excused Versus Unexcused Absences.

3.02 (1) Excused Absences.

(1)(a) Excused Absences occur when the student is absent for an acceptable reason as identified within the attendance policy set by local school board of education as declared in 22-33-104 (4)(a) C.R.S.

which may include, but is not limited to, the following reasons: funeral, illness, injury, legal obligation, medical procedure and religious observation.

(1)(b) Local schools may require appropriate documentation to verify excused absences.

(1)(c) Absences due to suspension or expulsion of a child shall be considered excused absences for purposes of calculating habitually truant students (22-33-107 (3)(a) C.R.S.).

(2) Unexcused Absences.

(2)(a) Unexcused Absences occur when the student is absent without a reason or for an unacceptable reason as identified within the attendance rules set by local school board of education policy as declared in 22-33-104 (4)(a) C.R.S.

(2)(b) If authorized school officials determine that the parent's excuse is not valid or verified, the absence shall be unexcused.

(2)(c) Unexcused Absences are used to calculate Truancy rates.

3.03 Aggregation of Absences.

(1) A district or BOCES, and its schools, shall report truancy/attendance data as specifically as its student information system (SIS) allows, i.e., by minutes, hours or by periods.

(2) At a minimum, attendance shall be recorded once during each scheduled school day.

(3) For Department reporting purposes, a student who is absent more than 50 percent of any Attendance Period during a scheduled school day shall be considered absent for that entire recorded and reported period. For the 2020-21 academic year, during any period during which students are participating in remote learning due to public health and safety requirements, students may be recorded as present when participating in that remote learning. Districts should record absences and attendance consistent with the district's attendance policy as it applies to these remote learning situations.

(4) For Department reporting purposes, a student who is present 50 percent or more of any Attendance Period during a scheduled school day shall be considered present for that entire recorded and reported period. For the 2020-21 academic year, during any period during which students are participating in remote learning due to public health and safety requirements, students may be recorded as present when participating in that remote learning. Districts should record absences and attendance consistent with the district's attendance policy as it applies to these remote learning situations.

(5) All units of time shall be summed and converted to the number of days absent for reporting to the Department.

(6) Student Excused Absences shall be totaled for each student utilizing the most specific Level of Detail collected and reported to the Department through the Attendance collection. When totaling this sum, the calculation shall include percentages of each student's scheduled instructional day as applicable.

(7) Student Unexcused Absences shall be totaled for each student utilizing the most specific Level of Detail collected and reported to the Department through the Attendance collection. When totaling this sum, the calculation shall include percentages of each student's scheduled instructional day as applicable.

3.04 Days Suspended/Expelled.

(1) Days suspended or expelled shall be totaled within the student Total Days Excused reported to the Department in accordance with 22-33-107 C.R.S. through the Attendance collection.

(2) Absences due to suspension or expulsion of a student shall not be totaled into the student Total Days Unexcused reported to the Department through Attendance collection.

(3) For expelled students enrolled in a district-sponsored or BOCES-sponsored expulsion program, attendance shall be taken and counted toward the school that administers the program or the student's school of record at the discretion of the district/BOCES. Absences for students in such programs shall be determined to be excused or unexcused in accordance with the rules in this document.

1 CCR 301-78. Section 4.00. Format for reporting habitually truant student data to the department.

4.00 Format for Reporting Habitually Truant Student Data to the Department

4.01 Habitually Truant.

(1) A Habitually Truant student is one who is at least the age of six on or before August 1 of the year in question and under the age of seventeen years having four total days of Unexcused Absences from public school in any one calendar Month or ten total days of Unexcused Absences from public school during the Reported School Year.

4.02 Habitually Truant Status.

(1) The status of a Habitually Truant student is calculated using the sum of Unexcused Absences converted to days and fractions of days.

(2) A student shall be reported as a Habitually Truant student if, at any time during the Reported School Year, their Unexcused Absences from public school in any one calendar Month equals or exceeds four total days. [...]

(3) A student shall be reported as a Habitually Truant student, if at any time during the Reported School Year, their Unexcused Absences from public school equals or exceeds ten total days.

4.03 Days Suspended/ Expelled.

(1) Student Absences due to suspension or expulsion shall be considered excused for purposes of determining student Truancy status (22-33-107 (3)(a) C.R.S.) and as such, shall not be included in the calculation of Habitually Truant status.

4.04 Tardies.

(1) Tardies shall not be included in the calculation of Habitually Truant students for Department reporting purposes.

4.05 Reporting Categories.

4.05 (1) Districts and BOCES shall report Habitually Truant students in each school during the entire Reported School Year. Each student will be reported only once in one of three categories.

(2) "Four or more days in any one month" indicates that the Habitually Truant student accrued four or more total days of Unexcused Absences from the reporting public school in any one calendar Month, but never accumulated ten or more total days Unexcused Absences from that public school during the Reported School Year.

(3) "Ten or more days in one school year" indicates that the Habitually Truant student accrued ten or more total days of Unexcused Absences from the reporting public school during the Reported School Year, but never accumulated four or more total days of Unexcused Absences from that public school in any one calendar Month.

(4) "Met both conditions" indicates that the Habitually Truant student accrued four or more total days of Unexcused Absences from the reporting public school in any one calendar Month and also accumulated ten or more total days Unexcused Absences from the same public school during the Reported School Year.

4.06 Data Collection.

(1) Districts and BOCES shall provide Habitually Truant student data in the Data Pipeline Attendance collection.

4.07 Beginning Date.

(1) Districts and BOCES shall provide Habitually Truant student data beginning with the 2009-2010 school year.

4.08 Duplication of Data.

(1) The Habitually Truant student counts provided may be duplicated across schools within a district or BOCES, and will be duplicated in state totals because of student mobility between schools and districts.

1 CCR 301-99. Section 5.00. Data collection and reporting.

5.0 Data Collection and Reporting

5.01 Each public school, facility school, and collaborative group of public schools and facility schools funded through the Bullying Prevention and Education Grant Program shall submit annually information to the Department describing the following:

5.01.1 The evidence-based best practices in bullying prevention that the applicant(s) implemented using the grant moneys;

5.01.2 The number and grade levels of students who participated in each of the bullying prevention practices or services provided;

5.01.3 The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in including family and community partnering in school bullying prevention strategies;

5.01.4 The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in adopting specific policies concerning bullying education and prevention;

5.01.5 The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in implementing the evidence-based best practices in bullying prevention with fidelity; and

5.01.6 The progress made by the participating public schools, facility schools, and collaborative groups of public schools and facility schools in reducing the frequency of bullying as indicated by school surveys and other relevant measures.

5.02 On or before May 1, 2017, and each year thereafter as long as monies are available, the Department shall submit annually to the state board and to the education committees of the senate and house of representatives, or any successor committees, the following information regarding the administration of the program in the preceding year:

5.02.1 The number of grant recipients that received grants under the program;

5.02.2 The amount of each grant awarded to each grant recipient;

5.02.3 The average amount of each grant awarded under the program;

5.02.4 The number of pupils who are either enrolled at each public school of each grant recipient or receiving services through each facility school of each grant recipient; and

5.02.5 The source and amount of each gift, grant, and donation received by the Department for the implementation of the bullying prevention program, pursuant to section 22-93-105 (3)(b), C.R.S.

Partnerships between Schools and Law Enforcement

Referrals to Law Enforcement

LAWS

13-3-116. Restorative justice coordinating council - establishment - membership.

(1)(a) A council to provide assistance and education related to restorative justice programs is hereby established. The council shall be known as the "restorative justice coordinating council" and shall be established in the state judicial department within the office of the state court administrator. To the extent that resources permit, the restorative justice coordinating council shall support the development of restorative justice programs, serve as a central repository for information, assist in the development and provision of related education and training, and provide technical assistance to entities engaged in or wishing to develop restorative justice programs.

(b) In order to assess the efficacy of restorative justice practices in providing satisfaction to participants, the council shall develop a uniform restorative justice satisfaction evaluation by September 1, 2013. The evaluation must be based on research principles. The evaluation must include a preconference questionnaire for the offender and participating victims, if practicable, to establish a baseline and a postconference questionnaire that is suitable to administer to restorative justice participants, including community members, participating victims, and offenders.

(c)(I) The council shall develop a database of existing restorative justice programs in the state by December 31, 2013, and update it annually by December 31 of each year.

(II) The database must consist of the following information:

(A) The location of the restorative justice program;

(B) The types of restorative justice practices used in the program and the costs and fees associated with the practices; and

(C) The background, training, and restorative justice experience of the facilitators in the restorative justice program.

(2) The restorative justice coordinating council includes, at a minimum, the following:

(a) A member who represents a statewide juvenile justice council who shall be appointed by the executive director of the department of public safety;

(b) A representative from the division of youth services in the department of human services who is appointed by the executive director of the department of human services;

(c) A representative from the department of public safety who shall be appointed by the executive director of the department of public safety;

(d) A representative from the judicial department who shall be appointed by the state court administrator;

(e) Two representatives from a statewide organization or organizations whose primary purpose is related to the development and implementation of restorative justice programs and who shall be appointed by the executive director of the department of public safety;

(f) A district attorney with juvenile justice experience who shall be appointed by the executive director of the Colorado district attorneys' council;

(g) A victim's representative within the judicial department with restorative justice experience who shall be appointed by the state court administrator;

(h) A representative from the department of education who shall be appointed by the commissioner of education;

- (i) A representative from the state board of parole appointed by the chair of the parole board;
 - (j) A representative from the department of corrections appointed by the executive director of the department of corrections;
 - (k) A representative from a nongovernment statewide organization representing victims appointed by the executive director of the department of public safety;
 - (l) Three restorative justice practitioners appointed by the state court administrator;
 - (m) A representative of the juvenile parole board appointed by the chair of the juvenile parole board;
 - (n) The state public defender or his or her designee;
 - (o) A judge appointed by the chief justice of the Colorado supreme court; and
 - (p) A representative of law enforcement appointed by the state court administrator based upon a recommendation from the restorative justice coordinating council.
- (3) The restorative justice coordinating council shall select a chairperson from among the members of the council who shall serve a term to be determined by the council. The chairperson shall be responsible for convening the council at a frequency that shall be determined by the council.
- (4) Members of the restorative justice coordinating council serve without compensation but may be reimbursed for expenses incurred while serving on the council.
- (4.5) The restorative justice coordinating council may accept money from trainings and conferences and gifts, grants, or donations from any private or public source for the purpose of supporting restorative justice practices. All private and public money received by the restorative justice coordinating council from gifts, grants, or donations or any other source must be transmitted to the state treasurer, who shall credit the same to the restorative justice surcharge fund created pursuant to section 18-25-101, in addition to any money that may be appropriated to the fund directly by the general assembly.

22-1-126. Safe2tell program.

As described in section 24-31-606, C.R.S., there is established the safe2tell program with the primary purpose of providing students and the community with the means to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate law enforcement and public safety agencies and school officials.

22-12-104. Liability.

- (1) An educational entity and its employees are immune from suit for taking an action regarding the supervision, grading, suspension, expulsion, or discipline of a student while the student is on the property of the educational entity or under the supervision of the educational entity or its employees; except that immunity shall not apply if the action is committed willfully and wantonly and violates a statute, rule, or regulation or a clearly articulated policy of the educational entity. The burden of proving the violation shall rest with the plaintiff and must be established by clear and convincing evidence to the court as part of a summary proceeding. If at the summary proceeding the court finds a violation exists, the educational entity and its employee may raise immunity at trial under the provisions of this article and the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S.
- (2) An educational entity and its employees are immune from suit for making a report consistent with federal law to the appropriate law enforcement authorities or officials of an educational entity if the individual making the report has reasonable grounds to suspect that a student is:
 - (a) Under the influence of alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
 - (b) In possession of a firearm or alcoholic beverages or of a controlled substance not lawfully prescribed to the student;
 - (c) Involved in the illegal solicitation, sale, or distribution of firearms or alcoholic beverages or of a controlled substance.

(3) A person claiming to have suffered an injury by an educational entity or an employee, whether or not by a violation of a statute, rule, or regulation or a clearly articulated policy of the educational entity, shall file a written notice as provided in section 24-10-109, C.R.S., within one hundred eighty days after the date of discovery of the injury, regardless of whether the person then knew all of the elements of a claim or of a cause of action for the injury. Compliance with the provisions of this subsection (3) shall be a jurisdictional prerequisite to any action brought under the provisions of this article, and failure of compliance shall forever bar any such action.

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) Definitions. As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:

(I) In-school suspension;

(II) Out-of-school suspension;

(III) Classroom removal in accordance with board policy;

(IV) Expulsion;

(V) Referral to law enforcement; or

(VI) Any other form of discipline, which shall be officially identified as part of a board policy.

(b.5) "Community partners" means, collectively, local fire departments, state and local law enforcement, local 911 agencies, interoperable communications providers, the safe2tell program described in section 24-31-606, C.R.S., local emergency medical service personnel, local mental health organizations, local public health agencies, local emergency management personnel, local or regional homeland security personnel, and school resource officers. [...]

(e.5) "Law enforcement" includes any law enforcement agency, law enforcement officer, or school resource officer.

(f)(I) "Referral to law enforcement" means a communication between a school administrator, teacher, or other school employee and law enforcement that:

(A) Is initiated by the school administrator, teacher, or other school employee; and

(B) Concerns behavior by a student that the school administrator, teacher, or other school employee believes may constitute a violation of the school conduct and discipline code or a criminal or delinquent offense and for which the school administrator, teacher, or other school employee requests an investigation or other involvement by law enforcement.

(II) "Referral to law enforcement" does not include:

(A) Contact with law enforcement that is made for the purpose of education, prevention, or intervention regarding a student's behavior;

(B) Routine or incidental communication between a school administrator, teacher, or other school employee and law enforcement; or

(C) Any incident or communication that is initiated by law enforcement.

(g.5) "School resource officer" means a peace officer, as described in section 16-2.5-101, C.R.S., who has specialized training, as described in section 24-31-312, C.R.S., to work with school staff and students and who is assigned to a public school or charter school for the purpose of creating a safe learning environment and responding to all-hazard threats that may impact the school. [...]

(3) Agreements with state agencies. Each board of education shall cooperate and, to the extent possible, develop written agreements with law enforcement, the juvenile justice system, and social services, as allowed under state and federal law, to keep each school environment safe. Each board of education

shall adopt a policy whereby procedures will be used following instances of assault upon, disorderly conduct toward, harassment of, the making knowingly of a false allegation of child abuse against, or any alleged offense under the "Colorado Criminal Code" directed toward a school teacher or school employee or instances of damage occurring on the premises to the personal property of a school teacher or school employee by a student. Such procedures shall include, at a minimum, the following provisions:

(c) The school administration shall report the incident to the district attorney or appropriate local law enforcement, which shall, upon receiving such report, investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.

22-32-146. School use of on-site peace officers as school resource officers.

(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

(3) A school resource officer shall be familiar with the provisions of the conduct and discipline code of the school to which he or she is assigned.

(4) Commencing August 1, 2013, and continuing through August 1, 2014, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., in aggregate form without personal identifying information, data about the cases handled by the agency on school grounds, in a school vehicle, or at a school activity or sanctioned event. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (4) does not relieve a law enforcement agency of its responsibility to file the report required by this subsection (4). A law enforcement agency that has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015. Each such report must include, at a minimum, the following information:

(a) The number of students investigated by the officer for delinquent offenses, including the number of students investigated for each type of delinquent offense for which the officer investigated at least one student;

(b) The number of students arrested by the officer, including the offense for which each such arrest was made;

(c) The number of summonses or tickets issued by the officer to students; and

(d) The age, gender, school, and race or ethnicity of each student whom the officer arrested or to whom the officer issued a summons, ticket, or other notice requiring the appearance of the student in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event.

(5)(a) On or before August 1, 2015, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in the formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred during the 2014-15 academic year,

excluding incidents that occurred during the summer of 2014, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(b) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., on or before August 1, 2016, and every August 1 thereafter, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred for the previous academic year, including incidents that occurred during the previous summer months, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(c) For each report required pursuant to paragraph (a) or (b) of this subsection (5), the law enforcement agency shall report:

- (I) The student's full name;
- (II) The student's date of birth;
- (III) The student's race, ethnicity, and gender;
- (IV) The name of the school where the incident occurred or the name of the school that operated the vehicle or held the activity or event;
- (V) The date of the arrest or taking of a student into custody;
- (VI) The date of the issuance of the summons or ticket;
- (VII) The arrest or incident report number as recorded by the law enforcement agency;
- (VIII) The single most serious offense for which a student is arrested, issued a summons, or issued a ticket using the national crime information center (NCIC) crime code;
- (IX) The type of weapon involved, if any, for offenses classified as group A offenses under the national incident-based reporting system; and
- (X) The law enforcement agency's originating reporting identifier.

(d) A law enforcement agency may report the information required pursuant to this subsection (5) on a monthly, quarterly, or annual basis. The law enforcement agency shall inform the division of criminal justice of the reporting schedule it will follow.

22-33-105. Suspension, expulsion, and denial of admission.

(5)(a) Whenever a petition filed in juvenile court alleges that a child at least twelve years of age but under eighteen years of age has committed an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., or a crime of violence, as defined in section 18-1.3-406, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The determination may be made in executive session to the extent allowed by section 24-6-402 (4)(h), C.R.S. If the board of education or its designee, in accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, it may proceed with suspension or expulsion in accordance with subsection (2) of this section and section 22-33-106. Alternatively, the board of education or its designee may determine that it will wait until the conclusion of the juvenile proceedings to consider the

expulsion matter, in which case it shall be the responsibility of the district to provide the student with an appropriate alternate education program, including but not limited to an on-line program or on-line school authorized pursuant to article 30.7 of this title, or a home-based education program during the period pending the resolution of the juvenile proceedings. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-304, C.R.S., shall remain confidential.

22-33-106.5. Information concerning offenses committed by students.

(1) Upon adjudication or conviction of a person under the age of eighteen years for an offense specified in section 22-33-106 (1)(d), the adjudicating juvenile court or the convicting district court, whichever is applicable, shall notify the school district in which the person is enrolled that the person is subject to mandatory expulsion based on the adjudication or conviction.

(2) Upon adjudication or conviction of a person under the age of eighteen years for an offense that constitutes a crime of violence, as defined in section 18-1.3-406, C.R.S., or for an offense involving controlled substances, or, for a person under eighteen years of age but at least twelve years of age, for an offense that would constitute unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S., if committed by an adult the adjudicating or convicting court shall notify the school district in which the person is enrolled of the person's adjudication or conviction.

22-33-107.5. Notice of failure to attend.

(1) Except as otherwise provided in subsection (2) of this section, a school district shall notify the appropriate court or parole board if a student fails to attend all or any portion of a school day where the school district has received notice from the court or parole board:

(a) Pursuant to section 19-2-508 (3)(a)(X) that the student is required to attend school as a condition of release pending an adjudicatory trial;

(b) Pursuant to section 17-22.5-404, 18-1.3-204 (2.3), 19-2-907 (4), 19-2-925 (9), or 19-2-1002 (1) or (3) that the student is required to attend school as a condition of or in connection with any sentence imposed by the court, including a condition of probation or parole; or

(c) Pursuant to section 13-10-113 (8), C.R.S., that the student is required to attend school as a condition of or in connection with any sentence imposed by a municipal court.

(2) If the school district has notice that a student who is required to attend school as a condition of release or as a condition of or in connection with any sentence imposed by a court, including a condition of probation or parole, has enrolled in a nonpublic home-based educational program, pursuant to section 22-33-104.5, or in an independent or parochial school, the school district shall notify the appropriate court or parole board and shall no longer be required to notify the court or parole board, pursuant to subsection (1) of this section, if the student fails to attend.

22-33-108. Judicial proceedings.

(2) If a child or his parent desires court review of an order of the board of education issued pursuant to this article, he shall notify the board in writing within five days after receiving official notification of the board's action. The board of education shall thereupon issue, or cause to be issued, to the child or his parent a statement of the reasons for the board's action. Within ten days thereafter the child or his parents may file with the court a petition requesting that the order of the board of education be set aside, to which shall be appended the statement of the board of education. No docket or other fees shall be collected by the court in connection with this proceeding.

(3) After the petition is filed, the court shall notify the board and shall hold a hearing on the matter. The court shall conduct judicial review of a hearing decision pursuant to rule 106 (a)(4) of the Colorado rules of civil procedure and rule 3.8 of the Colorado rules of juvenile procedure.

(4) It is the duty of the attorney for the school district, an employee authorized by the local board of education pursuant to section 13-1-127 (7), C.R.S., to represent the school district in truancy

proceedings, the attendance officer designated by the local board of education, or the local board of education to initiate, when appropriate, proceedings for the enforcement of the compulsory attendance provisions of this article upon request by the attendance officer of the district or of the state.

(5)(a) It is the intent of the general assembly that, in enforcing the compulsory school attendance requirements of this article, a school district shall employ best practices and research-based strategies to minimize the need for court action and the risk that a court will issue detention orders against a child or parent.

(b) A school district shall initiate court proceedings to compel a child and the child's parent to comply with the attendance requirements specified in this article but only as a last-resort approach to address the child's truancy and only if a child continues to be habitually truant after school or school district personnel have created and implemented a plan pursuant to section 22-33-107 (3) to improve the child's school attendance.

(c) Before initiating court proceedings to compel compliance with the attendance requirements specified in this article, the school district shall give the child and the child's parent written notice that the school district will initiate proceedings if the child does not comply with the attendance requirements of this article. The school district may combine the notice and summons. If combined, the petition must state the date on which the school district will initiate proceedings, which date must not be less than five days after the date of the notice and summons. The notice must state the provisions of this article with which compliance is required and must state that the school district will not initiate proceedings if the child complies with the identified provisions before the proceedings are filed.

(d) If a school district initiates court proceedings pursuant to this subsection (5), the school district, at a minimum, must submit to the court evidence of:

(I) The child's attendance record prior to and after the point at which the child was identified as habitually truant;

(II) Whether the child was identified as chronically absent and, if so, the strategies the school district used to improve the child's attendance;

(III) The interventions and strategies used to improve the child's attendance before school or school district personnel created the child's plan described in section 22-33-107 (3); and

(IV) The child's plan and the efforts of the child, the child's parent, and school or school district personnel to implement the plan.

(6) The court before which a proceeding to compel attendance is brought may issue, in its discretion, an order against the child or the child's parent or both compelling the child to attend school as provided by this article or compelling the parent to take reasonable steps to assure the child's attendance. The order must require the child and parent to cooperate with the school district in complying with the plan created for the child pursuant to section 22-33-107 (3).

(7)(a) If the child or youth does not comply with the valid court order issued against the child or youth or against both the parent and the child or youth, the court may order that an assessment for neglect as described in section 19-3-102 (1) be conducted as provided in section 19-3-501. In addition, the court may order the child or youth to show cause why he or she should not be held in contempt of court. When instituting contempt of court proceedings pursuant to this subsection (7), the court shall provide all procedural protections mandated in rule 107 of the Colorado rules of civil procedure, or any successor rule, concerning punitive sanctions for contempt.

(a.5) A judge or magistrate of any court may issue a warrant that authorizes the taking into temporary custody of a child or youth who has failed to appear for a court hearing for a truancy or contempt action; except that any such warrant must provide for release of the child or youth from temporary custody on an unsecured personal recognizance bond that is cosigned by the child's or youth's parent or legal guardian or, if the child or youth is in the custody of the department of human services, cosigning may be accomplished by a representative of the department of human services. In the alternative, the warrant

may direct that the child or youth must only be arrested while court is in session and that he or she be taken directly to court for an appearance rather than booked into secure confinement.

(b) The court may impose sanctions after a finding of contempt that may include, but need not be limited to, community service to be performed by the child or youth, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having the goal of ensuring that the child or youth has an opportunity to obtain a quality education.

(c)(I) If the court finds that the child or youth has refused to comply with the plan created for the child or youth pursuant to section 22-33-107 (3), the court may impose on the child or youth, as a sanction for contempt of court, a sentence of detention for no more than forty-eight hours in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402 and any rules promulgated by the Colorado supreme court. The court shall not sentence a child or youth to detention as a sanction for contempt of court unless the court finds that detention is in the best interest of the child or youth as well as the public. In making such a finding, the court shall consider the following factors, including that:

(A) The child or youth has violated a valid court order;

(B) National and Colorado-specific evidence shows that detaining children and youth for truancy alone is counterproductive and harmful to children and youth;

(C) The legislative intent is that a child or youth who is truant must not be placed in secure confinement for truancy alone;

(D) Detention is likely to have a detrimental effect on the child's or youth's school attendance; and

(E) Detention is likely to have an effect on the child's or youth's future involvement with the criminal justice system.

(II) There is a rebuttable presumption that a child or youth must receive credit for time served if he or she is sentenced to detention pursuant to subsection (7)(c)(I) of this section for violating a valid court order to attend school. If the court rebuts this presumption, it shall explain its reasoning on the record.

(8) If the parent refuses or neglects to obey the order issued against the parent or against both the parent and the child, the court may order the parent to show cause why he or she should not be held in contempt of court, and, if the parent fails to show cause, the court may impose a fine of up to but not more than twenty-five dollars per day or confine the parent in the county jail until the order is complied with.

24-10-106.3. Immunity and partial waiver - claims for serious bodily injury or death on public school property or at school-sponsored events resulting from incidents of school violence - short title - definitions.

(1) This section shall be known and may be cited as the "Claire Davis School Safety Act".

(2) Definitions. For purposes of this section, unless the context otherwise requires:

(a) "Charter school" means a charter school or an institute charter school established pursuant to article 30.5 of title 22, C.R.S.

(b) "Crime of violence" means that the person committed, conspired to commit, or attempted to commit one of the following crimes:

(I) Murder;

(II) First degree assault; or

(III) A felony sexual assault, as defined in section 18-3-402, C.R.S.

(c) "Incident of school violence" means an occurrence at a public school or public school-sponsored activity in which a person:

(I) Engaged in a crime of violence; and

(II) The actions described in subparagraph (I) of this paragraph (c) by that person caused serious bodily injury or death to any other person.

- (d) "Public school" has the same meaning as provided in section 22-1-101, C.R.S., and includes a charter school or institute charter school.
- (e) "School district" means a school district organized pursuant to article 30 of title 22, C.R.S., and the charter school institute established pursuant to section 22-30.5-503, C.R.S.
- (f) "Serious bodily injury" means bodily injury that, either at the time of the actual injury or a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.
- (3) Recognition of duty of care. All school districts and charter schools and their employees in this state have a duty to exercise reasonable care to protect all students, faculty, and staff from harm from acts committed by another person when the harm is reasonably foreseeable, while such students, faculty, and staff are within the school facilities or are participating in school-sponsored activities.
- (4) Limited waiver of sovereign immunity. Notwithstanding any other provision of this article, a public school district or charter school is immune from liability in all claims for injury that lie in tort or could lie in tort regardless of whether that may be the type of action or the form of relief chosen by the claimant except as otherwise provided in this section or in this article. In addition to any other claims for which the "Colorado Governmental Immunity Act" waives sovereign immunity in this article, sovereign immunity is waived under the "Colorado Governmental Immunity Act" with respect to school districts and charter schools for a claim of a breach of the duty of care established in subsection (3) of this section by the school district, a charter school, or an employee of the school district or charter school arising from an incident of school violence on or after June 3, 2015, and, with respect to such claims, the provisions of article 12 of title 22, C.R.S., do not apply to school districts and charter schools. An employee of a public school, school district, or a charter school is not subject to suit under this section in his or her individual capacity unless the employee's actions or omissions are willful and wanton.
- (5) A public school, school district, or charter school shall not be found negligent under this section solely as a result of not expelling or suspending any student.
- (6) Nothing in this section shall be construed to constitute a waiver of sovereign immunity by a school district or charter school if the injury arises from any act, or failure to act, of an employee of the school district or charter school if the act is the type of act for which the school district or charter school employee would be or heretofore has been personally immune from liability.
- (7) In addition to the immunity provided under this section, the school district and charter school shall also have the same immunity as a school district or charter school employee for any act or failure to act for which a school district or charter school employee would be or heretofore has been personally immune from liability.
- (8) No rule of law imposing absolute or strict liability shall be applied in any action filed against a school district or charter school pursuant to this section for serious bodily injury or death caused by a breach of the duty of care, established pursuant to subsection (3) of this section. No liability shall be imposed in any such action unless negligence is proven.
- (9)(a) Except as provided in paragraph (b) of this subsection (9), the maximum amount of damages that may be recovered under this article in any single occurrence from a school district or charter school for a claim brought under this section is governed by the limits set forth in section 24-10-114 (1).
- (10) In order to promote vigorous discovery of events leading to an incident of school violence in any action brought under this section, an offer of judgment by a defendant under section 13-17-202, C.R.S., prior to the completion of discovery, is not deemed rejected if not accepted until fourteen days after the completion of discovery, and the plaintiff is not liable for costs due to not accepting such an offer of judgment until fourteen days after the completion of discovery. If a defendant refuses to answer a complaint, or a default judgment is entered against a defendant for failure to answer a complaint, or a defendant confesses liability in an action brought under this section, the court shall allow full discovery upon request of the plaintiff.

24-31-606. Safe2tell program - creation - duties.

- (1) There is created, within the department, the safe2tell program.
- (2) The program must:
 - (a) Establish and maintain methods of anonymous reporting concerning unsafe, potentially harmful, dangerous, violent, or criminal activities in schools or the threat of those activities;
 - (b) Establish methods and procedures to ensure that the identity of the reporting parties remains unknown to all persons and entities, including law enforcement officers and employees operating the program;
 - (c) Establish methods and procedures so that information obtained from a reporting party who voluntarily discloses his or her identity and verifies that he or she is willing to be identified may be shared with law enforcement officers, employees operating the program, and school officials;
 - (d) Establish methods and procedures to ensure that a reporting party's identity that becomes known through any means other than voluntary disclosure is not further disclosed;
 - (e) Promptly forward information received by the program to the appropriate law enforcement or public safety agency or school officials. The program is not required to forward information if the call was transferred to the statewide behavioral crisis response system created pursuant to section 27-60-103.
 - (f) Train law enforcement dispatch centers, school districts, individual schools, and other entities determined by the attorney general on appropriate awareness and response to safe2tell tips. Training materials outlining appropriate response to safe2tell tips may be developed in collaboration with stakeholders to ensure standardized messaging.
 - (g) Provide safe2tell awareness and educational materials to all elementary and secondary schools in Colorado with a primary focus on targeting marketing materials to Colorado school-age children, teachers, administrators, education professionals, and, subject to available funds, other youth-related organizations, including boys and girls clubs and 4-H extension offices, at no charge to the school or recipient;
 - (h) Provide safe2tell awareness and education materials to Boys Girls Clubs and 4-H extension offices in Colorado at no charge to the Boys Girls Clubs and 4-H extension offices on or before June 30, 2017, and annually each fiscal year thereafter;
 - (i) Develop training curriculum and teaching materials for a train the trainer program;
 - (j) Annually organize, host, and conduct training in all geographic regions of the state and provide related materials to persons who attend the training at no charge to the attendee;
 - (k) Provide training and support to all elementary and secondary schools and school districts in Colorado regarding school safety related to the safe2tell program, including answering questions and discussing reports received by the program;
 - (l) Provide educational materials to all elementary and secondary schools in Colorado aimed at preventing misuse of the program;
 - (m) Provide technical assistance and support to law enforcement officials and school officials when there is misuse of the program; and
 - (n) Analyze and follow up with law enforcement and schools to determine the outcome of a report made to the program, including actions taken on the report.
- (3) On or before February 1, 2021, the department, in collaboration with stakeholders, shall devise a process and develop standardized protocols so that any communication related to mental health or substance use received by safe2tell, including any communication related to another person, may be transferred, as appropriate, to the statewide behavioral crisis response system created pursuant to section 27-60-103.

24-33.5-503. Duties of division.

(2)(a)(I) On or before April 1, 2016, and every April 1 thereafter, the division has the duty to compile and analyze the data reported by law enforcement agencies and prepare a report, without identifying information, concerning the total number of tickets, summons, or arrests that occurred on school grounds, in school vehicles, or at a school activity or sanctioned event and describe the final disposition of those tickets, summons, or arrests by reporting agency, school, and location. The report must analyze the data by race, age, gender, ethnicity, and the specific type of offense with all national crime information center crime codes. The division of criminal justice shall support law enforcement agencies in their efforts to submit the required data, actively reach out to agencies that have failed to submit the required data and provide a reasonable degree of training if necessary.

(II) Notwithstanding section 24-1-136 (11)(a)(I), the division shall submit the report to the education and judiciary committees of the house of representatives and the senate, or any successor committees. The division shall provide the report to any member of the public upon request, in a manner that does not include any identifying information regarding any student. If the division provides the information to a member of the public upon request pursuant to this subsection (2)(a), the division may charge a fee to the person, which fee shall not exceed the direct and indirect costs incurred by the division in providing the information. If the division adheres to all state and federal privacy and confidentiality laws concerning student information, the division may provide the aggregate data gathered by a law enforcement agency to any independent research or community based organization working to analyze school-based criminal behavior and the response to that behavior by the juvenile and criminal justice systems. The data provided must not include any information that would identify any individual student.

(III) The division shall annually post the report on its website.

(b) The division has the duty to prepare a retroactive report meeting the requirements of paragraph (a) of this subsection (2) using existing data sources for the 2013-14 and 2014-15 school years.

(c) The division is only required to perform the duties of this subsection (2) if existing appropriations or resources are available.

REGULATIONS

No relevant regulations found.

School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification

LAWS

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1)(g.5) "School resource officer" means a peace officer, as described in section 16-2.5-101, C.R.S., who has specialized training, as described in section 24-31-312, C.R.S., to work with school staff and students and who is assigned to a public school or charter school for the purpose of creating a safe learning environment and responding to all-hazard threats that may impact the school.

24-31-303. Duties - powers of the P.O.S.T. board.

(1) The P.O.S.T. board has the following duties:

(j) To establish standards for training of school resource officers, as described in section 24-31-312.

24-31-312. School resource officer training.

(1) On or before January 1, 2014, the P.O.S.T. board shall identify a school resource officer training curriculum to prepare peace officers.

(2) To the extent practicable, the training curriculum described in subsection (1) of this section shall incorporate the suggestions of relevant stakeholders and advocates.

(3)(a) In assigning peace officers to serve as school resource officers pursuant to section 22-32-146, C.R.S., each law enforcement agency is encouraged to ensure that such peace officers have successfully completed the school resource officer training curriculum described in subsection (1) of this section, or will complete said training within six months after beginning the assignment.

(b) On and after January 1, 2015, each county sheriff and each municipal law enforcement agency of the state shall employ at least one peace officer who has successfully completed the training curriculum described in subsection (1) of this section.

(4) For the purposes of section 22-32-146, C.R.S., the training curriculum provided pursuant to subsection (1) of this section shall include a means of recognizing and identifying peace officers who successfully complete the training curriculum.

(5) In providing the training curriculum described in subsection (1) of this section, the P.O.S.T. board may include provisions to allow for the awarding of credit to a peace officer who has successfully completed a school resource officer certification curriculum offered by one or more public or private entities, which entities shall be identified by the P.O.S.T. board.

(6) The P.O.S.T. board may charge a fee to each peace officer who enrolls in the training curriculum described in subsection (1) of this section. The amount of the fee shall not exceed the direct and indirect costs incurred by the P.O.S.T. board in providing the curriculum.

(7) The P.O.S.T. board, with respect to the hiring, training, and evaluation of school resource officers and professionalizing a school-police partnership, shall create a model policy for selecting school resource officers pursuant to the general duties and responsibilities granted to the P.O.S.T. board pursuant to section 24-31-303. The P.O.S.T. board shall consult with school board members, school resource officers, K-12 advocates, and other relevant stakeholders, including student groups, in the development of the model policy. The department of education shall post the model policy on its website and distribute the policy to school districts, charter schools, and institute charter schools for consideration and possible adoption. The model policy may be used by school districts, charter schools, institute charter schools, and police departments. The model policy must, at a minimum, require that:

- (a) Once selected, school resource officers must be fully trained in standard best practices, as set forth by a national association of school resource officers;
- (b) A candidate demonstrate, whenever possible, a record of experience developing positive relationships with youth, which may include participation in youth or community policing programs;
- (c) A candidate voluntarily apply to serve as a school resource officer; and
- (d) The employing law enforcement agency and school district jointly create an evaluation process to evaluate school resource officers.

24-33.5-1803. School safety resource center - created - duties.

(1) There is hereby created within the department the school safety resource center to assist schools in preventing, preparing for, responding to, and recovering from emergencies and crisis situations and to foster positive learning environments. The director of the center shall be appointed by the executive director pursuant to section 13 of article XII of the state constitution. [...]

(3) The center has the following duties:

(k) To provide suggestions for school resource officer training to the peace officers standards and training board, pursuant to section 24-31-312.

24-33.5-1810. School security disbursement program - created - rules - definitions - repeal.

(1) as used in this section, unless the context otherwise requires:

(a) "disbursement program" means the school security disbursement program created in subsection (2) of this section.

(b) "eligible entity" means a local education provider or an eligible nonprofit organization.

(c) "eligible nonprofit organization" means a nonprofit organization that is exempt from taxation under section 501 (c)(3) of the federal "internal revenue code of 1986", as amended, that applies to work with specific local education providers or first responders, and that:

- (i) has experience providing training for school safety incident response;
- (ii) has experience working with law enforcement agencies and other first responders;
- (iii) has experience working with school districts, school personnel, and students on issues related to school safety incident response; and
- (iv) identifies in its application local education providers or first responders that will participate in school safety incident response training or programs.

(d) "local education provider" means a school district, a charter school that is authorized pursuant to part 1 of article 30.5 of title 22, an institute charter school that is authorized pursuant to part 5 of article 30.5 of title 22, or a board of cooperative services as defined in section 22-5-103.

(2) (a) there is created in the department the school security disbursement program to provide disbursements to eligible entities to use for the purposes described in subsection (3) of this section to improve security within public schools.

(b) subject to available appropriations, the department shall disburse money to applicants as provided in subsection (5) of this section from money credited to the school security disbursement cash fund, created in section 24-33.5-1811. It is the intent of the general assembly that the department distribute the money credited to the school security disbursement cash fund as quickly as practicable based on the receipt of qualifying applications.

(3) an eligible entity that receives a disbursement from the disbursement program may use the disbursed money only for the following purposes:

(a) capital construction that improves the security of a public school facility or public school vehicle, including but not limited to any structure or installed hardware, device, or equipment that protects a public school facility or public school vehicle and the students, educators, and other individuals who attend, work in, or visit a public school facility or are transported in a public school vehicle from threats of physical harm including but not limited to any structure or installed hardware, device, or equipment that:

- (i) prevents the entry of unauthorized individuals into a public school facility or a protected space within a public school facility or onto a public school vehicle; or
- (ii) can be used to expedite communication when a threat is present;

(b) training in student threat assessment for all school building staff who have contact with students, which must include best practices for conducting threat assessments, such as instruction on how to prevent bias when conducting a threat assessment;

(c) in collaboration with local law enforcement agencies, providing the training for peace officers on interactions with students at school;

(d) school emergency response training for all school building staff;

(e) programs to help students become more resilient in meeting the daily challenges they face without resorting to violence against themselves or others, including addressing the fundamental causes of violence and aggression and helping students become responsible members of their schools, neighborhoods, communities, and families;

(f) developing and providing training programs, curriculums, and seminars related to school safety incident response; and

(g) developing best practices and protocols related to school safety incident response.

(4) an eligible entity, including any combination of eligible entities that wish to apply together as a single, regional applicant, may apply for a disbursement from the disbursement program by submitting an application to the department that includes the following information:

(a) the purpose or purposes described in subsection (3) of this section for which the applicant is requesting the disbursement;

(b) the amount of disbursed money requested based on an itemized estimate of the expected cost of the purpose or purposes for which the applicant is requesting the disbursement and taking into account any matching money, if applicable, pursuant to subsection (5) of this section;

(c) evidence of the availability of and commitment of the applicant to use financial resources to match the amount of the disbursement;

(d) the applicant's commitment to provide information to the department as required for the annual report described in subsection (6) of this section;

(e) if the eligible entity is a charter school that is authorized pursuant to part 1 of article 30.5 of title 22, located within a school district facility, and participating in the school district's safety and security services, information demonstrating that the charter school has collaborated with the school district in preparing and submitting the application; and

(f) any additional information, as specified by rule of the executive director, that is necessary for the department to evaluate the likely effectiveness of the applicant's use of the disbursed money in improving security in public school facilities or vehicles.

(5) the department shall review each application received pursuant to subsection (4) of this section. Subject to available appropriations, the department shall disburse money to the applicant if the department determines that the application meets the requirements specified in subsection (4) of this section and the purpose or purposes for which the applicant intends to use the disbursed money are likely to improve security in public school facilities or vehicles and are not likely to exacerbate identified student disciplinary disparities. The department shall give priority to applicants that commit to providing financial resources to match the amount of the disbursement. The department shall determine the disbursement amount taking into account the amount identified in the application.

(6) (a) on or before august 1, 2023, and on or before august 1 each year thereafter, each eligible entity that received a disbursement in the preceding school year shall submit a report to the department specifying the amount received; the source and amount of matching money provided, if applicable; and the purpose or purposes for which the eligible entity used the disbursed money, including an itemized accounting of how the money was expended.

(b) beginning with the annual presentation in 2024 provided by the department to the committees of reference pursuant to section 2-7-203, the department shall include in the annual presentation a summary of the reports received pursuant to subsection (6)(a) of this section. Notwithstanding section 24-1-136 (11)(a)(i), beginning in January 2024, and every January thereafter, the department shall submit a summary of the reports received pursuant to subsection (6)(a) of this section to the education committees of the senate and the house of representatives, or any successor committees.

(7) the executive director shall promulgate rules pursuant to the "state administrative procedure act", article 4 of this title 24, to establish the time frames for submitting disbursement applications and awarding disbursements and to specify any additional information that must be included in disbursement applications as described in subsection (4)(f) of this section.

(8) this section is repealed, effective July 1, 2032.

REGULATIONS

8 CCR 1507-45. School security disbursement program.

5. Program Requirements

5.1 Eligibility

C. The program funds may only be used for the following purposes:

3. Training related to school security for on-site school resource officers employed by the local education provider.

Authorizations, Memoranda of Understanding (MOUs), and/or Funding

LAWS

22-32-146. School use of on-site peace officers as school resource officers.

(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

(3) A school resource officer shall be familiar with the provisions of the conduct and discipline code of the school to which he or she is assigned.

(4) Commencing August 1, 2013, and continuing through August 1, 2014, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., in aggregate form without personal identifying information, data about the cases handled by the agency on school grounds, in a school vehicle, or at a school activity or sanctioned event. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (4) does not relieve a law enforcement agency of its responsibility to file the report required by this subsection (4). A law enforcement agency that has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015. Each such report must include, at a minimum, the following information:

(a) The number of students investigated by the officer for delinquent offenses, including the number of students investigated for each type of delinquent offense for which the officer investigated at least one student;

(b) The number of students arrested by the officer, including the offense for which each such arrest was made;

(c) The number of summonses or tickets issued by the officer to students; and

(d) The age, gender, school, and race or ethnicity of each student whom the officer arrested or to whom the officer issued a summons, ticket, or other notice requiring the appearance of the student in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event.

(5)(a) On or before August 1, 2015, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in the formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred during the 2014-15 academic year, excluding incidents that occurred during the summer of 2014, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(b) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., on or before August 1, 2016, and every August 1 thereafter, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in formats developed by the division in conjunction with local law

enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summons, or arrests that occurred for the previous academic year, including incidents that occurred during the previous summer months, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(c) For each report required pursuant to paragraph (a) or (b) of this subsection (5), the law enforcement agency shall report:

- (I) The student's full name;
- (II) The student's date of birth;
- (III) The student's race, ethnicity, and gender;
- (IV) The name of the school where the incident occurred or the name of the school that operated the vehicle or held the activity or event;
- (V) The date of the arrest or taking of a student into custody;
- (VI) The date of the issuance of the summons or ticket;
- (VII) The arrest or incident report number as recorded by the law enforcement agency;
- (VIII) The single most serious offense for which a student is arrested, issued a summons, or issued a ticket using the national crime information center (NCIC) crime code;
- (IX) The type of weapon involved, if any, for offenses classified as group A offenses under the national incident-based reporting system; and
- (X) The law enforcement agency's originating reporting identifier.

(d) A law enforcement agency may report the information required pursuant to this subsection (5) on a monthly, quarterly, or annual basis. The law enforcement agency shall inform the division of criminal justice of the reporting schedule it will follow.

REGULATIONS

No relevant regulations found.

Threat Assessment Protocols

LAWS

24-33.5-1810. School security disbursement program - created - rules - definitions - repeal.

(1) As used in this section, unless the context otherwise requires:

- (a) "Disbursement program" means the school security disbursement program created in subsection (2) of this section.

"Eligible entity" means a local education provider or an eligible nonprofit organization. (2a) There is created in the department the school security disbursement program to provide disbursements to eligible entities to use for the purposes described in subsection (3) of this section to improve security within public schools.

(b) Subject to available appropriations, the department shall disburse money to applicants as provided in subsection (5) of this section from money credited to the school security disbursement cash fund, created in section 24-33.5-1811. It is the intent of the general assembly that the department distribute the money credited to the school security disbursement cash fund as quickly as practicable based on the receipt of qualifying applications..

(3) An eligible entity that receives a disbursement from the disbursement program may use the disbursed money only for the following purposes:

- (a) capital construction that improves the security of a public school facility or public school vehicle, including but not limited to any structure or installed hardware, device, or equipment that protects a public school facility or public school vehicle and the students, educators, and other individuals who attend, work

in, or visit a public school facility or are transported in a public school vehicle from threats of physical harm including but not limited to any structure or installed hardware, device, or equipment that:

- (i) prevents the entry of unauthorized individuals into a public school facility or a protected space within a public school facility or onto a public school vehicle; or
- (ii) can be used to expedite communication when a threat is present;
- (b) training in student threat assessment for all school building staff who have contact with students, which must include best practices for conducting threat assessments, such as instruction on how to prevent bias when conducting a threat assessment;
- (g) developing best practices and protocols related to school safety incident response.

REGULATIONS

8 CCR 1507-45. School security disbursement program.

5. Program Requirements

5.1 Eligibility

C. The program funds may only be used for the following purposes:

- 2. Training in student threat assessment, which training is provided to all school building staff who have contact with students.

State-Sponsored, Publicly Available Websites or Other Resources on School Discipline

Safe, supportive learning environments use disciplinary policies and practices that help students stay out of the justice system, while ensuring academic engagement and success for all students. The following resources provided by Colorado provide additional context to state policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

Title	Description	Website address (if applicable)
<i>Website</i>		
Bullying Prevention and Education, Colorado Department of Education (CDOE)	Provides comprehensive resources and materials addressing bullying prevention and education, including current research, best practices, model policies, information on state funding opportunities, and other tools and other supplemental resources.	http://www.cde.state.co.us/mtss/bullying
Colorado School Safety Resource Center (CSSRC), Colorado Department of Public Safety	Provides resources and materials to assist educators, emergency responders, community organizations, school mental health professionals, parents and students to create safe, positive and successful school environments for Colorado students in all pre K-12 and higher education schools.	https://www.colorado.gov/pacific/cssrc/resources-1
Dropout Prevention and Student Re-Engagement, CDOE	Provides comprehensive resources and materials supporting efforts to reduce the dropout rate and increase graduation rates, including training and supports for dropout prevention, School Attendance Task Force recommendations, and links to other related resources.	http://www.cde.state.co.us/dropoutprevention
Expelled and At-Risk Student Services (EARSS) Resources, CDOE	Provides links to resources addressing race/ethnic disparities in discipline, Alternatives-to Exclusionary school discipline, school climate and support school discipline, and School Resource Officer (SRO) duties, training and expectations.	https://www.cde.state.co.us/dropoutprevention/earss_resources

Title	Description	Website address (if applicable)
Multi-Tiered Systems of Support (MTSS), CDOE	Provides comprehensive resources and materials to support district and school implementation of MTSS, include definitions of key components, instructional videos, and supplemental resources.	http://www.cde.state.co.us/mtss
Positive Behavioral Interventions and Supports (PBIS), CDOE	Provides comprehensive resources and materials supporting school implementation of PBIS, including training materials, implementation supports, and other resources.	http://www.cde.state.co.us/mtss/pbis
Documents		
Best Practice Guide for Dropout Prevention, CDOE	Best practice guide that provides educational administration and dropout prevention specialists with updated tools to better address the needs of students in danger of school failure or dropout, in conjunction with the Colorado Department of Education's Dropout Prevention Framework.	http://www.cde.state.co.us/dropoutprevention/bpguide
Colorado Model Bullying Prevention and Education Policy, CDOE	State model policy providing guidance to school districts on developing bullying prevention and education policies. The draft policy will be finalized by July 2019 following a period of public comment.	http://www.cde.state.co.us/mtss/model_bullying_prevention_policy
Other Resources		
Colorado Suspension and Expulsion Statistics, 2021-22, CDOE	Exportable data file containing current and past statistics on disciplinary incidents and actions taken, by race/ethnicity and gender by district.	Suspension/Expulsion Statistics for 2021-2022 CDE (state.co.us)
Safe2Tell Colorado	Safe2Tell is an anonymous tip line that can get help to students and schools immediately.	https://safe2tell.org/
SchoolView® Data Center, CDOE	Data dashboard providing annual statistics on student enrollment, attendance and truancy, and conduct disaggregated by school level, ethnicity and gender.	www.schoolview.org