



# **Colorado Compilation of School Discipline Laws and Regulations**

Prepared: January 26, 2018

## ***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 January 2018. 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:*

**Child Trends**

7315 Wisconsin Avenue

Suite 1200W

Bethesda, Maryland 20814

**EMT Associates, Inc.**

1631 Creekside Drive

Suite 100

Folsom, California 95630



# Table of Contents

- Colorado State Codes Cited..... 1**
- General Provisions ..... 6**
  - Authority to develop and establish rules of conduct..... 6
  - Scope ..... 10
  - Communication of policy ..... 11
- In-School Discipline..... 12**
  - Use of multi-tiered discipline approaches ..... 12
  - Teacher authority to remove students from classrooms ..... 12
  - Alternatives to suspension ..... 13
  - Use of corporal punishment ..... 15
  - Use of student and locker searches ..... 16
  - Other in-school disciplinary approaches ..... 16
- Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements ..... 19**
  - Grounds for possible suspension or expulsion ..... 19
  - Grounds for mandatory suspension or expulsion ..... 21
  - Limitations, conditions or exclusions for use of suspension and expulsion ..... 22
  - Administrative procedures related to suspension and expulsion ..... 23
  - In-school suspension ..... 26
  - Return to school following removal ..... 26
  - Use of restraint and seclusion ..... 28
  - Alternative placements ..... 42
- Disciplinary Approaches Addressing Specific Infractions and Conditions ..... 46**
  - Firearms (as required by the Gun-Free Schools Act) ..... 46
  - Other weapons ..... 48
  - Students with chronic disciplinary issues ..... 49
  - Attendance and truancy ..... 53
  - Substance use ..... 58
  - Bullying, harassment, or hazing ..... 59
  - Other special infractions or conditions ..... 63
- Prevention and Behavioral Interventions (Non-Punitive) ..... 65**
  - Prevention ..... 65
  - Behavioral interventions and student support services ..... 75
  - Professional development ..... 95
- Monitoring and Accountability ..... 99**
  - Formal incident reporting of conduct violations ..... 99
  - Parental notification ..... 99
  - Reporting and referrals between schools and law enforcement ..... 103
  - Disclosure of school records ..... 112
  - Data collection, review, and reporting of disciplinary policies and actions ..... 124

<b>School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers.....</b>	<b>135</b>
Authority and power to implement school arrest.....	135
Certification or training .....	135
MOUs, authorization, and/or funding .....	136
<b>State Education Agency Support .....</b>	<b>139</b>
State model policies and implementation support .....	139
Funding appropriations .....	139
<b>Other or Uncategorized .....</b>	<b>150</b>
Professional immunity or liability.....	150
Community input or involvement.....	153
Other or Uncategorized.....	158
<b>State-Sponsored, Publicly Available Websites or Other Resources on School Discipline .....</b>	<b>162</b>

## **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 12. Professions and Occupations**

#### **Health Care**

##### **Article 43. Mental Health**

[12-43-218.](#) Disclosure of confidential communications - definitions - repeal

### **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 19. Children's Code**

#### **Article 1. General Provisions**

##### **Part 3. Records and Information**

[19-1-303.](#) General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty- rules - definitions

[19-1-304.](#) Juvenile delinquency records - division of youth corrections critical incident information - definitions

## **Title 20. District Attorneys**

### **Article 1. District Attorneys**

#### **Part 1. General Provisions**

[20-1-113.](#) Reporting of criminal proceedings involving public school students

## **Title 22. Education**

### **General and Administrative**

#### **Article 1. General Provisions**

[22-1-117.](#) Secret fraternities forbidden

[22-1-118.](#) School board to enforce

[22-1-119.3.](#) Policy for student possession and administration of prescription medication - rules

[22-1-126.](#) Safe2tell program

#### **Article 2. Department - Commissioner**

##### **Part 1. Department of Education - Commissioner**

[22-2-143.](#) Discipline strategies pilot program - created - reporting - rules - definitions - legislative declaration - repeal

#### **Article 11. Accreditation**

##### **Part 3. School District and Institute Accountability**

[22-11-302.](#) School district accountability committee - powers and duties

#### **Article 12. Teacher and School Administrator Protection Act**

[22-12-104.](#) Liability

#### **Article 14. Dropout Prevention and Student Re-Engagement**

[22-14-103.](#) Office of dropout prevention and student re-engagement - created - purpose - duties

[22-14-104.](#) Report of effective policies and strategies - creation - use

[22-14-105.](#) Assessment of statewide student attendance data - report

[22-14-108.](#) Local education provider - notice to parent of dropout status

[22-14-109.](#) Student re-engagement grant program - rules - application - grants - fund created - report

[22-14-110.](#) State board - rules

[22-14-111.](#) Report to general assembly, state board, and governor - exception to three-year expiration

### **School Districts**

#### **Article 32. School District Boards - Powers and Duties**

[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 - repeal

[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
- [22-33-106.5.](#) 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 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

## **Title 24. Government - State Principal Departments**

### **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 - short title - definitions - repeal

### **Article 31. Department of Law**

#### **Part 6. Safe2Tell Act**

- [24-31-602.](#) Legislative declaration
- [24-31-606.](#) Safe2tell program - creation - duties

### **Article 33.5. Public Safety**

#### **Part 5. Division of Criminal Justice**

- [24-33.5-503.](#) Duties of division

## **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- repeal

## **Title 26. Human Services Code**

### **Article 1. Department of Human Services**

#### **Part 1. General Provisions**

[26-1-140.](#) State exception to HIPAA - significant threat to schools - legislative declaration - repeal

#### **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.](#) Duties relating to use of restraint
- [26-20-104.5.](#) Duties relating to use of seclusion by division of youth corrections
- [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 seclusion working group - membership - purpose – repeal
- [26-20-111.](#) Use of restraints in public schools - certain restraints prohibited

## **Colorado Administrative Code**

### **300 Department of Education**

#### **301 Colorado State Board of Education**

##### **1 CCR 301-40. Rules for the Administration of Pilot Schools for Expelled Students**

- 2238-R-1.00. Statement of basis and purpose for adoption of rules
- 2238-R-2.00. Applications

##### **1 CCR 301-43. Rules for the Administration of Educational Alternatives for Expelled Students**

- 2233-R-1.00. Statement of basis and purpose for adoption of rules
- 2233-R-2.00. Applications

##### **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 301-84. Dropout Prevention and Student Re-Engagement**

- 1.00. Statement of basis and purpose
- 2.00. Definitions
- 3.00. High priority and priority local education providers
- 4.00. Implementation of the student re-engagement grant program
- 5.00. Defining and calculating rates

**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

## **General Provisions**

### **Authority to develop and establish rules of conduct**

#### **LAWS**

##### **22-1-118. School board to enforce**

The boards of directors of all school districts shall enforce the provisions of section 22-1-117, and shall have full power to make, adopt, and modify all rules and regulations which in their judgment and discretion may be necessary for the proper governing of such schools and for the enforcing of all the provisions of section 22-1-117.

##### **22-11-302. School district accountability committees - powers and duties.**

(1) Each school district accountability committee has the following powers and duties:

- (f) To provide input to the local school board concerning the creation and enforcement of its school conduct and discipline code; and

##### **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 - repeal.**

(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 shall 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 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 shall 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 is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1) (c); character building; and 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, school psychologists, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(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. Said policy shall provide for excused absences, including those listed as exclusions from

compulsory school attendance in accordance with subsection (2) of this section. 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.

(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 2238-R-1.00. Statement of basis and purpose for adoption of rules.**

The statutory basis for these Rules is found in 22-2-107(1)(c), State Board-Powers, 22-38-101, et. seq., C.R.S., the Pilot Schools for Students Expelled from Sixth through Ninth Grades, and 22-2-109(1), State Board-Additional Duties. The Act requires the State Board to promulgate Regulations that establish the criteria for applications submitted under this Act. The Act requires that specific criteria be included in these applications. The Rules identify these required components.

### **1 CCR 2233-R-1.00. Statement of basis and purpose for adoption of rules.**

1.01 The statutory basis for these Rules is found in 22-2-107 (1) (c), State Board-Powers, and 22-33-205 et seq., C.R.S., Services for Expelled Students - Grants - Criteria. The Act requires the State Board to promulgate Regulations that establish the criteria for applications submitted under this Act. The Act requires that specific criteria be included in these applications. The Rules identify these required components.

### **1 CCR 2620-R- 1.00. Statement of basis and 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 amendments to these Rules is found in 26-20-108, C.R.S. The purpose of these amendments is to conform these Rules to the Protection of Persons from Restraint Act; add clarifying language; and reorganize these Rules to provide enhanced clarification for implementation.

### **1 CCR 301-84.1.00. Statement of basis and purpose.**

The Dropout Prevention and Student Re-engagement Act, Article 14 of Title 22 of the Colorado Revised Statutes, requires the State Board of Education to promulgate rules to establish criteria for identifying high priority and priority local education providers, rules for implementing the Student Re-engagement Grant Program and defining and calculating the following rates: student dropout rate, graduation rate, completion rate, the student re-engagement rate; truancy rate, student mobility rate, student suspension rate and student expulsion rate.

### **1 CCR 301-99.0.00. 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 - repeal.**

(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 shall 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 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 shall 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.

**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:

- (I) Be required to leave the school building and the school grounds immediately, following a determination by the parent, guardian, or legal custodian and the school of the best way to transfer custody of the pupil to the parent, guardian, or legal custodian;

**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 - repeal.**

(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 shall 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 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. [...]

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

(3) (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 policies and procedures may also include but need not be limited to the following:

- (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;

**REGULATIONS**

No relevant regulations found.

## ***In-School Discipline***

### **Use of multi-tiered discipline approaches**

#### **LAWS**

##### **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.

#### **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 - repeal.**

(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 shall 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 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 shall 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 - repeal.**

(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. 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.

(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.

#### **22-33-105. 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.

#### **22-33-201. 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.

**REGULATIONS**

No relevant regulations found.

**Use of corporal punishment**

**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 - repeal.**

(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 shall 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 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 shall 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.;

**REGULATIONS**

No relevant regulations found.

## Use of student and locker searches

### 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 - repeal.**

(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 shall 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 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 shall 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.

## Other in-school disciplinary approaches

### LAWS

#### **22-2-143. Discipline strategies pilot program - created - reporting - rules - definitions - legislative declaration - repeal.**

(1) The general assembly finds that:

(a) Research demonstrates that young children who are suspended or expelled from school are up to ten times more likely to experience academic failure and grade retention and to hold negative attitudes toward school than those children who are not suspended or expelled. Young children who are suspended or expelled from school are also more likely to drop out of high school and to be incarcerated later in life.

(b) Lack of training to deal with behavioral issues in the classroom contributes to education dissatisfaction and burnout, which increases the number of educators who leave the profession. Providing additional training and support in dealing with student discipline issues may help school districts and schools retain experienced educators.

(c) To reduce the incidence of exclusionary discipline among students, especially those enrolled in preschool through third grade, teachers and administrators should receive training and support in using culturally responsive methods of discipline with young students and in implementing developmentally appropriate responses to the behavioral issues of young students.

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

(a) "Board of cooperative services" means a regional educational service unit created pursuant to article 5 of this title 22.

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

(c) "Culturally responsive methods" means methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research-based alternatives to exclusionary discipline are appropriate and effective for students.

(d) "Exclusionary discipline methods" means in-school suspension, out-of-school suspension, expulsion, school-based arrests, school-based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

(e) "Pilot program" means the discipline strategies pilot program created in subsection (3) of this section.

(3) (a) There is created in the department the discipline strategies pilot program to provide money to school districts, groups of school districts, boards of cooperative services, and charter schools for professional development for teachers and principals concerning the use of culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade, including students with disabilities. The intent of the pilot program is to provide professional development for educators to assist them in reducing the use of exclusionary discipline methods in public schools, especially with regard to students enrolled in preschool through third grade and students with disabilities. The department is required to implement the pilot program only to the extent that it receives sufficient money through gifts, grants, and donations as provided in subsection (7) of this section.

(b) The state board shall promulgate rules as provided in the "State Administrative Procedure Act", article 4 of title 24, as necessary, to implement the pilot program.

(4) A school district, group of school districts, board of cooperative services, or charter school may apply to the department to receive a grant through the pilot program. An application must include:

(a) The number of teachers and principals to whom the applicant will provide professional development in using culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade and the number and grade levels of students served by those teachers and principals;

(b) The professional development programs that the applicant expects to provide with the grant money;

(c) The other resources available to the applicant to provide the professional development;

(d) The aggregate number and type of disciplinary incidents occurring in preschool, kindergarten, and grades one through three in the schools operated by the applicant in the preceding three school years and the types of disciplinary responses and strategies used;

(e) The applicant's agreement to provide to the department the information necessary for the department to create the report described in subsection (6) of this section for each school year in which the applicant receives a grant; and

(f) Any additional information required by rule of the state board.

(5) The department shall review the applications received pursuant to subsection (4) of this section and recommend to the state board which applicants should receive grants through the pilot program and the amount of each grant. The state board, taking into consideration the department's recommendations, shall award the grants, subject to available funding. In making recommendations and awarding grants, the department and the state board shall, to the extent practicable, award a grant to at least one school district, board of cooperative services, or charter school located in a rural area and shall consider:

(a) The level of financial need that an applicant demonstrates;

- (b) The quality of the professional development grant programs that the applicant expects to provide with the grant money;
  - (c) The student demographics of the schools operated by the applicant and the use of exclusionary discipline methods in the preceding three school years by educators employed by the applicant; and
  - (d) Any additional criteria adopted by rule of the state board.
- (6) (a) For each school year in which the state board awards grants through the pilot program, the department shall prepare a report concerning implementation of the pilot program. At a minimum, the report must include:
- (I) The number of school districts, boards of cooperative services, and charter schools that received grants through the pilot program and the amount of each grant;
  - (II) The types of professional development that grant recipients provided to teachers and principals;
  - (III) For the schools operated by the grant recipients, a comparison of the following strategies, policies, or data before and after educators participated in the professional development programming provided with the grant money:
    - (A) Disciplinary strategies or policies;
    - (B) For preschool, kindergarten, and grades one through three, the aggregate number and types of disciplinary incidents, aggregate information concerning the types of disciplinary responses to incidents, and aggregate information concerning the changes in disciplinary responses used before and after the training;
    - (C) Attendance and truancy rates; and
    - (D) Indicators of teacher satisfaction; and
  - (IV) Any other nonpersonally identifying data requested by the department that indicates whether the pilot program is successful in reducing the use of exclusionary discipline methods in public schools.
- (b) By April 15, 2018, and by April 15 each year thereafter, the department shall submit the report to the state board, the joint budget committee, and the education committees of the house of representatives and the senate, or any successor committees.
- (7) The pilot program is not eligible to receive state appropriations and must be funded solely through gifts, grants, or donations. The department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the pilot program. Notwithstanding any provision of this section to the contrary, the department and the state board are not required to implement the pilot program, including promulgating rules and preparing the report described in subsection (6) of this section, in a budget year if the department does not receive at least three hundred thousand dollars in gifts, grants, or donations for the pilot program for that budget year.
- (8) This section is repealed, effective July 1, 2020.

## **REGULATIONS**

No relevant regulations found.

## ***Out-of-School and Exclusionary Discipline: Suspensions, Expulsion, Restraint and Seclusion, and Alternative Placements***

### **Grounds for possible 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 - repeal.**

(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 shall 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 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 shall 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 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.

**22-33-106. 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;

(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.

(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.

(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.

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

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



(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.

## **REGULATIONS**

No relevant regulations found.

## **Grounds for mandatory 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 - repeal.**

(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;

(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:

(b) The school administration shall, after receipt of such report and proof deemed adequate to the school administration, suspend the student for three days, such suspension to be in accordance with the procedures established therefor, and shall initiate procedures for the further suspension or expulsion of the student where injury or property damage has occurred.

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

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7151, 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.

### **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.

## **REGULATIONS**

No relevant regulations found.

# Limitations, conditions or exclusions for use of suspension and expulsion

## 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:

(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.

(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.

### **22-33-201. 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.

## **Administrative procedures related to suspension and 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 - repeal.**

(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:

- (a) Such school teacher or school employee shall file a complaint with the school administration and the board of education.
- (b) The school administration shall, after receipt of such report and proof deemed adequate to the school administration, suspend the student for three days, such suspension to be in accordance with the procedures established therefor, and shall initiate procedures for the further suspension or expulsion of the student where injury or property damage has occurred.
- (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.

#### **22-33-105. 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.

#### **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 does not comply with the valid court order issued against the child or against both the parent and the child, the court may order that an assessment for neglect as described in section 19-3-102 (1), C.R.S., be conducted as provided in section 19-3-501, C.R.S. In addition, the court may order the child to show cause why he or she should not be held in contempt of court.

(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, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education.

(c) If the court finds that the child has refused to comply with the plan created for the child pursuant to section 22-33-107 (3), the court may impose on the child as a sanction for contempt of court a sentence of detention for no more than five days in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402, C.R.S., and any rules promulgated by the Colorado supreme court.

(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.

## In-school 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 - repeal.**

(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;

(2) Safe school plan. [...] The plan, at a minimum, shall 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;

#### **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.

## 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.

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

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

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

(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.

**REGULATIONS**

No relevant regulations found.

## Use of 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 - repeal.**

(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 shall 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 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 shall 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).

(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.

(c) Not more than five calendar days after the use of restraint on a student, the school administration shall mail, fax, or e-mail a written report of the incident to the parent or legal guardian of 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.

(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.

**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, 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, school district, or other political subdivision of the state or any department, division, section, unit, office, or agency of such county, city and county, municipality, school district, 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 43 of title 12, C.R.S.
  - (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 social services when engaged in performance of duties pursuant to part 3 of article 3 of title 19, C.R.S.
- (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 corrections" means the division of youth corrections within the state department created pursuant to section 19-2-203, C.R.S.
- (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; 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" 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 five minutes 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), C.R.S., 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, C.R.S., to an individual with mental illness, as defined in section 27-65-102 (14), C.R.S., may use seclusion to restrain an individual with a mental illness 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. Duties relating to use of restraint.**

(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 corrections.**

(1) Notwithstanding the provisions of section 26-20-103 to the contrary, if the division of youth corrections 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 corrections 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 corrections 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 corrections, 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 corrections 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 corrections 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 mental illness or developmental disabilities;
- (b) Effective de-escalation techniques for youth in crisis, including those with mental illness or 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 corrections 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 corrections 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 corrections 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 corrections shall report on its use of seclusion in any secure state-operated or state-owned facility to the youth 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 corrections 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 youth held in seclusion due to an emergency;
- (II) The total number of incidents of seclusion due to an emergency;
- (III) The average time in seclusion per incident; and
- (IV) An aggregate summary of race, age, and gender of youth held in seclusion.

(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 corrections shall meet the requirements of this section to the extent that it is able using its current reporting mechanisms. The division of youth corrections 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 seclusion working group - membership - purpose - repeal.**

(1) There is established within the division of youth corrections a youth 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 corrections, or his or her designee;
- (c) The director of behavioral health within the division of youth corrections, 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 corrections 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 seclusion for youth or that represent children within the custody of the division of youth corrections, one who is appointed by the speaker of the house of representatives and one who is appointed by the president of the senate; and

(g) Two experts independent from the division of youth corrections with expertise in adolescent development, adolescent brain development, trauma-informed 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.

(2) The working group shall advise the division of youth corrections on policies, procedures, and best practices related to seclusion and alternatives to such seclusion.

(3) The working group shall monitor the division of youth corrections' use of confinement for administrative purposes. The division of youth corrections shall share with the working group, on an ongoing basis, available data regarding time spent in confinement by youth 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 corrections and 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 corrections' work related to the seclusion of youth 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 corrections' policies related to seclusion and alternatives to 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, 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.

(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.

## **REGULATIONS**

### **1 CCR 2620-R- 1.00. Statement of basis and 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 amendments to these Rules is found in 26-20-108, C.R.S. The purpose of these amendments is to conform these Rules to the Protection of Persons from Restraint Act; add clarifying language; and reorganize these Rules to provide enhanced clarification for implementation.

### **1 CCR 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) "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.

(3) "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; 2

(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, step-parent, 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-R-6.02(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).

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

(5) "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). 3
- (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 Corrections;
    - (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(5)(a) and to all educational programs, activities or events provided, supervised or sponsored by such public agencies.
- (6) "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; 4
  - (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 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;

- (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) "Seclusion" means the placement of a student alone in a room from which egress is involuntarily prevented. "Seclusion" does not mean:
- (i) Placement of a student in residential services in his or her room for the night; or
  - (ii) "Time-out" which is the removal of a student from potentially rewarding people or situations. A Time-out 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.
- (7) "School Day" means any day or partial day that students are in attendance at the public education programs, agencies or services or sponsored events.
- (8) "Student," for the purposes of these Rules only, means any individual aged 3 -21 years.

**1 CCR 2620-R- 2.01. Basis for the use of restraint.**

- (1) Restraints shall only be used: 2.01 (1) (a) In an emergency and with extreme caution; and 5
- (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 2.01 (1) (b) (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 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. 6
- (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 that this provision shall not apply to armed security officers who:

- (i) Have received documented training in defensive tactics utilizing handcuffing procedures; and
- (ii) Are detaining a student for law enforcement.

(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) "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 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 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, 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 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 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.

## 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 (II) 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 of title 19, C.R.S.

(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.**

(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;

**REGULATIONS**

**1 CCR 2238-R-1.00. Statement of basis and purpose for adoption of rules.**

The statutory basis for these Rules is found in 22-2-107(1)(c), State Board-Powers, 22-38-101, et. seq., C.R.S., the Pilot Schools for Students Expelled from Sixth through Ninth Grades, and 22-2-109(1), State Board-Additional Duties. The Act requires the State Board to promulgate Regulations that establish the criteria for applications submitted under this Act. The Act requires that specific criteria be included in these applications. The Rules identify these required components.

**1 CCR 2238-R-2.00. Applications.**

All applications under this Article shall be submitted to the State Board and shall include:

- 2.01 A description of the applicant, its experience in providing educational, counseling, social, and other necessary services to expelled and other students, and, in the case of nonprofit organizations, its balance sheets and operating statements for the previous five years;
- 2.02 Information regarding the educational background, experience, and qualifications of personnel who will serve on the Board of Directors and operate the school;
- 2.03 The mission statement of the proposed pilot school;
- 2.04 The goals, objectives, and performance standards to be achieved by the pilot school;
- 2.05 A description of the standards upon which the pilot school will select and admit expelled and at-risk students and determine when an expelled student will be admitted as a residential student;
- 2.06 A description of the pilot school's educational program, student performance standards, curriculum, and student conduct code;
- 2.07 A description of the pilot school's plan for evaluating student performance, the types of assessments that will be used to measure student progress toward achievement of the school's student performance standards, the timeline for achievement of such standards, and the procedures for taking corrective action in the event that student performance at the pilot school falls below such standards;
- 2.08 Evidence that the proposed pilot school is economically sound, a proposed budget for the term of the contract, and a description of the manner in which an annual audit of the financial and administrative operations of the pilot school is to be conducted;
- 2.09 A description of the governance and operation of the pilot school, including the nature and extent of parental, professional educator, social services, and community involvement;
- 2.10 An explanation of the relationship that will exist between the proposed pilot school and its employees;
- 2.11 A description of the insurance that the pilot school will obtain;
- 2.12 A description of how the pilot school plans to meet the residential needs of its students and, if the pilot school plans to provide transportation for students, a plan for addressing their transportation needs;
- 2.13 A description of how the school will assist students in adapting to a public school or other appropriate learning or work environment upon the student's departure from the pilot school;



- 2.14 A description of how the residential pilot schools will transition the student back into the home environment if the student will be returning home;
- 2.15 A description of how the pilot school will involve parents in order to enhance students' performance in the pilot school, including the use of any mutual responsibility contracts authorized pursuant to Section 22-38-104(6);
- 2.16 A description of the pilot school's plan to sponsor periodic meetings, conferences, or training seminars to provide information concerning expelled or at-risk students to personnel in the school district or school districts that represent the geographic area in which the pilot school is located;
- 2.17 Identification of the entity that will evaluate the pilot school as required pursuant to Section 22-38-114;
- 2.18 A description of how the pilot school plans to foster an awareness of cultural needs; and
- 2.19 Any other information deemed necessary by the State Board.

**1 CCR 2233-R-1.00. Statement of basis and purpose for adoption of rules.**

1.01 The statutory basis for these Rules is found in 22-2-107 (1) (c), State Board-Powers, and 22-33-205 et seq., C.R.S., Services for Expelled Students - Grants - Criteria. The Act requires the State Board to promulgate Regulations that establish the criteria for applications submitted under this Act. The Act requires that specific criteria be included in these applications. The Rules identify these required components.

**1 CCR 2233-R-2.00. Applications.**

All applications under Article shall be submitted to the State Board and shall include:

- 2.01 The number of students expelled from the applying school district during the school year preceding the school year for which the grant is requested.
- 2.02 The estimated number of students enrolled in the school district who are anticipated to be at risk of suspension or expulsion during the year for which the grant is requested.
- 2.03 In the case of pilot schools, the number of expelled students receiving educational services through the pilot school under agreements entered into pursuant to section 22-33-203 (2) during the school year preceding the year for which the grant is requested and the number of expelled students anticipated to receive such services during the year for which the grant is requested.
- 2.04 A plan for the provision of services and the quality of those services based upon previous research or evaluation of such services.
- 2.05 The cost - effectiveness of the services to be provided under the plan.
- 2.06 The amount of funding received by the school district under article 54 of this title or by the pilot school in relation to the cost of the services provided under the plan.
- 2.07 Any other information deemed necessary by the State Board.

## ***Disciplinary Approaches Addressing Specific Infractions and Conditions***

### **Firearms (as required by the Gun-Free Schools Act)**

#### **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.

(2) (Deleted by amendment, L. 2000, p. 709, § 45, effective July 1, 2000.)

(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 (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.**

(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:

- (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.

**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 - repeal.**

(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 shall 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 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 shall 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, 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:

(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, 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;

**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:

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

(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.

(1.5) Notwithstanding any other provision of law, in accordance with the provisions of 20 U.S.C. sec. 7151, 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.

**REGULATIONS**

No relevant regulations found.

**Other weapons**

**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 - repeal.**

(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 shall 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 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 shall 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, 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:

(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, unless the context otherwise requires:

(4) "Dangerous weapon" means:

(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:

(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;

## **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 - repeal.**

(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 shall 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 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 shall 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, 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:

(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:

(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;

#### **22-33-102. Definitions.**

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

(8) "Habitually disruptive student" has the same meaning as set forth in section 22-33-106 (1) (c.5).

#### **22-33-104. Compulsory school attendance.**

(4) (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.

#### **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.**

(3) (a) As used in this subsection (3), a child who is "habitually truant" means a child who has attained the age of six years on or before August 1 of the year in question and is under the age of seventeen years having four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year. Absences due to suspension or expulsion of a child shall be considered excused absences for purposes of this subsection (3).

(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.

**22-33-108. Judicial proceedings.**

(1) Those courts having jurisdiction over juvenile matters in a judicial district shall have original jurisdiction over all matters arising out of the provisions of this article.

(1.5) (a) All proceedings brought under this article shall be commenced in the judicial district in which the child resides or is present.

(b) When proceedings commence under this article in a judicial district other than that of the child's residence or when the child changes his or her judicial district of residence after a proceeding under this article commences, the court in which proceedings commenced may, on its own motion or on the motion of any interested party, transfer the case to the court in the judicial district where the child resides.

(c) When a court transfers venue pursuant to paragraph (b) of this subsection (1.5), the court shall transmit all documents and reports, or certified copies thereof, to the receiving court, which court shall proceed with the case as if the petition had been originally filed in that court.

(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 does not comply with the valid court order issued against the child or against both the parent and the child, the court may order that an assessment for neglect as described in section 19-3-102(1), C.R.S., be conducted as provided in section 19-3-501, C.R.S., in addition the court may order the child to show cause why he or she should not be held in contempt of court. The court may include as a sanction after a finding of contempt an appropriate treatment plan that may include, but need not be limited to, community service to be performed by the child, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education.

(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, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education.

(c) If the court finds that the child has refused to comply with the plan created for the child pursuant to section 22-33-107 (3), the court may impose on the child as a sanction for contempt of court a sentence of detention for no more than five days in a juvenile detention facility operated by or under contract with



the department of human services pursuant to section 19-2-402, C.R.S., and any rules promulgated by the Colorado supreme court.

(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.

**22-33-201. 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.

**REGULATIONS**

No relevant regulations found.

**Attendance 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 human services and social services departments;
- (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 abuse 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.

#### **22-33-104. Compulsory school attendance.**

(1) (a) Except as otherwise provided in subsection (2) of this section, every child who has attained the age of six years on or before August 1 of each year and is under the age of seventeen years, except as provided by this section, shall attend public school for at least the following number of hours during each school year:

- (I) One thousand fifty-six hours if a secondary school pupil;
- (II) Nine hundred sixty-eight hours if an elementary school pupil in a grade other than kindergarten;
- (III) Nine hundred hours if a full-day kindergarten pupil; or

(IV) Four hundred fifty hours if a half-day kindergarten pupil.

(4) (a) The board of education shall adopt a written policy setting forth the district's attendance requirements. Said policy shall provide for excused absences, including those listed as exclusions from compulsory school attendance in accordance with subsection (2) of this section. 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)

(I) "Child who is "habitually truant" means a child who has attained the age of six years on or before August 1 of the year in question and is under the age of seventeen years and who has four unexcused absences from public school in any one month or ten unexcused absences from public school during any school year. Absences due to suspension or expulsion of a child are considered excused absences for purposes of 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 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 policies and procedures may also include but need not be limited to the following:

(I) (Deleted by amendment, L. 96, p. 1808, § 4, effective July 1, 1996.)

(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.

#### **22-33-108. Judicial proceedings.**

(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 shall state the date on which proceedings will be initiated, which date shall not be less than five days from the date of the notice and summons. The notice shall state the provisions of this article with which compliance is required and shall state that the proceedings will not be brought if the child complies with that provision before the filing of the proceeding.

(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 does not comply with the valid court order issued against the child or against both the parent and the child, the court may order that an assessment for neglect as described in Section 19-3-102(1), C.R.S., be conducted as provided in section 19-3-501, C.R.S. In addition, the court may order the child to show cause why he or she should not be held in contempt of court.

(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, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education.

(b) If the court finds that the child has refused to comply with the plan created for the child pursuant to section 22-33-107 (3), the court may impose on the child as a sanction for contempt of court a sentence of detention for no more than five days in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402, C.R.S., and any rules promulgated by the Colorado supreme court.

### **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.

### **REGULATIONS**

No relevant regulations found.

## Substance use

### LAWS

#### **22-12-104. Liability.**

(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.

#### **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 - repeal.**

(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 shall 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 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 shall 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, 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:

(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.

**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 - repeal.**

(12) Use of medical marijuana.

(a) The use of medical marijuana is allowed under state law to the extent that it is carried out in accordance with the provisions of section 14 of article XVIII of the state constitution, this section, and the rules of the state health agency.

(b) A patient or primary caregiver shall not:

(IV) Possess medical marijuana or otherwise engage in the use of medical marijuana in or on the grounds of a school, in a school bus, or at a school-sponsored event except when the possession or use occurs pursuant to section 22-1-119.3, C.R.S.;

**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.

**22-32-109.1. 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 - repeal.**

(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. 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 shall 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 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 shall 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 is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1) (c); character building; and 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, school psychologists, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(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.

(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, 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:

(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 incidents of bullying and other behavior that creates a threat of physical harm to the student or to other students;

(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

(c) Internet safety 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;
- (D) Technology, computer virus issues, and ways to avoid computer virus infection;
- (E) Predator identification;
- (F) Intellectual property, including education concerning plagiarism and techniques to avoid committing plagiarism and laws concerning downloading of copyrighted materials including music;
- (G) Privacy and the internet;
- (H) On-line literacy, including instruction in how to identify credible, factual, trustworthy web sites; and
- (I) Homeland security issues related to internet use.

(II) Each school district is encouraged to structure the internet safety plan so as to incorporate the internet safety topics into the teaching of the regular classroom curricula, rather than isolating the topics as a separate class. Each school district is encouraged to use available internet safety curricula resources, including but not limited to materials available through nonprofit internet safety foundations that are endorsed by the federal government. Each school district is also encouraged to work with local law enforcement for the jurisdiction in which the school district is located in developing the internet safety curricula, especially with regard to topics that address personal safety on the internet, internet predator identification, privacy issues, and homeland security issues. Each school district is also encouraged to collaborate with parents and teachers in developing the internet safety curricula, including collaborating with district and statewide organizations that represent parents and teachers.

(III) Each school district is encouraged to begin implementing the internet safety plan with the 2005-06 school year and to annually review and, as necessary, revise the plan. Each school district is encouraged to identify a person who is responsible for overseeing implementation of the internet safety plan within each public school of the school district to ensure that each public school complies with the requirements of the plan.

(IV) If a school district chooses to adopt an internet safety plan and to identify a person who is responsible for overseeing implementation of the plan, the person is encouraged to annually submit an internet safety plan implementation report to the school district board of education specifying the level of implementation achieved by each public school of the school district and providing an overview of the internet safety curricula adopted and implemented in each public school of the school district. The school district board of education of each school district that chooses to adopt an internet safety plan is encouraged to submit to the department of education an annual report summarizing the internet safety plan implementation report and is encouraged to make the annual summary report available on the school district web site.

## **REGULATIONS**

No relevant regulations found.

## Other special infractions or conditions

### LAWS

#### **22-1-117. Secret fraternities forbidden.**

It is unlawful for any pupil who is registered in and attending any high school, district, primary, or graded school which is partially or wholly maintained by public funds to join or become a member of any secret fraternity, sorority, or society wholly or partially formed from the membership of pupils attending any such schools or to belong to or to take part in the organization or formation of any fraternity, sorority, or society, except such societies or associations as shall be sanctioned by the board of directors of the school districts wherein such schools are maintained.

#### **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 - repeal.**

(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 shall 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 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 shall 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;

(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;

(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:

(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.;

#### **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;

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

(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.

(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.

## **REGULATIONS**

No relevant regulations found.

## ***Prevention and Behavioral Interventions (Non-Punitive)***

### **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 - repeal.**

(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 shall 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 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 shall 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 is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1) (c); character building; and 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, school psychologists, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(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.

(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, 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:

(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.

(c) Internet safety 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 cyber community;

(B) Personal safety in interacting with persons on the internet;

(C) Recognition and avoidance of on-line bullying;

(D) Technology, computer virus issues, and ways to avoid computer virus infection;

(E) Predator identification;

(F) Intellectual property, including education concerning plagiarism and techniques to avoid committing plagiarism and laws concerning downloading of copyrighted materials including music;

(G) Privacy and the internet;

(H) On-line literacy, including instruction in how to identify credible, factual, trustworthy web sites; and

(I) Homeland security issues related to internet use.

(II) Each school district is encouraged to structure the internet safety plan so as to incorporate the internet safety topics into the teaching of the regular classroom curricula, rather than isolating the

topics as a separate class. Each school district is encouraged to use available internet safety curricula resources, including but not limited to materials available through nonprofit internet safety foundations that are endorsed by the federal government. Each school district is also encouraged to work with local law enforcement for the jurisdiction in which the school district is located in developing the internet safety curricula, especially with regard to topics that address personal safety on the internet, internet predator identification, privacy issues, and homeland security issues. Each school district is also encouraged to collaborate with parents and teachers in developing the internet safety curricula, including collaborating with district and statewide organizations that represent parents and teachers.

(III) Each school district is encouraged to begin implementing the internet safety plan with the 2005-06 school year and to annually review and, as necessary, revise the plan. Each school district is encouraged to identify a person who is responsible for overseeing implementation of the internet safety plan within each public school of the school district to ensure that each public school complies with the requirements of the plan.

(IV) If a school district chooses to adopt an internet safety plan and to identify a person who is responsible for overseeing implementation of the plan, the person is encouraged to annually submit an internet safety plan implementation report to the school district board of education specifying the level of implementation achieved by each public school of the school district and providing an overview of the internet safety curricula adopted and implemented in each public school of the school district. The school district board of education of each school district that chooses to adopt an internet safety plan is encouraged to submit to the department of education an annual report summarizing the internet safety plan implementation report and is encouraged to make the annual summary report available on the school district web site.

(2.5)

(a) Safe school plan - child sexual abuse and assault prevention plan. Each school district is encouraged, as part of its safe school plan, to adopt a child sexual abuse and assault prevention plan. Each school district is encouraged to include in the plan delivery of a comprehensive, age-appropriate curricula for kindergarten through twelfth grade regarding child sexual abuse and assault awareness and prevention. The curricula may address, but need not be limited to:

(I) The skills to recognize:

- (A) Child sexual abuse and assault;
- (B) Boundary violations and unwanted forms of touching and contact; and
- (C) Behaviors that an offender uses to groom or desensitize a victim; and

(II) Strategies to:

- (A) Promote disclosure;
- (B) Reduce self-blame; and
- (C) Mobilize bystanders.

(b) Each school district is encouraged to include in the child sexual abuse and assault prevention plan professional development for school personnel and parents in preventing, identifying, and responding to child sexual abuse and assault. Professional development may include providing training in preventing, identifying, and responding to child sexual abuse and assault, including using the child abuse reporting hotline system created pursuant to section 26-5-111, C.R.S., and distributing resources to raise the awareness of school personnel and parents regarding child sexual abuse and assault and preventing child sexual abuse and assault.

(c) A school district is encouraged to use curricula and professional development materials, training, and other resources available from the school safety resource center pursuant to section 24-33.5-1809, C.R.S.

(d) As used in this subsection (2.5), "school personnel" includes teachers, administrators, school resource officers, and other employees of a school district or a public school.

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

(5) The department of education may post on its web site information concerning effective, research-based, truancy- and dropout-prevention programs for the benefit of school districts.

#### **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.

#### **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).
- (2) "Cash fund" means the school bullying prevention and education cash fund created in section 22-93-105.
- (3) "Department" means the department of education created and existing pursuant to section 24-1-115, C.R.S.
- (4) "Facility school" means an approved facility school, as defined in section 22-2-402 (1).
- (5) "Program" means the school bullying prevention and education grant program created in section 22-93-102.



(6) "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.

(7) "State board" means the state board of education created pursuant to section 1 of article IX of the state constitution.

**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) 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 moneys to the bullying prevention and education cash fund from the marijuana tax cash fund created in section 39-28.8-501, C.R.S., or from the proposition AA refund account created in section 39-28.8-604 (1), C.R.S.

(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 web site 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 web site described in subsection (1) of this section.

**REGULATIONS**

**1 CCR 301-99.0.00. 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.

**1 CCR 301-99.1.00. 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 301-99.2.00. 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.

1. As a part of this website, the department continuously makes publicly available resources and evidence-based best practices in bullying prevention.

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.

2.1. 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.

2.2. 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 301-99.3.00. 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:

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;
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. 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.
4. A description of how grantees will include student leadership and voice in the creation and implementation of bullying prevention strategies.
5. A description of how the applicant will adopt specific policies concerning bullying education and prevention that includes:
  - 5.1 Creation or revision of a district safe school plan as indicated in 22-32- 109.1;
  - 5.2 Provisions for the administration of surveys of students' impressions of the severity of bullying in their schools;
  - 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;
  - 5.4 Provisions for adequate due processes and safeguards for students accused of engaging in bullying behaviors.
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.
  - 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;
  - 6.2 To the extent practicable, grantees may utilize existing forms and procedures, including those outlined on the Bullying Prevention website, to administer surveys;
  - 6.3 Grantees may use a digital or paper and pencil version of the survey;
  - 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;

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
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 301-99.4.00. 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:

- 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;
- 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;
- 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 The quality of the plan for including student leadership and voice in the creation and implementation of bullying prevention strategies;
- 5 The quality of the plans to adopt specific policies concerning bullying education and prevention;
- 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;
- 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
- 8 The cost of the bullying prevention best evidence-based practices that the applicant(s) plan to implement using the grant moneys.

#### **1 CCR 301-99.5.00. 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:

- 1 The evidence-based best practices in bullying prevention that the applicant(s) implemented using the grant moneys;
- 2 The number and grade levels of students who participated in each of the bullying prevention practices or services provided;
- 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;

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 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

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:

1 The number of grant recipients that received grants under the program;

2 The amount of each grant awarded to each grant recipient;

3 The average amount of each grant awarded under the program;

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 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.

## **Behavioral interventions and student support services**

### **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.

(d) Repealed.

(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 shall serve without compensation and shall not 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.

**22-2-143. Discipline strategies pilot program - created - reporting - rules - definitions - legislative declaration - repeal.**

(1) The general assembly finds that:

(a) Research demonstrates that young children who are suspended or expelled from school are up to ten times more likely to experience academic failure and grade retention and to hold negative attitudes toward school than those children who are not suspended or expelled. Young children who are suspended or expelled from school are also more likely to drop out of high school and to be incarcerated later in life.

(b) Lack of training to deal with behavioral issues in the classroom contributes to education dissatisfaction and burnout, which increases the number of educators who leave the profession. Providing additional training and support in dealing with student discipline issues may help school districts and schools retain experienced educators.

(c) To reduce the incidence of exclusionary discipline among students, especially those enrolled in preschool through third grade, teachers and administrators should receive training and support in using culturally responsive methods of discipline with young students and in implementing developmentally appropriate responses to the behavioral issues of young students.

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

(a) "Board of cooperative services" means a regional educational service unit created pursuant to article 5 of this title 22.

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

(c) "Culturally responsive methods" means methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research-based alternatives to exclusionary discipline are appropriate and effective for students.

(d) "Exclusionary discipline methods" means in-school suspension, out-of-school suspension, expulsion, school-based arrests, school-based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

(e) "Pilot program" means the discipline strategies pilot program created in subsection (3) of this section.

(3) (a) There is created in the department the discipline strategies pilot program to provide money to school districts, groups of school districts, boards of cooperative services, and charter schools for professional development for teachers and principals concerning the use of culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade, including students with disabilities. The intent of the pilot program is to provide professional development for educators to assist them in reducing the use of exclusionary discipline methods in public schools, especially with regard to students enrolled in preschool through third grade and students with disabilities. The department is required to implement the pilot program only to the extent that it receives sufficient money through gifts, grants, and donations as provided in subsection (7) of this section.

(b) The state board shall promulgate rules as provided in the "State Administrative Procedure Act", article 4 of title 24, as necessary, to implement the pilot program.

(4) A school district, group of school districts, board of cooperative services, or charter school may apply to the department to receive a grant through the pilot program. An application must include:

- (a) The number of teachers and principals to whom the applicant will provide professional development in using culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade and the number and grade levels of students served by those teachers and principals;
- (b) The professional development programs that the applicant expects to provide with the grant money;
- (c) The other resources available to the applicant to provide the professional development;
- (d) The aggregate number and type of disciplinary incidents occurring in preschool, kindergarten, and grades one through three in the schools operated by the applicant in the preceding three school years and the types of disciplinary responses and strategies used;
- (e) The applicant's agreement to provide to the department the information necessary for the department to create the report described in subsection (6) of this section for each school year in which the applicant receives a grant; and
- (f) Any additional information required by rule of the state board.

(5) The department shall review the applications received pursuant to subsection (4) of this section and recommend to the state board which applicants should receive grants through the pilot program and the amount of each grant. The state board, taking into consideration the department's recommendations, shall award the grants, subject to available funding. In making recommendations and awarding grants, the department and the state board shall, to the extent practicable, award a grant to at least one school district, board of cooperative services, or charter school located in a rural area and shall consider:

- (a) The level of financial need that an applicant demonstrates;
- (b) The quality of the professional development grant programs that the applicant expects to provide with the grant money;
- (c) The student demographics of the schools operated by the applicant and the use of exclusionary discipline methods in the preceding three school years by educators employed by the applicant; and
- (d) Any additional criteria adopted by rule of the state board.

(6) (a) For each school year in which the state board awards grants through the pilot program, the department shall prepare a report concerning implementation of the pilot program. At a minimum, the report must include:

- (I) The number of school districts, boards of cooperative services, and charter schools that received grants through the pilot program and the amount of each grant;
- (II) The types of professional development that grant recipients provided to teachers and principals;
- (III) For the schools operated by the grant recipients, a comparison of the following strategies, policies, or data before and after educators participated in the professional development programming provided with the grant money:
  - (A) Disciplinary strategies or policies;
  - (B) For preschool, kindergarten, and grades one through three, the aggregate number and types of disciplinary incidents, aggregate information concerning the types of disciplinary responses to incidents, and aggregate information concerning the changes in disciplinary responses used before and after the training;
  - (C) Attendance and truancy rates; and
  - (D) Indicators of teacher satisfaction; and

(IV) Any other nonpersonally identifying data requested by the department that indicates whether the pilot program is successful in reducing the use of exclusionary discipline methods in public schools.

(b) By April 15, 2018, and by April 15 each year thereafter, the department shall submit the report to the state board, the joint budget committee, and the education committees of the house of representatives and the senate, or any successor committees.

(7) The pilot program is not eligible to receive state appropriations and must be funded solely through gifts, grants, or donations. The department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the pilot program. Notwithstanding any provision of this section to the contrary, the department and the state board are not required to implement the pilot program, including promulgating rules and preparing the report described in subsection (6) of this section, in a budget year if the department does not receive at least three hundred thousand dollars in gifts, grants, or donations for the pilot program for that budget year.

(8) This section is repealed, effective July 1, 2020.

**22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.**

(1) (a) There is hereby created within the department of education the office of dropout prevention and student re-engagement. The head of the office shall be the director of the office of dropout prevention and student re-engagement and shall be appointed by the commissioner of education in accordance with section 13 of article XII of the state constitution. The office of dropout prevention and student re-engagement shall consist of the director and an assistant director who shall be appointed by the director. The commissioner may assign or otherwise direct other personnel within the department to assist the director and assistant director in meeting the responsibilities of the office.

(b) The office of dropout prevention and student re-engagement and the director of the office shall exercise their powers and perform their duties and functions under the department of education, the commissioner of education, and the state board of education as if the same were transferred to the department of education by a type 2 transfer as defined in the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

(c) The department is strongly encouraged to direct, to the extent possible, any increases in the amount of federal moneys received by the department for programs under Title I, part A of the "Elementary and Secondary Education Act of 1965", 20 U.S.C. sec. 6301 et seq., programs under the "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400, et seq., or other federal programs to assist in funding the activities of the office as specified in this article.

(d) The department shall seek and may accept and expend gifts, grants, and donations from public or private entities to fund the operations of the office, including the personnel for the office and execution of the duties and responsibilities specified in this article. Notwithstanding any provision of this article to the contrary, the department is not required to implement the provisions of this article until such time as the department has received an amount in gifts, grants, and donations from public or private entities that the department deems sufficient to adequately fund the operations of the office.

(2) The office shall collaborate with local education providers to reduce the statewide and local student dropout rates and to increase the statewide and local graduation and completion rates in accordance with the goals specified in section 22-14-101. To accomplish this purpose, the office shall assist local education providers in:

(a) Analyzing student data pertaining to student dropout rates, graduation rates, completion rates, mobility rates, truancy rates, suspension and expulsion rates, safety or discipline incidences, and student academic growth data at the state and local levels; and

(b) Creating and evaluating student graduation and completion plans.

- (3) To accomplish the purposes specified in subsection (2) of this section, the office shall also:
- (a) Review state policies and assist local education providers in reviewing their policies pertaining to attendance, truancy, disciplinary actions under the local education provider's code of conduct, behavioral expectations, dropout prevention, and student engagement and re-engagement to identify effective strategies for and barriers to reducing the student dropout rates and increasing student engagement and re-engagement within the state;
  - (b) Identify and recommend, as provided in section 22-14-104, best practices and effective strategies to reduce student dropout rates and increase student engagement and re-engagement;
  - (c) Develop interagency agreements and otherwise cooperate with other state and federal agencies and with private, nonprofit agencies to collect and review student data and develop and recommend methods for reducing student dropout rates and increasing student engagement and re-engagement. The office shall, to the extent possible, collaborate with, at a minimum:
    - (I) Career and technical education providers;
    - (II) General educational development service providers;
    - (III) The prevention services division in the department of public health and environment;
    - (IV) The division of youth services and other agencies within the juvenile justice system;
    - (V) The department of corrections;
    - (VI) The judicial department;
    - (VII) Institutions of higher education;
    - (VIII) Offices of workforce development;
    - (IX) Expanded learning opportunity and family education programs;
    - (X) Adult basic education and English-as-a-second-language programs;
    - (XI) Organizations that provide services for pregnant and parenting teens and students with special health and education needs;
    - (XII) Agencies and nonprofit organizations within the child welfare system;
    - (XIII) Private, nonprofit organizations that provide services for homeless families and youth; and
    - (XIV) Private nonprofit or for-profit community arts organizations that work in either visual arts or performing arts;
  - (d) Solicit public and private gifts, grants, and donations to assist in the implementation of this article; and
  - (e) Evaluate the effectiveness of local education providers' efforts in reducing the statewide student dropout rate and increasing the statewide graduation and completion rates and to report progress in implementing the provisions of this article.
- (4) (a) The office shall collaborate with other divisions within the department to identify annually through the accreditation process those local education providers that do not meet their established graduation and completion rate expectations. Of those local education providers identified, the office shall use criteria adopted by rule of the state board to determine:
- (I) Which local education providers are most in need of improvement and assistance and shall recognize said local education providers as high priority local education providers; and
  - (II) Which local education providers are in significant need of improvement and assistance and shall recognize said local education providers as priority local education providers.
- (b) The office shall provide technical assistance to each high priority local education provider and to priority local education providers as provided in this article.

(5) In addition to the assistance specified in sections 22-14-106 (3) and 22-14-107 (5), the office shall provide technical assistance in the areas of dropout prevention and student engagement and re-engagement to the high priority local education providers and, to the extent practicable within existing resources, to priority local education providers. Technical assistance may include, but need not be limited to:

- (a) Training in implementing identified, effective, research-based strategies for dropout prevention and student engagement and re-engagement;
- (b) Assistance in estimating the cost of implementing the identified strategies in the schools operated or approved by the high priority or priority local education provider and analyzing the cost-effectiveness of the strategies;
- (c) Identification and recommendation of effective approaches applied by other Colorado local education providers that may be similarly situated to the high priority or priority local education provider.

**22-14-104. Report of effective policies and strategies - creation - use.**

(1) On or before December 31, 2009, the office shall review the existing research and data from this state and other states and compile a report of effective dropout prevention and student engagement and re-engagement policies and strategies implemented by local education providers within this state and in other states. The office may use the findings and recommendations in the report to provide technical assistance to high priority and priority local education providers, to assist high priority and priority local education providers in creating student graduation and completion plans, and to recommend to the state board and the general assembly state policies concerning dropout prevention and student engagement and re-engagement. High priority and priority local education providers may use the report to review their policies, to formulate new policies and strategies, and to create and evaluate their student graduation and completion plans.

(2) In preparing the report of effective policies and strategies, the office, at a minimum, shall consult, share information, and coordinate efforts with:

- (a) The governor's office;
- (b) The P-20 education coordinating council appointed by the governor pursuant to executive order B 003 07;
- (c) Local education providers within Colorado that have maintained low student dropout rates and high rates of student engagement and re-engagement in previous years;
- (d) State and national experts in dropout rate reduction and student engagement and re-engagement strategies who are knowledgeable about successful policies and practices from other states and local governments in other states; and
- (e) Federal government officials who administer dropout rate reduction and student engagement and re-engagement initiatives and programs.

(3) The office shall periodically review and revise the report of effective policies and strategies as necessary to maintain the report's relevance and applicability. The office shall post the initial report of effective strategies and subsequent revisions on the department's web site.

**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.

**22-14-108. Local education provider - notice to parent of dropout status.**

(1) Each local education provider shall adopt and implement policies and procedures pursuant to which the local education provider or the public school in which the student was enrolled shall notify a student's parent if the student drops out of school, even if the student is not subject to the compulsory attendance requirement specified in section 22-33-104. The local education provider shall develop the policies and procedures with the goal of encouraging the student to re-enroll in school and of conveying to the student's parent the long-term ramifications to the student of dropping out of school.

(2) At a minimum, the policies and procedures shall specify the time frames by which the local education provider or the public school in which the student was enrolled shall notify the student and his or her parent and shall require the personnel at the public school to attempt to meet in person with the student and his or her parent.

(3) At a minimum, the notice shall include written notification of the student's dropout status and an explanation of the educational alternatives available to the student to assist him or her in re-engaging in school.

**22-14-109. Student re-engagement grant program - rules - application - grants - fund created - report.**

(1) There is hereby created within the department the student re-engagement grant program to provide grant moneys to local education providers to use in providing educational services and supports to students to maintain student engagement and support student re-engagement in high school. Subject to available appropriations, the state board shall award student re-engagement grants to local education providers from moneys appropriated from the student re-engagement grant program fund created in subsection (4) of this section.

(2) The state board shall adopt rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., for implementing the grant program. At a minimum, the rules shall include:

- (a) Timelines and procedures by which a local education provider may apply for a grant;
- (b) The information to be included on grant applications, including at a minimum:
  - (I) The local education provider's plan for providing educational services, including social and emotional support services;
  - (II) A description of the services to be provided;
  - (III) The estimated cost of providing the services;
  - (IV) The criteria the local education provider will apply to measure the effectiveness of the services provided; and
  - (V) A description of the local education provider's policies and practices related to:
    - (A) Course completion and credit recovery;
    - (B) Attendance and behavior improvements;
    - (C) Alternative and flexible learning strategies;
    - (D) Safe and welcoming school environments;
    - (E) Student social and emotional supports;

- (F) Family engagement and family support strategies;
- (G) Staff development;
- (H) Innovations to address barriers to school engagement and success;
- (I) Transference of student records to and receipt of student records from other local education providers; and
- (J) Student participation in and the availability of visual arts and performing arts education.

(3) Each local education provider that seeks to receive a grant pursuant to this section shall submit an application to the department in accordance with the rules adopted by the state board. The department shall review the grant applications received and recommend grant recipients and grant amounts to the state board. The state board shall annually award grants through the grant program based on the department's recommendations.

(4)

(a) There is hereby created in the state treasury the student re-engagement grant program fund, referred to in this subsection (4) as the "fund", that shall consist of any moneys credited to the fund pursuant to paragraph (b) of this subsection (4) and any additional moneys that the general assembly may appropriate to the fund, including moneys from the marijuana tax cash fund created in section 39-28.8-501, C.R.S., or the proposition AA refund account created in section 39-28.8-604 (1), C.R.S. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department for the direct and indirect costs associated with the implementation of this section.

(b) The department is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of this section; except that the department may not accept a gift, grant, or donation if it is subject to conditions that are inconsistent with this article or any other law of the state. The department shall transmit all private and public moneys received through gifts, grants, or donations to the state treasurer, who shall credit the same to the fund.

(c) The department may expend up to three percent of the moneys annually appropriated from the fund to offset the costs incurred in implementing this section and in evaluating and providing technical assistance to local education providers that receive grants pursuant to this section.

(d) Any moneys in the fund not expended for the purpose of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

(e) The department is encouraged to direct to the fund any federal moneys received by the department that may be used for the purposes specified in this section.

(5)

(a) On or before February 15, 2011, and on or before February 15 each year thereafter, the department shall evaluate the student re-engagement services provided by each local education provider that received a grant pursuant to this section in the preceding fiscal year; except that the department need not provide an evaluation for any fiscal year in which grants were not awarded. At a minimum, the department shall review:

- (I) The outcomes and effectiveness of the services provided as measured by the demonstrated degree of student re-engagement;
- (II) The academic growth of students who received services as a result of the grant, to the extent the information is available;
- (III) The reduction in the dropout rate; and

(IV) The increase in the graduation and completion rates for the grant recipients' schools.

(b) The department shall report the evaluation results to the education committees of the senate and the house of representatives, or any successor committees, in conjunction with the report submitted pursuant to section 22-14-111.

**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 - repeal.**

(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 shall 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 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 shall 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 is encouraged to ensure that its policy, at a minimum, incorporates the biennial administration of surveys of students' impressions of the severity of bullying in their schools, as described in section 22-93-104 (1) (c); character building; and 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, school psychologists, counselors, teachers, administrators, parents, and students. Each school district's policy shall set forth appropriate disciplinary consequences for students who bully other students and for any person who takes any retaliatory action against a student who reports in good faith an incident of bullying, which consequences shall comply with all applicable state and federal laws.

(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.

#### **22-33-104. Compulsory school attendance.**

(4) (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.

#### **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.

#### **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 but not limited to 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 who is identified as being at risk of suspension or expulsion or who has been suspended or expelled and to the student's family. Any services provided pursuant to an agreement with a nonpublic, nonparochial school shall be subject to approval by the state board of education pursuant to section 22-2-107, C.R.S. 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) Drug or alcohol-addiction treatment programs;
- (d) Family preservation services.

**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.

**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;
- (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;
- (g) Provide safe2tell awareness and education materials to all preschool, elementary, and secondary schools in Colorado at no charge to the school on or before June 30, 2017, and annually each fiscal year thereafter;

- (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; and
- (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.

## **REGULATIONS**

### **1 CCR 301-84.1.00. Statement of basis and purpose.**

The Dropout Prevention and Student Re-engagement Act, Article 14 of Title 22 of the Colorado Revised Statutes, requires the State Board of Education to promulgate rules to establish criteria for identifying high priority and priority local education providers, rules for implementing the Student Re-engagement Grant Program and defining and calculating the following rates: student dropout rate, graduation rate, completion rate, the student re-engagement rate; truancy rate, student mobility rate, student suspension rate and student expulsion rate.

### **1 CCR 301-84.2.00. Definitions.**

Definitions as defined in § 22-14-103, C.R.S.

- 2.01 "Completion" means a student graduates from high school or receives a certificate or other designation of high school completion such as a general educational development certificate.
- 2.02 "Department" means the Department of Education created and existing pursuant to § 24-1-115, C.R.S.
- 2.03 "Dropout Prevention" means school and community-based initiatives to promote positive social, emotional, familial, and educational factors that maintain and strengthen student engagement and address barriers and conditions that may lead a student to drop out of school.
- 2.04 "Expanded Learning Opportunity Programs" means programs that provide kindergarten-through twelfth-grade supervised learning activities that may include, but need not be limited to, afterschool programs, before-school programs, summer school programs, weekend programs, and extended-day and extended-year programs.
- 2.05 "Graduation" means a student meets the locally defined requirements for a high school diploma.
- 2.06 "Grant Program" means the student re-engagement grant program established in § 22-14-109, C.R.S.
- 2.07 "High Priority Local Education Provider" means a local education provider that the Office identifies pursuant to § 22-14-103 (4), C.R.S. as being most in need of technical assistance and support.
- 2.08 "Local Education Provider" means a school district, a board of cooperative services created pursuant to article 5 of title 22, or the state Charter School Institute created pursuant to § 22- 30.5-503, C.R.S.
- 2.09 "Office" means the Office of Dropout Prevention and Student Re-Engagement created within the Department of Education pursuant to § 22-14-103, C.R.S.
- 2.10 "Parent" means a student's biological or adoptive parent or the student's legal guardian or legal custodian.
- 2.11 "Priority Local Education Provider" means a local education provider that the Office identifies pursuant to § 22-14-103 (4), C.R.S. as being in significant need of technical assistance and support.
- 2.12 "State Board" means the State Board of Education created and existing pursuant to Section 1 of article IX of the State Constitution.

2.13 "Student Engagement" means a student's sense of belonging, safety, and involvement in school that leads to academic achievement, regular school attendance, and graduation. Elements of promoting student engagement include providing rigorous and relevant instruction, creating positive relationships with teachers and counselors, providing social and emotional support services for students and their families, creating partnerships with community organizations and families that foster learning outside of the classroom, and cultivating regular school attendance.

2.14 "Student Graduation and Completion Plan" means a local education provider's plan, created pursuant to § 22-14-107, C.R.S., for reducing the student dropout rate and increasing the rates of student engagement, re-engagement, graduation, and completion.

2.15 "Student Re-Engagement" means that a student reenrolls in high school after dropping out prior to completion. Student re-engagement usually results from a local education provider's use of evidence- or research-based strategies to reach out to students who have dropped out of school and to assist them in transitioning back into school and obtaining their high school diplomas or otherwise completing high school.

2.16 "Student Support Personnel" means a state-licensed or state-certified school counselor, school psychologist, school social worker, or school nurse, or other state-licensed or state-certified mental health professional qualified under state law to provide support services to children and adolescents.

### **1 CCR 301-84.3.00. High priority and priority local education providers.**

The Office shall collaborate with other divisions within the Department to identify annually through the accreditation process, as defined in CCR 301-1 (Rules for the Administration of Statewide Accountability Measures), those local education providers (LEPs) that do not meet expectations for Graduation and Completion rates. Of those LEPs identified, those most in need of improvement and assistance shall be recognized as High Priority and those in significant need of improvement and assistance shall be recognized as Priority based on the following criteria:

(1) Identified LEPs with Graduation and Completion rates that are significantly below State averages or those that do not meet expectations for post secondary workforce readiness indicators, as defined pursuant to CCR 301-1 (Rules for the Administration of Statewide Accountability Measures), will be designated Priority.

(a) Identification shall consider size of pupil membership in determining designation of Priority.

(2) Identified LEPs will be designated High Priority if they meet the criteria for Priority and there is indication that they are most in need of improvements. Indicators shall be based on data highly correlated with the likelihood that students will dropout, including but not limited to dropout rates, truancy rates, suspension or expulsion rates that significantly above state averages. These rates are defined in section 5.00 of these rules.

(3) The designation of High Priority and Priority will be recognized and in effect for three consecutive fiscal years to allow time to complete the "practices assessment," adopt Student Graduation and Completion Plan and review and evaluate plans as described in sections 3.02 and 3.05 in these rules. Based on the timeline listed in 3.01 (1) in these rules, the first group of High Priority LEPs will begin in fiscal year 2009-2010. The first group of Priority LEPs will begin in fiscal year 2010-2011. In subsequent years, the timeline will follow criteria described in section 3.07 of these rules.

(4) If after completion of the three-year period, a designated LEP meets its Graduation and Completion rate expectation(s), the LEP shall no longer be recognized as High Priority or Priority. If after completion of the three-year period, a designated LEP does not meet its Graduation and Completion rate expectation(s), the Department shall review continuation of the designation of High Priority or Priority in collaboration with other divisions within the Department and may require an update of the LEP's "practices assessment" and a revision and further evaluation of the LEP's Student Graduation and

Completion Plan 3.01 Practices Assessment. Each High Priority and Priority LEP shall conduct a “practice assessment” as described in 22-14-106(2), C.R.S. Each High Priority and Priority LEP’s “practices assessment” shall consider community partnerships with state and local government agencies and community-based organizations and current practices and policies as they relate to different types of dropout students or students at risk of dropping out.

### 3.01

(1) For the first group, each High Priority LEP shall complete its initial “practices assessment” no later than June 30, 2010. Each Priority LEP shall complete its initial “practices assessment” no later than June 30, 2011. Following completion of the initial “practices assessment,” each High Priority and Priority LEP shall review and update the “practices assessment” in accordance with timelines as described in section 3.06 and 3.07 of these rules.

(2) Each LEP that is not a High Priority or Priority LEP is encouraged to conduct a “practices assessment” and to periodically review and update the “practices assessment.” A LEP that chooses to conduct a “practices assessment” shall comply with provisions pursuant to this paragraph and shall comply with provisions of section 3.04 of these rules.

(3) If a High Priority or Priority LEP has authorized one or more existing charter schools pursuant to article 30.5 of title 22 of the Colorado Revised Statutes, each charter school shall conduct its own “practices assessment” in accordance with the deadlines specified in subsection (1) and section 3.07 of these rules. In addition, they shall submit the assessment to the Department as described in section 3.04 of these rules. A “practices assessment” conducted by a charter school shall conform to the requirements specified in section 3.02 of these rules.

3.02 Practices Assessment Implementation. Each practices assessment, at a minimum, shall address the High Priority or Priority LEP’s:

- (1) Attendance and truancy reporting and enforcement policies and definitions;
- (2) Risk factors and remedies applicable to students who are failing one or more courses, have experienced traumatic life events, or have lost academic interest or motivation and to students whose presence or actions are perceived to be detrimental to other students;
- (3) Interaction with the judicial system in enforcing compulsory school attendance;
- (4) Interaction with the juvenile justice system in:
  - (a) Assisting in administering juvenile diversion programs and coordinating supports for all students transitioning out of the juvenile justice system to aid in the continuation of the students' education, especially for those students involved in the juvenile justice system as a result of school-related violations of the LEP's code of conduct or crimes committed on school property; and
  - (b) Coordinating with juvenile probation officers regarding school-related conditions of probation;
- (5) Coordination with child welfare services, including but not limited to county departments of social services, facility schools, and other youth services providers;
- (6) Grading policies;
- (7) Policies for grade repetition and remediation;
- (8) Course completion requirements and policies; and
- (9) Policies and practices relating to:
  - (a) The use of individual career and academic plans;
  - (b) Addressing ethnicity, language and cultural barriers between students' homes and school;
  - (c) English-language acquisition;
  - (d) Student acquisition of behavioral, social and emotional skills;

- (e) Students' health care needs;
- (f) Alternative and flexible educational strategies;
- (g) Family involvement and family support services;
- (h) Expanded Learning Opportunity Programs;
- (i) Staff development in implementing evidence-based strategies;
- (j) Innovations to address barriers to school engagement and success;
- (k) Outreach services to re-engage students who drop out of school; and
- (l) Review and analysis of data regarding dropout rates, Graduation rates school completion rates, truancy rates, the number of students who are habitually truant, suspension rates, and expulsion rates.

3.03 Technical Assistance. The Office shall provide technical assistance to High Priority LEPs to assist them in completing their “practices assessments” and Student Graduation and Completion Plans. The Office may provide technical assistance to Priority LEPs as allowable within available appropriations. In addition, at the request of a High Priority or Priority LEP and to the extent practicable within available resources, the Office shall provide a template, which includes any student data that is pertinent to the High Priority or Priority LEP and to which the Office has access, to assist the High Priority or Priority LEP in preparing its “practices assessment”.

3.04 Publication of Assessment. Upon completing its practices assessment or any updates to the assessment, each High Priority and Priority LEP shall transmit the assessment to the Department for publication on the internet.

3.05 Student Graduation and Completion Plan.

(1) Based on the completed “practices assessment,” for the first group of designated LEPs, each High Priority LEP shall adopt a Student Graduation and Completion Plan for the schools operated or approved by the High Priority LEP by October 1, 2010. Each Priority LEP shall adopt a Student Graduation and Completion Plan by October 1, 2011. Timelines for subsequent years are described in section 3.07 of these rules.

(2) For the first group of designated LEPs, following adoption of the initial Student Graduation and Completion Plan, each High Priority and Priority LEP shall review and update the Student Graduation and Completion Plan in accordance with timelines described in section 3.06 of these rules. In setting the dates for adoption of the initial Student Graduation and Completion Plan and the timelines for reviewing and updating the Student Graduation and Completion Plan, the State Board shall ensure that the dates coincide with the dates by which each LEP is required to adopt the plan required by its accreditation category or its annual performance review. The timelines for subsequent years are described in section 3.07 of these rules.

(3) Each LEP that is not a High Priority or Priority LEP is encouraged to adopt a Student Graduation and Completion Plan and to periodically review and update the plan. A LEP that chooses to adopt a Student Graduation and Completion shall comply with the provisions of subsection (8).

(4) Notwithstanding any provision in subsection (1) to the contrary, if a High Priority or Priority LEP has authorized one or more existing charter high schools pursuant to article 30.5 of this title, each charter high school shall adopt its own Student Graduation and Completion Plan in accordance with the deadlines specified in sections 3.06 and 3.07 of these rules and submit the plan to the Department pursuant to subsection (8). A Student Graduation and Completion Plan adopted by a charter high school shall conform to the requirements specified in subsections (5) and (6).

(5) At a minimum, each High Priority and Priority LEP's Student Graduation and Completion Plan shall include:

- (a) The percentage by which the High Priority or Priority LEP anticipates reducing the student truancy rate and dropout rate and the timeline for achieving the reductions;
  - (b) The percentage by which the High Priority or Priority LEP anticipates increasing the student attendance, graduation, and completion rates and the timeline for achieving the increases;
  - (c) Other objectives that the High Priority or Priority LEP identifies that are designed to result in improved Dropout Prevention, improved student attendance, and improved Student Engagement and Re-engagement within the schools operated or approved by the High Priority or Priority LEP;
  - (d) The manner in which the High Priority or Priority LEP will measure success in achieving the goals and objectives of the Student Graduation and Completion Plan;
  - (e) The manner in which school staff and Parents will work together to address the risk factors and remedies for students; and
  - (f) A description of the supports that the High Priority or Priority LEP will provide to a student who leaves a public school prior to graduation or completion, which supports, at a minimum, shall include an explanation of the educational alternatives available to the student to assist him or her in re-engaging in school and other information to assist with his or her transition into other educational settings, including but not limited to an adult basic education, general educational development, or English-as-a-second-language program, or into the workforce or job training.
- (6) In designing its Student Graduation and Completion Plan, each High Priority or Priority LEP is encouraged to:
- (a) Include a variety of innovative dropout reduction efforts in the plan, including new schools and programs that provide educational environments that are specifically designed to promote Student Re-Engagement, including policies and programs that create alternative pathways to high school Graduation; and
  - (b) Review existing supports and resources that the High Priority or Priority LEP may leverage to support implementation of the plan, including but not limited to grants for expelled and at-risk student services available pursuant to § 22-33- 205, C.R.S. grants available through the school counselor corps grant program created in article 91 of this title, assistance available through the closing the achievement gap program pursuant to § 22-7-611, C.R.S. and federal moneys available pursuant to the "safe and drug-free schools and communities act", 20 U.S.C. Sec. 7101 et seq.
- (7) Each High Priority or Priority LEP, in adopting its Student Graduation and Completion Plan, shall also adopt a process by which annually to review and evaluate the effectiveness of the plan. Each High Priority or Priority LEP that is a school district shall include its "practices assessment" and its Student Graduation and Completion Plan with the plan the school district is required to adopt pursuant to CCR 301-1 (Rules for the Administration of Statewide Accountability Measures).
- (8) Upon adopting its Student Graduation and Completion Plan or any updates to the plan, each High Priority or Priority LEP shall transmit the plan to the Department for publication on the internet.
- (9) Beginning in the 2011-12 academic year, the Office shall annually evaluate each High Priority LEP's Student Graduation and Completion Plan as part of the accreditation review process. The Office shall evaluate the components of each Student Graduation and Completion Plan, the High Priority LEP's implementation of the plan, and the results achieved. In evaluating the Student Graduation and Completion Plans, the Office shall generally ensure that the High Priority LEP applies best practices and strategies and employs rigorous ongoing program evaluation and oversight in implementing the plan. On completion of the evaluation, the Office may provide recommendations to the High Priority LEP concerning improvements in the plan design and implementation.
- (a) The Office may evaluate, as described in subsection (6) (a), the Student Graduation and Completion Plans of Priority LEPs as allowable within available appropriations.

3.06 Timeline for the First High Priority and Priority Local Education Providers That Are Identified For the first LEPs designated as High Priority and Priority, the following timeline will be implemented in accordance with § 22-14-106, C.R.S:

- (1) High Priority LEPs shall complete their “practices assessment” by June 30, 2010.
- (2) Priority LEPs shall complete “practices assessment” by June 30, 2011.
- (3) High Priority LEPs shall adopt Student Graduation and Completion Plans by October 1, 2010.
- (4) Priority LEPs shall adopt Student Graduation and Completion Plans by October 1, 2011.
- (5) By December 31 of the 2011-12 academic year, the Office shall review and evaluate the Student Graduation and Completion Plans of High Priority LEPs.
- (6) By the December 31 of 2012-13 of the academic year, the Office shall review and Evaluate the Student Graduation and Completion Plans of Priority LEPs.

3.07 Timeline for High Priority and Priority Local Education Providers in Subsequent Years In subsequent years, beginning in fiscal 2011-2012, LEPs newly designated as High Priority and Priority will be subject to the following timelines:

- (1) By December 15 of each year, in cooperation with other units at the Department and accreditation, the Office will identify LEPs that did not meet their Graduation and Completion rate expectation(s) pursuant to section 3.00 of these rules. Within 60 days of identification, the Office shall designate High Priority and Priority based on the criteria as described in sections 3.00 (1) and 3.00 (2) of these rules and will be in effect for three consecutive fiscal years in accordance with section 3.00 (3) of these rules.
  - (a) In year one of their designation, High Priority LEPs shall complete their “practices assessment” by June 30.
  - (b) Priority LEPs shall begin their “practices assessment” in year one of their designation and complete them no later than October 31 in year two of their designation.
  - (c) High Priority LEPs shall adopt Student Graduation and Completion Plans no later than January 15 in the second year of their designation, subject to revision based on CCR 301-1 (Rules for the Administration of Statewide Accountability Measures) timelines for district improvement plans and accreditation.
  - (d) Priority LEPs shall adopt their Student Graduation and Completion Plans no later than June 30 in year two of their designation, subject to revision based on CCR 301-1 (Rules for the Administration of Statewide Accountability Measures) timelines for district improvement plans and accreditation.
  - (e) In year three of designation, the Office will review and evaluate the Student Graduation and Completion Plans of High Priority and Priority LEPs in collaboration with other units at the Department and accreditation, on or before June 30 and pursuant to sections 305 (9) and 305 (9) (a), of these rules

**1 CCR 301-84.4.00. Implementation of the student re-engagement grant program.**

The Student Re-engagement Grant Program, pursuant to C.R.S. 22-14-109, is created to provide grant moneys to local education providers (LEPs) to use in providing educational services and supports to students to maintain Student Engagement and support Student Re-Engagement in high school.

4.01 Application Timelines, The timeline is based on the state fiscal year and is only in effect based on the availability of funds;

- (1) Application deadline: Applications shall be submitted to the Department by June 30.
- (2) Application review: Applications will be reviewed within 30 days of the application deadline.
- (3) Notification of awards: Award notification will occur within 30 days after the completion of the application review.



4.02 Application Procedures. The Department will be the responsible agency for implementing the Student Re-Engagement Grant Program. The Department will develop the Request for Proposal (RFP), pursuant to the Department's RFP process and pursuant to the requirements and timelines found in § 22-14-109, C.R.S. Each grant application will include, at a minimum:

- (1) The number of students to be served
- (2) The LEP's plan for providing educational services, including social-emotional and behavioral support services and appropriate academic challenge;
- (3) A description of the services to be provided based upon previous research or evaluation of such services and that must include strategies that address social, emotional and academic needs;
- (4) The estimated cost of providing the services;
- (5) The criteria the LEP will use to measure the effectiveness of the services provided, at minimum, shall include improvements of outcomes such as Student Engagement and Student Re-Engagement rates, graduation rates, dropout rates and suspension and expulsion rates; and

The description of the LEP's policies and practices related to:

- (a) Course completion and credit recovery;
- (b) Attendance and behavior improvements;
- (c) Alternative and flexible and tiered learning strategies;
- (d) Safe and welcoming school environments;
- (e) Student social and emotional supports;
- (f) Family engagement and family support strategies;
- (g) Staff development in meeting diverse student needs;
- (h) Innovations to address barriers to school engagement and student success; and
- (i) Transference of student records to and receipt of student records from others.

4.03 Duration and Amount of Grant Awards. The Department shall review the grant applications received and recommend grant recommendations and grant amounts to the State Board. Subject to available appropriations, the State Board shall award grants to applicants pursuant to § 22-14-109 (3), C.R.S. Each grant shall have a term of up to three years subject to availability of funds, compliance with assurances and measurable progress.

4.04 Evaluation of Program. On or before February 15, 2011, and on or before February 15 each year thereafter, the Department shall evaluate the educational and support services provided by each LEP that received a grant pursuant to § 22-14-109 (5), C.R.S., in the preceding fiscal year; except that the Department need not provide an evaluation for any fiscal year in which grants were not awarded. At a minimum, the Department shall review:

- (1) The outcomes and effectiveness of the services provided as measured by the demonstrated degree of Student Engagement and Student Re-Engagement;
- (2) The academic growth of students who received services as a result of the grant, to the extent the information is available;
- (3) The reduction in the dropout rate; and
- (4) The increase in the graduation and completion rates for the grant recipients' schools.

4.05 Reporting. The Department shall report the evaluation results to the education committees of the senate and the House of Representatives, or any successor committees by February 15, in conjunction with the report submitted pursuant to § 22-14-111, C.R.S.

## **1 CCR 301-84.5.00. Defining and calculating rates.**

In evaluating the following rates, the intent is to ensure incentives for re-engaging students and ensuring that students successfully achieve statewide academic standards upon Graduation, as defined and calculated in CCR-301-1 (Rules for the Administration of Statewide Accountability Measures).

5.01 The Student Dropout Rate: The annual student dropout rate will be calculated based on the percentage of students in grades seven through twelve who drop out of school in a given year between July 1 and June 30 and have not returned to an educational environment on or before the end of the school year or June 30 as defined and calculated in CCR 301-1 (Rules for the Administration of Statewide Accountability Measures).

5.02 The Graduation Rate: The student graduation rate will be based on the calculations defined and calculated pursuant to CCR 301-1 (Rules for the Administration of Statewide Accountability Measures), or as otherwise required by the Elementary and Secondary Education Act of 1965.

5.03 The Completion Rate: The high school completion rate is the percentage of students from an end of year eighth grade cohort adjusted for verified transfers in and out with adequate documentation, who leave school as graduates or completers as defined by the District as defined and calculated in CCR 301 1 (Rules for the Administration of Statewide Accountability Measures).

5.04 The Student Re-engagement Rate: The Student Re-engagement rate is based on the percent of students who dropped out in the prior year (PY) and re-enrolled in their home school/district in the following year and the percent who dropped out and were retrieved anywhere in the state in the following year. The pairing of these percentages provides information to assist in analyzing the cost-benefit of Student Re-Engagement and recognizes the levels of re-engaging students who have dropped out.

(1) Calculation of percentages based on retrieved into same school or district:

(a) School rate based on re-enrolled:  $\text{Number of PY dropouts who are retrieved into same school the following year} / \text{Number of PY dropouts}$

(b) District rate based on re-enrolled:  $\text{Number of PY dropouts who are retrieved into same district the following year} / \text{Number of PY dropouts}$

(c) State rate based on re-enrolled:  $\text{Sum of PY dropouts who were retrieved into the same district the following year} / \text{Sum of PY dropouts from all districts}$

(2) Calculation of percentages based on retrieved anywhere in the state:

(a) School rate based on retrieved:  $\text{Number of PY dropouts who are retrieved anywhere in the state the following year} / \text{Number of PY dropouts}$

(b) District rate based on retrieved:  $\text{Number of PY dropouts who are retrieved anywhere in the state the following year} / \text{Number of PY dropouts}$

(c) State rate based on retrieved:  $\text{Sum of all PY dropouts retrieved anywhere in the state the following year} / \text{Sum of all PY dropouts from all districts}$

5.05 The Truancy Rate: Truancy rates measure the number of unexcused absences from Public School and number of habitually truant students. They will include two calculations to determine the rate of unexcused absences and habitually truant student rate as defined in CCR 301.78 (Rules Concerning the Standardized Calculation for Counting Student Attendance and Truancy) pursuant to § 22-33-104 (4) (c), C.R.S.

5.06 The Student Mobility Rate: The student mobility rate measures the unduplicated count of the number of students who have moved into or out of a particular education setting as defined and calculated in CCR 301-1 (Rules for the Administration of Statewide Accountability Measures).

5.07 The Student Suspension Rate: The rate is defined as the number of students suspended (may include in-school suspensions, out of school suspensions and classroom suspensions) during the year divided by the student enrollment as of October 1. It is calculated at the school, district and state level as determined by the collection of the Department's Automated Data Exchange system to obtain behavioral incidents and the actions taken. If a student was suspended multiple times within the school year, each time is included in the count.

5.08 The Student Expulsion Rate: The rate is defined as the number of students expelled during the year divided by the student enrollment as of October 1. It is calculated at the school, district and state level as determined by the collection of the Department's Automated Data Exchange system to obtain behavioral incidents and the actions taken. If a student was expelled multiple times, each time is included in the count.

## **Professional development**

### **LAWS**

#### **22-2-143. Discipline strategies pilot program - created - reporting - rules - definitions - legislative declaration - repeal.**

(1) The general assembly finds that:

(a) Research demonstrates that young children who are suspended or expelled from school are up to ten times more likely to experience academic failure and grade retention and to hold negative attitudes toward school than those children who are not suspended or expelled. Young children who are suspended or expelled from school are also more likely to drop out of high school and to be incarcerated later in life.

(b) Lack of training to deal with behavioral issues in the classroom contributes to education dissatisfaction and burnout, which increases the number of educators who leave the profession. Providing additional training and support in dealing with student discipline issues may help school districts and schools retain experienced educators.

(c) To reduce the incidence of exclusionary discipline among students, especially those enrolled in preschool through third grade, teachers and administrators should receive training and support in using culturally responsive methods of discipline with young students and in implementing developmentally appropriate responses to the behavioral issues of young students.

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

(a) "Board of cooperative services" means a regional educational service unit created pursuant to article 5 of this title 22.

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

(c) "Culturally responsive methods" means methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research-based alternatives to exclusionary discipline are appropriate and effective for students.

(d) "Exclusionary discipline methods" means in-school suspension, out-of-school suspension, expulsion, school-based arrests, school-based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

(e) "Pilot program" means the discipline strategies pilot program created in subsection (3) of this section.

(3) (a) There is created in the department the discipline strategies pilot program to provide money to school districts, groups of school districts, boards of cooperative services, and charter schools for professional development for teachers and principals concerning the use of culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade, including students with disabilities. The intent of the pilot program is to provide professional development for educators to assist them in reducing the use of exclusionary discipline methods in public schools, especially with regard to students enrolled in preschool through third grade and students with disabilities. The department is required to implement the pilot program only to the extent that it receives sufficient money through gifts, grants, and donations as provided in subsection (7) of this section.

(b) The state board shall promulgate rules as provided in the "State Administrative Procedure Act", article 4 of title 24, as necessary, to implement the pilot program.

(4) A school district, group of school districts, board of cooperative services, or charter school may apply to the department to receive a grant through the pilot program. An application must include:

(a) The number of teachers and principals to whom the applicant will provide professional development in using culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade and the number and grade levels of students served by those teachers and principals;

(b) The professional development programs that the applicant expects to provide with the grant money;

(c) The other resources available to the applicant to provide the professional development;

(d) The aggregate number and type of disciplinary incidents occurring in preschool, kindergarten, and grades one through three in the schools operated by the applicant in the preceding three school years and the types of disciplinary responses and strategies used;

(e) The applicant's agreement to provide to the department the information necessary for the department to create the report described in subsection (6) of this section for each school year in which the applicant receives a grant; and

(f) Any additional information required by rule of the state board.

(5) The department shall review the applications received pursuant to subsection (4) of this section and recommend to the state board which applicants should receive grants through the pilot program and the amount of each grant. The state board, taking into consideration the department's recommendations, shall award the grants, subject to available funding. In making recommendations and awarding grants, the department and the state board shall, to the extent practicable, award a grant to at least one school district, board of cooperative services, or charter school located in a rural area and shall consider:

(a) The level of financial need that an applicant demonstrates;

(b) The quality of the professional development grant programs that the applicant expects to provide with the grant money;

(c) The student demographics of the schools operated by the applicant and the use of exclusionary discipline methods in the preceding three school years by educators employed by the applicant; and

(d) Any additional criteria adopted by rule of the state board.

(6) (a) For each school year in which the state board awards grants through the pilot program, the department shall prepare a report concerning implementation of the pilot program. At a minimum, the report must include:

(I) The number of school districts, boards of cooperative services, and charter schools that received grants through the pilot program and the amount of each grant;

(II) The types of professional development that grant recipients provided to teachers and principals;

(III) For the schools operated by the grant recipients, a comparison of the following strategies, policies, or data before and after educators participated in the professional development programming provided with the grant money:

(A) Disciplinary strategies or policies;

(B) For preschool, kindergarten, and grades one through three, the aggregate number and types of disciplinary incidents, aggregate information concerning the types of disciplinary responses to incidents, and aggregate information concerning the changes in disciplinary responses used before and after the training;

(C) Attendance and truancy rates; and

(D) Indicators of teacher satisfaction; and

(IV) Any other nonpersonally identifying data requested by the department that indicates whether the pilot program is successful in reducing the use of exclusionary discipline methods in public schools.

(b) By April 15, 2018, and by April 15 each year thereafter, the department shall submit the report to the state board, the joint budget committee, and the education committees of the house of representatives and the senate, or any successor committees.

(7) The pilot program is not eligible to receive state appropriations and must be funded solely through gifts, grants, or donations. The department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the pilot program. Notwithstanding any provision of this section to the contrary, the department and the state board are not required to implement the pilot program, including promulgating rules and preparing the report described in subsection (6) of this section, in a budget year if the department does not receive at least three hundred thousand dollars in gifts, grants, or donations for the pilot program for that budget year.

(8) This section is repealed, effective July 1, 2020.

**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 - repeal.**

(2.5)

(b) Each school district is encouraged to include in the child sexual abuse and assault prevention plan professional development for school personnel and parents in preventing, identifying, and responding to child sexual abuse and assault. Professional development may include providing training in preventing, identifying, and responding to child sexual abuse and assault, including using the child abuse reporting hotline system created pursuant to section 26-5-111, C.R.S., and distributing resources to raise the awareness of school personnel and parents regarding child sexual abuse and assault and preventing child sexual abuse and assault.

**24-31-606. Safe2tell program - creation - duties.**

(1) There is created, within the department, the safe2tell program.

(2) The program must:

(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;

- (g) Provide safe2tell awareness and education materials to all preschool, elementary, and secondary schools in Colorado at no charge to the school on or before June 30, 2017, and annually each fiscal year thereafter;
- (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; and
- (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.

## **REGULATIONS**

### **1 CCR 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.

## ***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.**

(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 students identified as habitually truant, as defined in paragraph (a) of subsection (3) of this section, for the preceding academic year. The department shall post this information for each school district on its web site for the public to access and may post additional information reported by school districts related to truancy.

#### **REGULATIONS**

No relevant regulations found.

### **Parental notification**

#### **LAWS**

##### **22-14-108. Local education provider - notice to parent of dropout status.**

(1) Each local education provider shall adopt and implement policies and procedures pursuant to which the local education provider or the public school in which the student was enrolled shall notify a student's parent if the student drops out of school, even if the student is not subject to the compulsory attendance requirement specified in section 22-33-104. The local education provider shall develop the policies and procedures with the goal of encouraging the student to re-enroll in school and of conveying to the student's parent the long-term ramifications to the student of dropping out of school.

(2) At a minimum, the policies and procedures shall specify the time frames by which the local education provider or the public school in which the student was enrolled shall notify the student and his or her parent and shall require the personnel at the public school to attempt to meet in person with the student and his or her parent.

(3) At a minimum, the notice shall include written notification of the student's dropout status and an explanation of the educational alternatives available to the student to assist him or her in re-engaging in 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 - repeal.**

(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 shall 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 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 shall 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.**

(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.

(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 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.

### **22-33-108. Judicial proceedings.**

(1) Those courts having jurisdiction over juvenile matters in a judicial district shall have original jurisdiction over all matters arising out of the provisions of this article.

(1.5) (a) All proceedings brought under this article shall be commenced in the judicial district in which the child resides or is present.

(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.

(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 does not comply with the valid court order issued against the child or against both the parent and the child, the court may order that an assessment for neglect as described in section 19-3-102(1) C.R.S., be conducted as provided in section 19-3-501, C.R.S. In addition, court may order the child to show cause why he or she should not be held in contempt of court.

(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, supervised activities, participation in services for at-risk students, as described by section 22-33-204, and other activities having goals that shall ensure that the child has an opportunity to obtain a quality education.

(c) If the court finds that the child has refused to comply with the plan created for the child pursuant to section 22-33-107 (3), the court may impose on the child as a sanction for contempt of court a sentence of detention for no more than five days in a juvenile detention facility operated by or under contract with the department of human services pursuant to section 19-2-402, C.R.S., and any rules promulgated by the Colorado supreme court. (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.

### **22-33-203. 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.

(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 of title 19, C.R.S.

(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.

## **REGULATIONS**

### **1 CCR 2620-R- 2.04. Documentation and notification requirements.**

2.04 (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.

### **1 CCR 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:

(b) Follow up communication with the student and his/her family;

## **Reporting and referrals between schools and 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.

(d) Repealed.

(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 shall serve without compensation and shall not 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.

#### **22-12-104. Liability.**

(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.

#### **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 - repeal.**

(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) (VI), C.R.S., 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 (5), or 19-2-1002 (1) or (3), C.R.S., 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.

### **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 - repeal.**

(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).

(b) (I) A plaintiff who files an action under this section for an incident of school violence that occurs on or after June 3, 2015, and on or before July 1, 2017, shall file the action in the district court, and no compensatory damages shall be awarded. The court shall not issue a declaratory judgement regarding the negligence of the public school, school district, or charter school; however, in such action, the plaintiff is entitled to full discovery regarding the incident of school violence.

(II) This paragraph (b) is repealed, effective July 1, 2018.

(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;
- (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;
- (g) Provide safe2tell awareness and education materials to all preschool, elementary, and secondary schools in Colorado at no charge to the school on or before June 30, 2017, and annually each fiscal year thereafter;
- (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; and
- (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.

**24-33.5-503. Duties of division.**

(2)(a)

(l) 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) 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 paragraph (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. Provided that 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.

## Disclosure of school records

### LAWS

#### **12-43-218. Disclosure of confidential communications - definitions - repeal.**

(1) A licensee, registrant, or certificate holder shall not disclose, without the consent of the client, any confidential communications made by the client, or advice given to the client, in the course of professional employment. A licensee's, registrant's, or certificate holder's employee or associate, whether clerical or professional, shall not disclose any knowledge of said communications acquired in such capacity. Any person who has participated in any therapy conducted under the supervision of a licensee, registrant, or certificate holder, including group therapy sessions, shall not disclose any knowledge gained during the course of such therapy without the consent of the person to whom the knowledge relates.

(2) Subsection (1) of this section does not apply when:

(a) A client or the heirs, executors, or administrators of a client file suit or a complaint against a licensee, registrant, or certificate holder on any cause of action arising out of or connected with the care or treatment of the client by the licensee, registrant, or certificate holder;

(b) A licensee, registrant, or certificate holder was in consultation with a physician, registered professional nurse, licensee, registrant, or certificate holder against whom a suit or complaint was filed based on the case out of which said suit or complaint arises;

(c) A review of services of a licensee, registrant, or certificate holder is conducted by any of the following:

(I) A board or a person or group authorized by the board to make an investigation on its behalf;

(II) The governing board of a hospital licensed pursuant to part 1 of article 3 of title 25, C.R.S., where the licensee, registrant, or certificate holder practices or the medical staff of such hospital if the medical staff operates pursuant to written bylaws approved by the governing board of the hospital; or

(III) A professional review committee established pursuant to section 12-43-203 (11) if said person has signed a release authorizing such review;

(d) (I) A client, regardless of age:

(A) Makes an articulable and significant threat against a school or the occupants of a school; or

(B) Exhibits behaviors that, in the reasonable judgment of the licensee, registrant, or certificate holder, create an articulable and significant threat to the health or safety of students, teachers, administrators, or other school personnel.

(II) A licensee, registrant, or certificate holder who discloses information under this paragraph (d) shall limit the disclosure to appropriate school or school district personnel and law enforcement agencies. School or school district personnel to whom the information is disclosed shall maintain confidentiality of the disclosed information, regardless of whether the information constitutes an education record subject to FERPA, consistent with the requirements of FERPA and regulations and applicable guidelines adopted under FERPA, but may disclose information in accordance with section 1232g (b)(1) of FERPA and 34 CFR 99.36 if necessary to protect the health or safety of students or other persons.

(III) A licensee, registrant, or certificate holder who discloses or fails to disclose a confidential communication with a client in accordance with this paragraph (d) is not liable for damages in any civil action for disclosing or not disclosing the communication. This subparagraph (III) does not rescind any statutory duty to warn and protect specified in, and does not eliminate any potential civil liability for failure to comply with, section 13-21-117, C.R.S.

(IV) (A) This paragraph (d) does not apply to an education record that, under FERPA, is exempt from the HIPAA privacy rule.

(B) Notwithstanding subsection (6) of this section, this paragraph (d) applies to covered entities, as defined in HIPAA.

(V) As used in this subsection (2)(d):

(A) "Articulable and significant threat" means a threat to the health or safety of a person that, based on the totality of the circumstances, can be explained or articulated and that constitutes a threat of substantial bodily harm to a person.

(B) "FERPA" means the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g.

(C) "HIPAA" means the federal "Health Insurance Portability and Accountability Act of 1996", as amended, Pub.L. 104-191.

(D) "School" means a public or private preschool; elementary, middle, junior high, or high school; or institution of postsecondary education described in title 23, C.R.S., including the Auraria higher education center created in article 70 of title 23, C.R.S.

(VI) Repealed.

(3) The records and information produced and used in the review provided for in paragraph (c) of subsection (2) of this section do not become public records solely by virtue of the use of the records and information. The identity of a client whose records are reviewed shall not be disclosed to any person not directly involved in the review process, and procedures shall be adopted by a board, hospital, association, or society to ensure that the identity of the client is concealed during the review process itself and to comply with section 12-43-224 (4).

(4) Subsection (1) of this section shall not apply to any delinquency or criminal proceeding, except as provided in section 13-90-107, C.R.S., regarding any delinquency or criminal proceeding involving a licensed psychologist.

(5) Nothing in this section shall be deemed to prohibit any other disclosures required by law.

(6) This section does not apply to covered entities, their business associates, or health oversight agencies, as each is defined in the federal "Health Insurance Portability and Accountability Act of 1996", as amended by the federal "Health Information Technology for Economic and Clinical Health Act", and the respective implementing regulations.

**19-1-303. General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty - rules - definitions.**

(1) (a) The judicial department or any agency that performs duties and functions under this title with respect to juvenile delinquency or dependency and neglect cases or any other provisions of this title may exchange information, to the extent necessary, for the acquisition, provision, oversight, or referral of services and support with the judicial department or any other agency or individual, including an attorney representing state or county agencies and an attorney appointed by the court, that performs duties and functions under this title with respect to such cases. In order to receive such information, the judicial department, attorney, or agency shall have a need to know for purposes of investigations and case management in the provision of services or the administration of their respective programs. The judicial department or the agencies shall exchange information in accordance with paragraph (b) of this subsection (1).

(b) The judicial department, an agency, an attorney representing an agency, or an attorney appointed by the court described in paragraph (a) of this subsection (1) shall exchange information with the judicial department or similar agencies or individuals who have a need to know to the extent necessary for the acquisition, provision, oversight, and referral of services and support and if provided in the course of an investigation or for case management purposes. The provision of information by the judicial department shall include electronic read-only access to the name index and register of actions for agencies or attorneys appointed by the court to those case types necessary to carry out their statutory purpose and the duties of their court appointment as provided in this part 3. The state court administrator of the judicial department and the executive directors of the affected agencies shall ensure that there is a process for electronically exchanging information pursuant to this section. Agencies, attorneys, and individuals shall maintain the confidentiality of the information obtained.

(c) Nothing in this section shall require the exchange of information that is subject to the attorney-client privilege under section 13-90-107 (1) (b), C.R.S.

(2) (a) School personnel may obtain from the judicial department or agencies described in paragraph (a) of subsection (1) of this section any information required to perform their legal duties and responsibilities. Said personnel shall maintain the confidentiality of the information obtained.

(b) Notwithstanding any other provision of law to the contrary, any criminal justice agency or assessment center for children in the state may share any information or records concerning a specific child who is or will be enrolled as a student at a school with that school's principal or with the principal's designee and, if the student is or will be enrolled at a public school, with the superintendent of the school district in which the student is or will be enrolled or the superintendent's designee as follows:

(I) Any information or records, except mental health or medical records, relating to incidents that, in the discretion of the agency or center, rise to the level of a public safety concern including, but not limited to, any information or records of threats made by the child, any arrest or charging information, any information regarding municipal ordinance violations, and any arrest or charging information relating to acts that, if committed by an adult, would constitute misdemeanors or felonies; or

(II) Any records, except mental health or medical records, of incidents that such agency or center may have concerning the child that, in the discretion of the agency or center, do not rise to the level of a public safety concern but that relate to the adjudication or conviction of a child for a municipal ordinance violation or that relate to the charging, adjudication, deferred prosecution, deferred judgment, or diversion of a child for an act that, if committed by an adult, would have constituted a misdemeanor or a felony.

(c) Notwithstanding any other provision of law to the contrary, a criminal justice agency investigating a criminal matter or a matter under the "School Attendance Law of 1963", part 1 of article 33 of title 22, C.R.S., concerning a child may seek disciplinary and truancy information from the principal of a school, or the principal's designee, at which the child is or will be enrolled as a student and, if the student is enrolled in a public school, from the superintendent of the school district in which the student is enrolled, or such superintendent's designee. Upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the child's parent, either the principal of the school in which the child is enrolled, or such principal's designee, or, if the student is enrolled in a public school, the superintendent of the school district in which the student is enrolled, or such superintendent's designee, shall provide the child's attendance and disciplinary records to the requesting criminal justice agency. The criminal justice agency receiving such information shall use it only for the performance of its legal duties and responsibilities and shall maintain the confidentiality of the information received.

(d) School and school district personnel receiving information pursuant to this subsection (2) shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of the information received. Any information received by a school or a school district pursuant to this subsection (2) that is shared with another school or a school district to which a student may be transferring shall only be shared in compliance with the requirements of federal law.

(2.5) (a) Notwithstanding any other provision of law to the contrary and in addition to the provisions of subsections (1) and (2) of this section, assessment centers for children and the agencies, other than schools and school districts, participating in the local assessment centers for children are authorized to provide and share information, except for mental health or medical records and information, with each other, without the necessity of signed releases, concerning children who have been taken into temporary custody by law enforcement or who have been referred to the assessment center for children for case management purposes. Agencies shall have annually updated signed agreements with assessment centers for children to be considered a participating agency.

(b) For purposes of sharing information pursuant to this subsection (2.5) only, "mental health or medical records and information" shall not include the standardized mental illness screening. An assessment center that conducts a standardized mental illness screening on a child who has been taken into temporary custody by law enforcement or has been referred to the assessment center for children for case management purposes may share the results of such screening, without the necessity of a signed release, with the agencies, other than schools and school districts, participating in the assessment center for children. To receive the results of the standardized mental illness screening, a participating agency shall have a need to know for purposes of investigations and case management in the administration of its respective programs. Any participating agency receiving such information shall use it only for the performance of its legal duties and responsibilities and shall maintain the confidentiality of the information received, except as may be required pursuant to rule 16 of the Colorado rules of criminal procedure.

(2.6) (a) The state department of human services and county departments:

(I) Shall collect information concerning the military affiliation of any person who has custody or control of a child who is the subject of an investigation of child abuse or neglect;

(II) Shall provide notice and information to the command authority of military installations under the United States secretary of defense regarding any report received of known or suspected instances of child abuse or neglect that is assigned for an assessment and in which the person having custody or control of the child is a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces assigned to that military installation; and

(III) May enter into memorandums of understanding with the command authority of military installations establishing protocols for the sharing of information and for collaboration on the oversight of investigations involving a member of the armed forces or a spouse, or a significant other or family member residing in the home of the member of the armed forces. The military installation receiving information shall ensure it is used only for its intended and limited purpose as authorized by law and that the confidential nature of the information is preserved.

(b) The state board of human services may promulgate any rules necessary for the implementation of this subsection (2.6).

(2.7) (a) Upon the receipt of written notice sent by a foster parent, employees of the department of human services and of county departments, or other individuals with a need to know, shall be prohibited from releasing personally identifiable information about a foster parent, other than the foster parent's first name, to any adult member of the foster child's family, unless the foster parent subsequently provides his or her express written consent for the release of the information. The consent may consist of a hand-written note by the foster parent specifying the foster child's name, the consent for release of information to the foster child's family, the foster parent's signature, and the date. The consent shall be given individually for each foster child, unless the foster children are members of a sibling group.

(b) The civil penalty described in subsection (4.7) of this section shall not apply to any foster child or siblings of the foster child.

(3) and (4) (Deleted by amendment, L. 2000, p. 315, § 2, effective April 7, 2000.)

(4.3) School and school district personnel, employees of the state judicial department, employees of state agencies, employees of criminal justice agencies, and employees of assessment centers for children who share information concerning a child pursuant to this part 3 shall be immune from civil and criminal liability if such personnel or employee acted in good faith compliance with the provisions of this part 3.

(4.4) The judicial department, with respect to dependency or neglect cases or any other provisions under this title, shall exchange information, to the extent necessary, with the state child support enforcement agency and the delegate child support enforcement units for the purposes of effectively locating responsible parties, establishing paternity and child support, including child support debt pursuant to section 14-14-104, C.R.S., enforcing support orders, disbursing collected child support payments, and facilitating the efficient and effective delivery of services under articles 13 and 13.5 of title 26, C.R.S.

(4.7) Any person who knowingly violates the confidentiality provisions of this section shall be subject to a civil penalty of up to one thousand dollars.

(5) The provisions of this section are in addition to and not in lieu of other statutory provisions of law pertaining to the release of information. Access to or exchange of information not otherwise addressed by this section is governed as otherwise provided by law.

(6) For purposes of this section:

(a) "Assessment center for children" is defined in section 19-1-103 (10.5).

(a.1) "Case management purposes" is defined in section 19-1-103 (16.5).

(a.3) "Criminal justice agency" is defined in section 19-1-103 (34.6).

(b) "Need to know" is defined in section 19-1-103 (77.5).



(c) "School" is defined in section 19-1-103 (94.3).

(7) This section shall be interpreted to promote the best interests of the child and, where possible, the child's family.

(8) to (10) (Deleted by amendment, L. 2008, p. 1242, § 4, effective August 5, 2008.)

**19-1-304. Juvenile delinquency records - division of youth corrections critical incident information - definitions.**

(1) (a) Court records - open. Except as provided in paragraph (b.5) of this subsection (1), court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance are open to inspection to the following persons without court order:

(I) The juvenile named in said record;

(II) The juvenile's parent, guardian, or legal custodian;

(III) Any attorney of record;

(IV) The juvenile's guardian ad litem;

(V) The juvenile probation department and the adult probation department for purposes of a presentence investigation and the preparation of a presentence report as described in section 16-11-102 (1) (a), C.R.S.;

(VI) Any agency to which legal custody of the juvenile has been transferred;

(VII) Any law enforcement agency or police department in the state of Colorado;

(VII.5) The Colorado bureau of investigation for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase;

(VIII) A court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;

(IX) Any attorney of record in a juvenile or domestic action in which the juvenile is named;

(X) The state department of human services;

(XI) Any person conducting an evaluation pursuant to section 14-10-127, C.R.S.;

(XII) All members of a child protection team;

(XIII) Any person or agency for research purposes, if all of the following conditions are met:

(A) The person or agency conducting the research is employed by the state of Colorado or is under contract with the state of Colorado and is authorized by the department of human services to conduct the research; except that the department of public safety is not required to obtain prior authorization from the department of human services for purposes of this subparagraph (XIII);

(B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed; and

(C) Any data released must only be in aggregate form;

(XIV) The victim and the complaining party, if different, identified in the court file;

(XV) The department of corrections for aid in determinations of recommended treatment, visitation approval, and supervised conditions;

(XVI) The principal, or the principal's designee, of a school in which the juvenile is or will be enrolled as a student and, if the student is or will be enrolled in a public school, to the superintendent of the school district in which the student is or will be enrolled, or such superintendent's designee;

(XVII) The department of education when acting pursuant to section 22-2-119, C.R.S., or pursuant to the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22, C.R.S.

(b) Court records - limited. With consent of the court, records of court proceedings in delinquency cases may be inspected by any other person having a legitimate interest in the proceedings.

(b.5) Arrest and criminal records - certain juveniles - public access - information limited. The public has access to arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S., and including a person's physical description, that:

(I) Is in the custody of the investigating law enforcement agency, the agency responsible for filing a petition against the juvenile, and the court; and

(II) Concerns a juvenile who:

(A) Is adjudicated a juvenile delinquent or is subject to a revocation of probation for committing the crime of possession of a handgun by a juvenile or for committing an act that would constitute a class 1, 2, 3, or 4 felony or would constitute any crime that involves the use or possession of a weapon if such act were committed by an adult; or

(B) Is charged with the commission of any act described in sub-subparagraph (A) of this subparagraph (II).

(b.7) The information which shall be open to the public pursuant to paragraph (b.5) regarding a juvenile who is charged with the commission of a delinquent act shall not include records of investigation as such records are described in section 24-72-305 (5), C.R.S. In addition, any psychological profile of any such juvenile, any intelligence test results for any such juvenile, or any information regarding whether such juvenile has been sexually abused shall not be open to the public unless released by an order of the court.

(b.8) The court shall report the final disposition concerning a juvenile who has been adjudicated a juvenile delinquent to the Colorado bureau of investigation in a form that is electronically consistent with applicable law. The report shall be made within seventy-two hours after the final disposition; except that the time period shall not include Saturdays, Sundays, or legal holidays. The report shall include the information provided to the court in accordance with paragraph (b.7) of this subsection (1), the disposition of each charge, and the court case number, and the Colorado bureau of investigation shall reflect any change of status but shall not delete or eliminate information concerning the original charge.

(c) Probation records - limited access. Except as otherwise authorized by section 19-1-303, a juvenile probation officer's records, whether or not part of the court file, shall not be open to inspection except as provided in subparagraphs (I) to (XI) of this paragraph (c):

(I) To persons who have the consent of the court;

(II) To law enforcement officers, as defined in section 19-1-103 (72), and to fire investigators, as defined in section 19-1-103 (51). The inspection shall be limited to the following information:

(A) Basic identification information as defined in section 24-72-302 (2), C.R.S.;

(B) Details of the offense and delinquent acts charged;

(C) Restitution information;

(D) Juvenile record;

(E) Probation officer's assessment and recommendations;

(F) Conviction or plea and plea agreement, if any;

(G) Sentencing information; and

(H) Summary of behavior while the juvenile was in detention, if any;

(II.5) To the Colorado bureau of investigation for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase. The inspection shall be limited to the information identified in sub-subparagraphs (A) to (H) of subparagraph (II) of this paragraph (c).

(III) To a court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;

(IV) To any attorney of record in a juvenile or domestic action in which the juvenile is named;

(V) To the state department of human services;

(VI) To any person conducting an evaluation pursuant to section 14-10-127, C.R.S.;

(VII) To all members of a child protection team;

(VIII) To the juvenile's parent, guardian, or legal custodian;

(IX) To the juvenile's guardian ad litem;

(X) To the principal of a school, or such principal's designee, in which the juvenile is or will be enrolled as a student and, if the student is or will be enrolled in a public school, to the superintendent of the school district in which the student is or will be enrolled, or such superintendent's designee; or

(XI) To the department of education when acting pursuant to section 22-2-119, C.R.S., or pursuant to the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22, C.R.S.

(d) Social and clinical studies - closed - court authorization. Except as otherwise authorized by section 19-1-303, any social and clinical studies, whether or not part of the court file, shall not be open to inspection except by consent of the court.

(2) (a) Law enforcement records in general - closed. Except as otherwise provided by paragraph (b.5) of subsection (1) of this section and otherwise authorized by section 19-1-303, the records of law enforcement officers concerning juveniles, including identifying information, shall be identified as juvenile records and shall not be inspected by or disclosed to the public, except:

(I) To the juvenile and the juvenile's parent, guardian, or legal custodian;

(II) To other law enforcement agencies and to fire investigators, as defined in section 19-1-103 (51), who have a legitimate need for such information;

(II.5) To the Colorado bureau of investigation for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase;

(III) To the victim and the complaining party, if different, in each case after authorization by the district attorney or prosecuting attorney;

(IV) When the juvenile has escaped from an institution to which such juvenile has been committed;

(V) When the court orders that the juvenile be tried as an adult criminal;

(VI) When there has been an adult criminal conviction and a presentence investigation has been ordered by the court;

(VII) By order of the court;

(VIII) To a court which has jurisdiction over a juvenile or domestic action in which the juvenile is named;

(IX) To any attorney of record in a juvenile or domestic action in which the juvenile is named;

(X) To the state department of human services;

(XI) To any person conducting an evaluation pursuant to section 14-10-127, C.R.S.;

(XII) To all members of a child protection team;

(XIII) To the juvenile's guardian ad litem;

(XIV) To any person or agency for research purposes, if all of the following conditions are met:

(A) The person or agency conducting such research is employed by the state of Colorado or is under contract with the state of Colorado and is authorized by the department of human services to conduct such research; and

(B) The person or agency conducting the research ensures that all documents containing identifying information are maintained in secure locations and access to such documents by unauthorized persons is prohibited; that no identifying information is included in documents generated from the research conducted; and that all identifying information is deleted from documents used in the research when the research is completed;

(XV) To the principal of a school, or such principal's designee, in which the juvenile is or will be enrolled as a student and, if the student is or will be enrolled in a public school, to the superintendent of the school district in which the student is or will be enrolled, or such superintendent's designee;

(XVI) To assessment centers for children;

(XVII) To the department of education when acting pursuant to section 22-2-119, C.R.S., or pursuant to the "Colorado Educator Licensing Act of 1991", article 60.5 of title 22, C.R.S.

(b) The fingerprints, photograph, name, address, and other identifying information regarding a juvenile may be transmitted to the Colorado bureau of investigation to assist in any apprehension or investigation and for purposes of conducting a criminal background investigation relating to authorization of a firearm purchase.

(2.5) Parole records. Parole records shall be open to inspection by the principal of a school, or such principal's designee, in which the juvenile is or will be enrolled as a student and, if the student is or will be enrolled in a public school, by the superintendent of the school district in which the student is or will be enrolled, or such superintendent's designee. Parole records shall also be open to inspection by assessment centers for children.

(3) Prior to adjudication, the defense counsel, the district attorney, the prosecuting attorney, or any other party with consent of the court shall have access to records of any proceedings pursuant to this title, except as provided in section 19-1-309, which involve a juvenile against whom criminal or delinquency charges have been filed. No new criminal or delinquency charges against such juvenile shall be brought based upon information gained initially or solely from such examination of records.

(4) For the purpose of making recommendations concerning sentencing after an adjudication of delinquency, the defense counsel and the district attorney or prosecuting attorney shall have access to records of any proceedings involving the adjudicated juvenile pursuant to this title, except as provided in sections 19-1-307, 19-1-308, and 19-1-309. No new criminal or delinquency charges against the adjudicated juvenile shall be brought based upon information gained initially or solely from such examination of records.

(5) Direct filings - arrest and criminal records open. Whenever a petition filed in juvenile court alleges that a juvenile between the ages of twelve to eighteen years 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 juvenile has committed such an offense, then the arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S., and including a juvenile's physical description, concerning such juvenile shall be made available to the public. The information is available only from the investigative law enforcement agency, the agency responsible for filing a petition, and the court, and shall not include records of investigation as such records are described in section 24-72-305 (5), C.R.S. Basic identification information, as defined in section 24-72-302 (2), C.R.S., along with the details of the alleged delinquent act or offense, shall be provided immediately to the school district in which the juvenile is enrolled. Such information shall be used by the board of education for purposes of section 22-33-105 (5),

C.R.S., but information made available to the school district and not otherwise available to the public shall remain confidential.

(5.5) Whenever a petition is filed in juvenile court involving a felony or a class 1 misdemeanor or the following offenses of any degree: Menacing, in violation of section 18-3-206, C.R.S.; harassment, in violation of section 18-9-111, C.R.S.; fourth degree arson, in violation of section 18-4-105, C.R.S.; theft, in violation of section 18-4-401, C.R.S.; aggravated motor vehicle theft, in violation of section 18-4-409, C.R.S.; criminal mischief, in violation of section 18-4-501, C.R.S.; defacing property, in violation of section 18-4-509, C.R.S.; disorderly conduct, in violation of section 18-9-106, C.R.S.; hazing, in violation of section 18-9-124, C.R.S.; or possession of a handgun by a juvenile, in violation of section 18-12-108.5, C.R.S., the prosecuting attorney, within three working days after the petition is filed, shall make good faith reasonable efforts to notify the principal of the school in which the juvenile is enrolled and shall provide such principal with the arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S. In the event the prosecuting attorney, in good faith, is not able to either identify the school which the juvenile attends or contact the principal of the juvenile's school, then the prosecuting attorney shall contact the superintendent of the juvenile's school district.

(6) The department of human services shall release to the committing court, the district attorney, the Colorado bureau of investigation, and local law enforcement agencies basic identification information as defined in section 24-72-302 (2), C.R.S., concerning any juvenile released or released to parole supervision or any juvenile who escapes.

(7) In addition to the persons who have access to court records pursuant to paragraph (a) of subsection (1) of this section, statewide electronic read-only access to the name index and register of actions of the judicial department must be allowed to the following agencies or attorneys appointed by the court:

(a) County departments, as defined in section 19-1-103 (32), and attorneys who represent the county departments as county attorneys, as defined in section 19-1-103 (31.5), as it relates to the attorneys' work representing the county;

(b) The office of the state public defender, created in section 21-1-101, C.R.S.;

(c) Guardians ad litem under contract with the office of the child's representative, created in section 13-91-104, C.R.S., or authorized by the office of the child's representative to act as a guardian ad litem, as it relates to a case in which they are appointed by the court;

(d) Attorneys under contract with the office of the alternate defense counsel, created in section 21-2-101, C.R.S., as it relates to a case in which they are appointed by the court; and

(e) A respondent parent's counsel under contract with the office of the respondent parents' counsel, created in section 13-92-103, C.R.S., or authorized by the office of the respondent parents' counsel to act as a respondent parent's counsel, as it relates to a case in which they are appointed by the court.

(8) Division of youth corrections critical incident information. (a) For the purposes of this subsection (8), "critical incident" means any of the following:

(I) An intentional physical or sexual act of aggression that:

(A) Causes or attempts to cause serious bodily injury;

(B) Causes bodily injury that requires only first aid or lesser attention; or

(C) Causes no bodily injury;

(II) Unauthorized physical or sexual contact caused through recklessness or negligence, where physical or sexual harm was not intended; or

(III) An attempt to harm or gain power by blows or with weapons.

(b) The department of human services, the division of youth corrections, or any agency with relevant information shall release the following information related to any critical incident, or aggregate of critical

incidents, that occurred in a facility operated by the division of youth corrections upon request, so long as the disclosing agency redacts any identifying information, any information concerning security procedures or protocols, and any information that would jeopardize the safety of the community, youth, or staff:

- (I) The type of critical incident that occurred or a summary of types of critical incidents that have occurred within a given time frame;
- (II) A summary of whether the number and types of critical incidents are increasing or decreasing in frequency and severity;
- (III) On average, how many of the youth have been involved in multiple critical incidents and the average length of detainment;
- (IV) A summary of responses to critical incidents by the facility involved, such as de-escalation or typical consequence imposed; and
- (V) A summary of any critical incident that has occurred.

(c) The division of youth corrections, the department of human services, or any agency with relevant information related to a critical incident shall provide redacted records related to the critical incident, provided confidentiality is maintained, and may charge a fee in accordance with section 24-72-205, C.R.S.

(d) The division of youth corrections may release to the public information at any time to correct inaccurate information pertaining to the critical incident that was reported in the news media, so long as the release of information by the division protects the confidentiality of any youth involved; is not explicitly in conflict with federal law; is not contrary to the best interest of the child who is the subject of the report, or his or her siblings; is in the public's best interest; and is consistent with the federal "Child Abuse Prevention and Treatment Reauthorization Act of 2010", Pub.L. 111-320.

(e) Except as otherwise authorized by section 19-1-303, all records prepared or obtained by the department of human services in the course of carrying out its duties pursuant to article 2 of this title are confidential and privileged.

### **20-1-113. Reporting of criminal proceedings involving public school students.**

(1) On or before August 1, 2013, and continuing through August 1, 2014, the district attorney of each judicial district, or his or her designee, shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., information about offenses alleged to have been committed by a student that have occurred on school grounds, in a school vehicle, or at a school activity or sanctioned event within the judicial district during the preceding twelve months. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (1) does not relieve a district attorney of his or her responsibility to file the report required by this subsection (1). A district attorney who has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015.

(2) The information reported by each district attorney pursuant to subsection (1) of this section shall include the number of offenses filed in court, including the total number of each type of such offenses, the disposition of each case, and the age, gender, school, and race or ethnicity of each student that the district attorney prosecuted.

(3) The information reported by each district attorney pursuant to subsection (1) of this section shall include, to the extent practicable and to the extent that such information is collected by the district attorney as of May 19, 2012:

- (a) The number of offenses that were referred to the district attorney by a law enforcement agency and were not filed in court, including the total number of each type of such offenses; and

(b) The number of offenses for which the district attorney referred an offender to a juvenile diversion program or other alternative program, including the total number of each type of such offenses.

(4) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., commencing August 1, 2015, and continuing every August 1 every year thereafter, each district attorney shall report to the division of criminal justice the name of any student who was granted pre-file juvenile or adult diversion for a ticket, summons, or offense that occurred 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. In addition to the full name of the student, the district attorney shall report the student's date of birth, race, ethnicity, and gender and the arrest or incident report number, as recorded by a law enforcement agency. Information, including expunged record information, released by a district attorney to the division of criminal justice pursuant to this section must only be used for research purposes related to school discipline.

(5) Notwithstanding the provisions of section 19-1-303 (4.7), C.R.S., a district attorney or his or her designee is not subject to any criminal or civil penalty for compliance with the reporting obligations of this section.

**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 - repeal.**

(6) Sharing information. Notwithstanding any provision to the contrary in title 24, C.R.S., each board of education shall establish policies consistent with section 24-72-204 (3), C.R.S., and with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, to share and release information directly related to a student and maintained by a public school or by a person acting for the public school in the interest of making schools safer. Sharing of information concerning an out-of-home placement student who is being transferred to a public school shall comply with the rules established by the state board pursuant to section 22-2-139 (9).

**26-1-140. State exception to HIPAA - significant threat to schools - legislative declaration - repeal.**

(1) The general assembly hereby declares that, for the health and safety of Colorado schools and their students, teachers, and other school personnel, a policy enabling mental health professionals and school officials to share appropriate information in a responsible manner is necessary and serves a compelling need related to public health, safety, and welfare. Furthermore, the general assembly declares that sharing appropriate information is warranted when legitimate privacy concerns are outweighed by the need to protect schools and their students and staff.

(2) Within thirty days after May 18, 2016, the department of human services shall apply for an exception to the privacy rule under the federal "Health Insurance Portability and Accountability Act of 1996" (HIPAA), as amended, Pub.L. 104-191, in the manner specified in 45 CFR 160.204, to allow mental health professionals to disclose confidential communications with their clients in accordance with section 12-43-218 (2) (d), C.R.S.

(3) This section is repealed, effective December 31, 2017.

**REGULATIONS**

No relevant regulations found.

## **Data collection, review, and reporting of disciplinary policies and actions**

### **LAWS**

#### **22-11-302. School district accountability committees - powers and duties.**

(2) The local school board and the school district accountability committee shall, at least annually, cooperatively determine the areas and issues, in addition to budget issues, that the school district accountability committee shall study and concerning which the committee may make recommendations to the local school board.

#### **22-14-104. Report of effective policies and strategies - creation - use.**

(1) On or before December 31, 2009, the office shall review the existing research and data from this state and other states and compile a report of effective dropout prevention and student engagement and re-engagement policies and strategies implemented by local education providers within this state and in other states. The office may use the findings and recommendations in the report to provide technical assistance to high priority and priority local education providers, to assist high priority and priority local education providers in creating student graduation and completion plans, and to recommend to the state board and the general assembly state policies concerning dropout prevention and student engagement and re-engagement. High priority and priority local education providers may use the report to review their policies, to formulate new policies and strategies, and to create and evaluate their student graduation and completion plans.

(2) In preparing the report of effective policies and strategies, the office, at a minimum, shall consult, share information, and coordinate efforts with:

- (a) The governor's office;
- (b) The P-20 education coordinating council appointed by the governor pursuant to executive order B 003 07;
- (c) Local education providers within Colorado that have maintained low student dropout rates and high rates of student engagement and re-engagement in previous years;
- (d) State and national experts in dropout rate reduction and student engagement and re-engagement strategies who are knowledgeable about successful policies and practices from other states and local governments in other states; and
- (e) Federal government officials who administer dropout rate reduction and student engagement and re-engagement initiatives and programs.

(3) The office shall periodically review and revise the report of effective policies and strategies as necessary to maintain the report's relevance and applicability. The office shall post the initial report of effective strategies and subsequent revisions on the department's web site.

#### **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, C.R.S., such rules as may be necessary to implement the provisions of this article. At a minimum, said rules shall 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; 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.

**22-14-111. Report to general assembly, state board, and governor - exception to three-year expiration.**

(1) On or before February 15, 2010, through February 15, 2016, and on or before March 15, 2017, and on or before March 15 each year thereafter, the office shall submit to the state board, to the education committees of the senate and the house of representatives, or any successor committees, and to the governor a report making state policy findings and recommendations to reduce the student dropout rate and increase the student graduation and completion rates. At a minimum, in preparing the findings and recommendations, the office shall:

- (a) Consider which state statutes and rules may be appropriately amended to provide incentives and support for and remove barriers to reducing the student dropout rate and increasing the student graduation and completion rates, including but not limited to statutes and rules pertaining to funding for local education providers' operating costs, funding for categorical programs, and truancy;
- (b) Consider research-based dropout prevention and student engagement and re-engagement strategies;
- (c) Determine the amount of state moneys spent on reducing the dropout rates in schools operated or approved by local education providers in the preceding fiscal year and determine the effects of those expenditures; and
- (d) Consult with the persons specified in section 22-14-104 (2).

(2) Beginning with the report submitted pursuant to this section on February 15, 2012, the office shall add to the report a summary of the actions taken by local education providers statewide to reduce the student

dropout rate and increase the graduation and completion rates and the progress made in achieving these goals. At a minimum, the summary shall include:

- (a) A summary and evaluation of the student graduation and completion plans adopted by the local education providers;
  - (b) A list of the local education providers whose schools have experienced the greatest decrease in student dropout rates and the greatest increase in student graduation and completion rates in the state in the preceding academic year;
  - (c) Identification of local education providers and public schools that are achieving the goals and objectives specified in their student graduation and completion plans and those that are not achieving their goals and objectives;
  - (d) Explanation of the actions taken and strategies implemented by the local education providers with the highest student dropout rates to reduce those rates and by the local education providers with the lowest student graduation and completion rates to increase those rates;
  - (e) Identification of the local education providers that have demonstrated the greatest improvement in reducing their student dropout rates and increasing their student graduation and completion rates and descriptions of the actions taken and strategies implemented by the local education providers operating or approving these schools to achieve these improvements; and
  - (f) An evaluation of the overall progress across the state in meeting the goals specified in section 22-14-101 for reducing the student dropout rate and increasing the student graduation and completion rates.
- (3) Notwithstanding the provisions of section 24-1-136 (11), C.R.S., the reporting requirements specified in this article shall not expire but shall continue to be required until repealed by the general assembly.

**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 - repeal.**

(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, 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:
  - (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;

(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 incidents of bullying and other behavior that creates a threat of physical harm to the student or to other students;

(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;

(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.

**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).
  - (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.
  - (c) Not more than five calendar days after the use of restraint on a student, the school administration shall mail, fax, or e-mail a written report of the incident to the parent or legal guardian of 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.

(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.**

(2.5) Each board of education shall annually report to the state board the number of students expelled from schools within the district pursuant to this section and pursuant to section 25-4-907, C.R.S. Any pupil who is expelled pursuant to this section shall not be included in calculating the dropout rate for the school from which such student is expelled or in calculating the dropout rate for the school district in which such pupil was enrolled prior to being expelled.

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

(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 students identified as habitually truant, as defined in paragraph (a) of subsection (3) of this section, for the preceding academic year. The department shall post this information for each school district on its web site for the public to access and may post additional information reported by school districts related to truancy.

**22-33-205. Services for expelled and at-risk students - grants - criteria.**

(4) The department of education is authorized to retain up to one percent of any moneys 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 moneys 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. 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.**

(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:

(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) 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 paragraph (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. Provided that 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 corrections 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 corrections 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 corrections 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 corrections shall report on its use of seclusion in any secure state-operated or state-owned facility to the youth 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 corrections 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 youth held in seclusion due to an emergency;

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

(III) The average time in seclusion per incident; and

(IV) An aggregate summary of race, age, and gender of youth held in seclusion.

(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 corrections shall meet the requirements of this section to the extent that it is able using its current reporting mechanisms. The division of youth corrections 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 301-99.5.00. 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:

1 The evidence-based best practices in bullying prevention that the applicant(s) implemented using the grant moneys;

2 The number and grade levels of students who participated in each of the bullying prevention practices or services provided;

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;

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 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

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:

- 1 The number of grant recipients that received grants under the program;
- 2 The amount of each grant awarded to each grant recipient;
- 3 The average amount of each grant awarded under the program;
- 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 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.

## ***School Resource and Safety Officers (SROs/SSOs) and Truant/Attendance Officers***

### **Authority and power to implement school arrest**

#### **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.

#### **REGULATIONS**

No relevant regulations found.

### **Certification or training**

#### **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 - repeal.**

(4) School response framework - school safety, readiness, and incident management plan. Each board of education shall establish a school response framework that shall consist of policies described in this subsection (4). By satisfying the requirements of this subsection (4), a school or school district shall be in compliance with the national incident management system, referred to in this subsection (4) as "NIMS", developed by the federal emergency management agency. At a minimum, the policies shall require:

(d) Each school district, on or before July 1, 2009, to start to develop a school safety, readiness, and incident management plan, including, to the extent possible, emergency communications, that coordinates with any statewide or local emergency operation plans. In developing the plan, a school district may collaborate with community partners. The school safety, readiness, and incident management plan shall, at a minimum, identify for each public school in the school district:

(I) Safety teams and backups who are responsible for interacting with community partners and assuming key incident command positions; and

(II) Potential locations for various types of operational locations and support functions or facilities;

(k) Key emergency school personnel, including but not limited to safety teams and backups, to complete courses provided by the federal emergency management agency's emergency management institute or by institutions of higher education in the state system of community and technical colleges;

(l) School district employee safety and incident management training, including provisions stating that completion of any courses identified by the department of public safety pursuant to section 24-33.5-1606.5 (3), C.R.S., as related to NIMS count toward the professional development requirements of a person licensed pursuant to article 60.5 of this title;

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

(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.

**REGULATIONS**

No relevant regulations found.

**MOUs, authorization, 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.

#### **22-33-104. Compulsory school attendance.**

(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.

#### **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.

(b) The board of education of each school district shall adopt and implement policies and procedures concerning children who are habitually truant. The policies and procedures shall include provisions for the development of a plan. The plan shall 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.

**22-33-108. Judicial proceedings.**

(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.

**REGULATIONS**

No relevant regulations found.

## ***State Education Agency Support***

### **State model policies and implementation support**

#### **LAWS**

##### **22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.**

(5) In addition to the assistance specified in sections 22-14-106 (3) and 22-14-107 (5), the office shall provide technical assistance in the areas of dropout prevention and student engagement and re-engagement to the high priority local education providers and, to the extent practicable within existing resources, to priority local education providers. Technical assistance may include, but need not be limited to:

- (a) Training in implementing identified, effective, research-based strategies for dropout prevention and student engagement and re-engagement;
- (b) Assistance in estimating the cost of implementing the identified strategies in the schools operated or approved by the high priority or priority local education provider and analyzing the cost-effectiveness of the strategies;
- (c) Identification and recommendation of effective approaches applied by other Colorado local education providers that may be similarly situated to the high priority or priority local education provider.

#### **REGULATIONS**

No relevant regulations found.

### **Funding appropriations**

#### **LAWS**

##### **22-2-143. Discipline strategies pilot program - created - reporting - rules - definitions - legislative declaration - repeal.**

(1) The general assembly finds that:

- (a) Research demonstrates that young children who are suspended or expelled from school are up to ten times more likely to experience academic failure and grade retention and to hold negative attitudes toward school than those children who are not suspended or expelled. Young children who are suspended or expelled from school are also more likely to drop out of high school and to be incarcerated later in life.
- (b) Lack of training to deal with behavioral issues in the classroom contributes to education dissatisfaction and burnout, which increases the number of educators who leave the profession. Providing additional training and support in dealing with student discipline issues may help school districts and schools retain experienced educators.
- (c) To reduce the incidence of exclusionary discipline among students, especially those enrolled in preschool through third grade, teachers and administrators should receive training and support in using culturally responsive methods of discipline with young students and in implementing developmentally appropriate responses to the behavioral issues of young students.

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

- (a) "Board of cooperative services" means a regional educational service unit created pursuant to article 5 of this title 22.

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

(c) "Culturally responsive methods" means methods that use the cultural knowledge, experiences, social and emotional learning needs, and performance styles of diverse students to ensure that classroom management strategies and research-based alternatives to exclusionary discipline are appropriate and effective for students.

(d) "Exclusionary discipline methods" means in-school suspension, out-of-school suspension, expulsion, school-based arrests, school-based referrals to the juvenile justice system, and voluntary or involuntary placement in an alternative education program.

(e) "Pilot program" means the discipline strategies pilot program created in subsection (3) of this section.

(3) (a) There is created in the department the discipline strategies pilot program to provide money to school districts, groups of school districts, boards of cooperative services, and charter schools for professional development for teachers and principals concerning the use of culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade, including students with disabilities. The intent of the pilot program is to provide professional development for educators to assist them in reducing the use of exclusionary discipline methods in public schools, especially with regard to students enrolled in preschool through third grade and students with disabilities. The department is required to implement the pilot program only to the extent that it receives sufficient money through gifts, grants, and donations as provided in subsection (7) of this section.

(b) The state board shall promulgate rules as provided in the "State Administrative Procedure Act", article 4 of title 24, as necessary, to implement the pilot program.

(4) A school district, group of school districts, board of cooperative services, or charter school may apply to the department to receive a grant through the pilot program. An application must include:

(a) The number of teachers and principals to whom the applicant will provide professional development in using culturally responsive methods of student discipline in preschool through third grade and developmentally appropriate responses to the behavioral issues of students enrolled in preschool through third grade and the number and grade levels of students served by those teachers and principals;

(b) The professional development programs that the applicant expects to provide with the grant money;

(c) The other resources available to the applicant to provide the professional development;

(d) The aggregate number and type of disciplinary incidents occurring in preschool, kindergarten, and grades one through three in the schools operated by the applicant in the preceding three school years and the types of disciplinary responses and strategies used;

(e) The applicant's agreement to provide to the department the information necessary for the department to create the report described in subsection (6) of this section for each school year in which the applicant receives a grant; and

(f) Any additional information required by rule of the state board.

(5) The department shall review the applications received pursuant to subsection (4) of this section and recommend to the state board which applicants should receive grants through the pilot program and the amount of each grant. The state board, taking into consideration the department's recommendations, shall award the grants, subject to available funding. In making recommendations and awarding grants, the department and the state board shall, to the extent practicable, award a grant to at least one school district, board of cooperative services, or charter school located in a rural area and shall consider:



- (a) The level of financial need that an applicant demonstrates;
  - (b) The quality of the professional development grant programs that the applicant expects to provide with the grant money;
  - (c) The student demographics of the schools operated by the applicant and the use of exclusionary discipline methods in the preceding three school years by educators employed by the applicant; and
  - (d) Any additional criteria adopted by rule of the state board.
- (6) (a) For each school year in which the state board awards grants through the pilot program, the department shall prepare a report concerning implementation of the pilot program. At a minimum, the report must include:
- (I) The number of school districts, boards of cooperative services, and charter schools that received grants through the pilot program and the amount of each grant;
  - (II) The types of professional development that grant recipients provided to teachers and principals;
  - (III) For the schools operated by the grant recipients, a comparison of the following strategies, policies, or data before and after educators participated in the professional development programming provided with the grant money:
    - (A) Disciplinary strategies or policies;
    - (B) For preschool, kindergarten, and grades one through three, the aggregate number and types of disciplinary incidents, aggregate information concerning the types of disciplinary responses to incidents, and aggregate information concerning the changes in disciplinary responses used before and after the training;
    - (C) Attendance and truancy rates; and
    - (D) Indicators of teacher satisfaction; and
  - (IV) Any other nonpersonally identifying data requested by the department that indicates whether the pilot program is successful in reducing the use of exclusionary discipline methods in public schools.
- (b) By April 15, 2018, and by April 15 each year thereafter, the department shall submit the report to the state board, the joint budget committee, and the education committees of the house of representatives and the senate, or any successor committees.
- (7) The pilot program is not eligible to receive state appropriations and must be funded solely through gifts, grants, or donations. The department may accept and expend gifts, grants, or donations from private or public sources for the purposes of the pilot program. Notwithstanding any provision of this section to the contrary, the department and the state board are not required to implement the pilot program, including promulgating rules and preparing the report described in subsection (6) of this section, in a budget year if the department does not receive at least three hundred thousand dollars in gifts, grants, or donations for the pilot program for that budget year.
- (8) This section is repealed, effective July 1, 2020.

**22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.**

- (1) (c) The department is strongly encouraged to direct, to the extent possible, any increases in the amount of federal moneys received by the department for programs under Title I, part A of the "Elementary and Secondary Education Act of 1965", 20 U.S.C. sec. 6301 et seq., programs under the "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400, et seq., or other federal programs to assist in funding the activities of the office as specified in this article.
- (d) The department shall seek and may accept and expend gifts, grants, and donations from public or private entities to fund the operations of the office, including the personnel for the office and execution of the duties and responsibilities specified in this article. Notwithstanding any provision of this article to

the contrary, the department is not required to implement the provisions of this article until such time as the department has received an amount in gifts, grants, and donations from public or private entities that the department deems sufficient to adequately fund the operations of the office.

**22-14-109. Student re-engagement grant program - rules - application - grants - fund created - report.**

(1) There is hereby created within the department the student re-engagement grant program to provide grant moneys to local education providers to use in providing educational services and supports to students to maintain student engagement and support student re-engagement in high school. Subject to available appropriations, the state board shall award student re-engagement grants to local education providers from moneys appropriated from the student re-engagement grant program fund created in subsection (4) of this section.

(4)

(a) There is hereby created in the state treasury the student re-engagement grant program fund, referred to in this subsection (4) as the "fund", that shall consist of any moneys credited to the fund pursuant to paragraph (b) of this subsection (4) and any additional moneys that the general assembly may appropriate to the fund, including moneys from the marijuana tax cash fund created in section 39-28.8-501, C.R.S., or the proposition AA refund account created in section 39-28.8-604 (1), C.R.S. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department for the direct and indirect costs associated with the implementation of this section.

(b) The department is authorized to seek and accept gifts, grants, or donations from private or public sources for the purposes of this section; except that the department may not accept a gift, grant, or donation if it is subject to conditions that are inconsistent with this article or any other law of the state. The department shall transmit all private and public moneys received through gifts, grants, or donations to the state treasurer, who shall credit the same to the fund.

(c) The department may expend up to three percent of the moneys annually appropriated from the fund to offset the costs incurred in implementing this section and in evaluating and providing technical assistance to local education providers that receive grants pursuant to this section.

(d) Any moneys in the fund not expended for the purpose of this section may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys in the fund shall be credited to the fund. Any unexpended and unencumbered moneys remaining in the fund at the end of a fiscal year shall remain in the fund and shall not be credited or transferred to the general fund or another fund.

(e) The department is encouraged to direct to the fund any federal moneys received by the department that may be used for the purposes specified in this section.

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

(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.

**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.

(c) (l) 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.

(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.

**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 but not limited to 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 who is identified as being at risk of suspension or expulsion or who has been suspended or expelled and to the student's family.

(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.

**22-33-205. 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 services 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 moneys 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 moneys 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. 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.

**22-93-102. 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.

**22-93-105. 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 moneys to the bullying prevention and education cash fund from the marijuana tax cash fund created in section 39-28.8-501, C.R.S., or from the proposition AA refund account created in section 39-28.8-604 (1), C.R.S.

(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.

## **REGULATIONS**

### **1 CCR 301-84.4.00. Implementation of the student re-engagement grant program.**

The Student Re-engagement Grant Program, pursuant to C.R.S. 22-14-109, is created to provide grant moneys to local education providers (LEPs) to use in providing educational services and supports to students to maintain Student Engagement and support Student Re-Engagement in high school.

4.01 Application Timelines, The timeline is based on the state fiscal year and is only in effect based on the availability of funds;

- (1) Application deadline: Applications shall be submitted to the Department by June 30.
- (2) Application review: Applications will be reviewed within 30 days of the application deadline.
- (3) Notification of awards: Award notification will occur within 30 days after the completion of the application review.

4.02 Application Procedures. The Department will be the responsible agency for implementing the Student Re-Engagement Grant Program. The Department will develop the Request for Proposal (RFP), pursuant to the Department's RFP process and pursuant to the requirements and timelines found in § 22-14-109, C.R.S. Each grant application will include, at a minimum:

- (1) The number of students to be served
- (2) The LEP's plan for providing educational services, including social-emotional and behavioral support services and appropriate academic challenge;
- (3) A description of the services to be provided based upon previous research or evaluation of such services and that must include strategies that address social, emotional and academic needs;
- (4) The estimated cost of providing the services;
- (5) The criteria the LEP will use to measure the effectiveness of the services provided, at minimum, shall include improvements of outcomes such as Student Engagement and Student Re-Engagement rates, graduation rates, dropout rates and suspension and expulsion rates; and

The description of the LEP's policies and practices related to:

- (a) Course completion and credit recovery;
- (b) Attendance and behavior improvements;
- (c) Alternative and flexible and tiered learning strategies;
- (d) Safe and welcoming school environments;
- (e) Student social and emotional supports;
- (f) Family engagement and family support strategies;
- (g) Staff development in meeting diverse student needs;
- (h) Innovations to address barriers to school engagement and student success; and
- (i) Transference of student records to and receipt of student records from others.

4.03 Duration and Amount of Grant Awards. The Department shall review the grant applications received and recommend grant recommendations and grant amounts to the State Board. Subject to available appropriations, the State Board shall award grants to applicants pursuant to § 22-14- 109 (3), C.R.S.

Each grant shall have a term of up to three years subject to availability of funds, compliance with assurances and measurable progress.

4.04 Evaluation of Program. On or before February 15, 2011, and on or before February 15 each year thereafter, the Department shall evaluate the educational and support services provided by each LEP that received a grant pursuant to § 22-14-109 (5), C.R.S., in the preceding fiscal year; except that the Department need not provide an evaluation for any fiscal year in which grants were not awarded. At a minimum, the Department shall review:

- (1) The outcomes and effectiveness of the services provided as measured by the demonstrated degree of Student Engagement and Student Re-Engagement;
- (2) The academic growth of students who received services as a result of the grant, to the extent the information is available;
- (3) The reduction in the dropout rate; and
- (4) The increase in the graduation and completion rates for the grant recipients' schools.

4.05 Reporting. The Department shall report the evaluation results to the education committees of the senate and the House of Representatives, or any successor committees by February 15, in conjunction with the report submitted pursuant to § 22-14-111, C.R.S.

### **1 CCR 301-99.3.00. 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:

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;
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. 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.
4. A description of how grantees will include student leadership and voice in the creation and implementation of bullying prevention strategies.
5. A description of how the applicant will adopt specific policies concerning bullying education and prevention that includes:
  - 5.1 Creation or revision of a district safe school plan as indicated in 22-32- 109.1;

- 5.2 Provisions for the administration of surveys of students' impressions of the severity of bullying in their schools;
  - 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;
  - 5.4 Provisions for adequate due processes and safeguards for students accused of engaging in bullying behaviors.
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.
- 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;
  - 6.2 To the extent practicable, grantees may utilize existing forms and procedures, including those outlined on the Bullying Prevention website, to administer surveys;
  - 6.3 Grantees may use a digital or paper and pencil version of the survey;
  - 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;
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
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 301-99.4.00. 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:
- 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;
  - 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;
  - 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 The quality of the plan for including student leadership and voice in the creation and implementation of bullying prevention strategies;
  - 5 The quality of the plans to adopt specific policies concerning bullying education and prevention;
  - 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;

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

8 The cost of the bullying prevention best evidence-based practices that the applicant(s) plan to implement using the grant moneys.

## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **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.

##### **22-32-109.1. 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 - repeal.**

(9) Immunity.

- (a) A school district board of education or a teacher or any other person acting in good faith in accordance with the provisions of subsection (2) of this section in carrying out the powers or duties authorized by said subsection shall be immune from criminal prosecution or civil liability for such actions; except that a teacher or any other person acting willfully or wantonly in violation of said subsection shall not be immune from criminal prosecution or civil liability pursuant to said subsection. A teacher or any other person claiming immunity from criminal prosecution under this paragraph (a) may file a motion that shall be heard prior to trial. At the hearing, the teacher or other person claiming immunity shall bear the burden of establishing the right to immunity by a preponderance of the evidence.

(b) A teacher or any other person acting in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section shall be immune from civil liability; except that a person acting willfully and wantonly shall not be immune from liability pursuant to this paragraph (b). The court shall dismiss any civil action resulting from actions taken by a teacher or any other person pursuant to the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section upon a finding by the court that the person acted in good faith and in compliance with such conduct and discipline code and was therefore immune from civil liability pursuant to paragraph (a) of this subsection (9). The court shall award court costs and reasonable attorney fees to the prevailing party in such a civil action.

(c) If a teacher or any other person does not claim or is not granted immunity from criminal prosecution pursuant to paragraph (a) of this subsection (9) and a criminal action is brought against a teacher or any other person for actions taken pursuant to the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section, it shall be an affirmative defense in the criminal action that the teacher or such other person was acting in good faith and in compliance with the conduct and discipline code and was not acting in a willful or wanton manner in violation of the conduct and discipline code.

(d) An act of a teacher or any other person shall not be considered child abuse pursuant to sections 18-6-401 (1) and 19-1-103 (1), C.R.S., if:

- (I) The act was performed in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section; or
- (II) The act was an appropriate expression of affection or emotional support, as determined by the board of education.

(e) A teacher or any other person who acts in good faith and in compliance with the conduct and discipline code adopted by the board of education pursuant to paragraph (a) of subsection (2) of this section shall not have his or her contract nonrenewed or be subject to any disciplinary proceedings, including dismissal, as a result of such lawful actions, nor shall the actions of the teacher or other person be reflected in any written evaluation or other personnel record concerning such teacher or other person. A teacher or any other person aggrieved by an alleged violation of this paragraph (e) may file a civil action in the appropriate district court within two years after the alleged violation.

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

(3) (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 shall include provisions for the development of a plan. The plan shall 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 policies and procedures may also include but need not be limited to the following:

- (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.

**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 - repeal.**

- (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).

(b) (I) A plaintiff who files an action under this section for an incident of school violence that occurs on or after June 3, 2015, and on or before July 1, 2017, shall file the action in the district court, and no compensatory damages shall be awarded. The court shall not issue a declaratory judgement regarding the negligence of the public school, school district, or charter school; however, in such action, the plaintiff is entitled to full discovery regarding the incident of school violence.

(II) This paragraph (b) is repealed, effective July 1, 2018.

(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.

## **REGULATIONS**

No relevant regulations found.

## **Community input or involvement**

## **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 human services and social services departments;
- (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 abuse 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:

(l) Publicizing opportunities to serve and soliciting parents to serve on the school district accountability committee and school accountability committees. In soliciting parents to serve on the

school district and school accountability committees, the school district accountability committee shall direct the outreach efforts to help ensure that the parents who serve on the district and school accountability committees reflect the student populations that are significantly represented within the school district and the school, as provided in section 22-11-301 (3).

(II) Assisting the school district in implementing the parent engagement policy adopted by the local school board pursuant to section 22-32-142; and

(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).

**22-14-103. Office of dropout prevention and student re-engagement - created - purpose - duties.**

(3) To accomplish the purposes specified in subsection (2) of this section, the office shall also:

(c) Develop interagency agreements and otherwise cooperate with other state and federal agencies and with private, nonprofit agencies to collect and review student data and develop and recommend methods for reducing student dropout rates and increasing student engagement and re-engagement. The office shall, to the extent possible, collaborate with, at a minimum:

(I) Career and technical education providers;

(II) General educational development service providers;

(III) The prevention services division in the department of public health and environment;

(IV) The division of youth services and other agencies within the juvenile justice system;

(V) The department of corrections;

(VI) The judicial department;

(VII) Institutions of higher education;

(VIII) Offices of workforce development;

(IX) Expanded learning opportunity and family education programs;

(X) Adult basic education and English-as-a-second-language programs;

(XI) Organizations that provide services for pregnant and parenting teens and students with special health and education needs;

(XII) Agencies and nonprofit organizations within the child welfare system;

(XIII) Private, nonprofit organizations that provide services for homeless families and youth; and

(XIV) Private nonprofit or for-profit community arts organizations that work in either visual arts or performing arts;

**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 - repeal.**

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

(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. 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. [...]

(7) Open school policy. Each board of education shall adopt an open school policy to allow parents and members of the school district board of education reasonable access to observe classes, activities, and functions at a public school upon reasonable notice to the school administrator's office.

#### **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.

#### **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 but not limited to 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 who is identified as being at risk of suspension or expulsion or who has been suspended or expelled and to the student's family. Any services provided pursuant to an agreement with a nonpublic, nonparochial school shall be subject to approval by the state board of education pursuant to section 22-2-107, C.R.S. 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) Drug or alcohol-addiction 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.

#### **22-33-205. Services for expelled and at-risk students - grants - criteria.**

(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.

#### **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 web site 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 web site described in subsection (1) of this section.

#### **26-20-110. Youth seclusion working group - membership - purpose - repeal.**

(1) There is established within the division of youth corrections a youth 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 corrections, or his or her designee;

(c) The director of behavioral health within the division of youth corrections, 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 corrections 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 seclusion for youth or that represent children within the custody of the division of youth corrections, one who is appointed by the speaker of the house of representatives and one who is appointed by the president of the senate; and
  - (g) Two experts independent from the division of youth corrections with expertise in adolescent development, adolescent brain development, trauma-informed 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.
- (2) The working group shall advise the division of youth corrections on policies, procedures, and best practices related to seclusion and alternatives to such seclusion.
- (3) The working group shall monitor the division of youth corrections' use of confinement for administrative purposes. The division of youth corrections shall share with the working group, on an ongoing basis, available data regarding time spent in confinement by youth 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 corrections and 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 corrections' work related to the seclusion of youth 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 corrections' policies related to seclusion and alternatives to 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.

## REGULATIONS

No relevant regulations found.

## Other or Uncategorized

### LAWS

#### **22-1-119.3. Policy for student possession and administration of prescription medication - rules.**

- (1) A school district board of education may adopt and implement a policy whereby, except as described in subsection (3) of this section, a student enrolled in a school of the school district may possess and self-administer on school grounds, upon a school bus, or at any school-sponsored event any medication that is prescribed by a licensed health care practitioner to be used by the student.

(2) (a) If a school district board of education adopts and implements a policy described by subsection (1) of this section, a parent or legal guardian of a student who is enrolled in a school of the school district and for whom medication is prescribed by a licensed health care practitioner shall notify the school's administration of the student's medical needs and of the fact that the student may be in possession of his or her prescribed medications as described in subsection (1) of this section. The notification, when appropriate, shall include the treatment plan that has been devised for the student by a licensed health care practitioner.

(b) If a school's administration receives notice from a student's parent or legal guardian that the student may be in possession of his or her prescribed medications, the school's administration shall ensure that such notice is provided to the student's teachers and the school nurse or other person who is designated to provide health services to students at the school.

(c) Nothing in this section shall be construed to limit the ability of a public school to require a parent or legal guardian of a student who has medication prescribed for a life-threatening condition to provide to the school a sufficient supply of the medication to be stored at the school to be administered to the student in the event of a health emergency.

(3) (a) A policy adopted by a school district board of education pursuant to subsection (1) of this section shall include, but need not be limited to:

(I) A process by which a school may restrict a student from possessing and self-administering on school grounds, on a school bus, or at a school-sponsored event a medication that is prescribed by a licensed health care practitioner to be used by the student. The process shall require the school administration to make a determination as to whether a student's possession or self-administration of the medication poses a significant risk of harm to the student or to other students.

(II) A requirement that if a student has medication prescribed for a life-threatening condition, a sufficient supply of the medication is provided to the school by the student's parent or legal guardian, stored safely at the school, and kept readily available to be administered to the student in a timely fashion in the event of a health emergency.

(b) A student who possesses a prescribed medication on school grounds, upon a school bus, or at a school-sponsored event in accordance with a policy adopted by a school district pursuant to this section may possess only enough of his or her prescribed medication to render a sufficient dosage to the student to adequately treat the student's condition for a single day or for the duration of the event, whichever is appropriate; except that this provision shall not apply to a student who requires and possesses an insulin pump or other medical device that delivers dosages of prescribed medication to the student over a period of time that exceeds a single day or the duration of the event.

(c) A student shall not possess or self-administer medical marijuana on school grounds, upon a school bus, or at any school-sponsored event, except as provided for in paragraph (d) of this subsection (3).

(d) (I) (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. 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.

(B) After the primary caregiver administers the medical marijuana in a nonsmokeable form, the primary caregiver shall remove any remaining medical marijuana in a nonsmokeable form from the grounds of the preschool or primary or secondary school, the school bus, or school-sponsored event.

(II) Nothing in this section requires the school district staff to administer medical marijuana.

(III) A school district board of education or charter school may adopt policies regarding who may act as a primary caregiver pursuant to this paragraph (d) 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.

(IV) This paragraph (d) does not apply to a school district or charter school if:

(A) The school district or charter school loses federal funding as a result of implementing this paragraph (d);

(B) The school district or charter school can reasonably demonstrate that it lost federal funding as a result of implementing this paragraph (d); and

(C) The school district or charter school posts on its website in a conspicuous place a statement regarding its decision not to comply with this paragraph (d).

(V) Student possession, use, distribution, or sale or being under the influence of a cannabinoid product inconsistent with this paragraph (d) is not permitted.

(VI) This paragraph (d) shall be known as "Jack's Law".

(e) Notwithstanding the provisions of section 22-33-106 (1) (d) (II), 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 a reasonable accommodation necessary for the child to attend school.

(f) 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 a reasonable accommodation necessary for the child to attend school.

(4) The state board of education may promulgate rules for the implementation of this section.

(5) A school district board of education that adopts a policy pursuant to subsection (1) of this section shall be exempt from rules promulgated by the state board of education pursuant to the "Colorado Schoolchildren's Asthma, Food Allergy, and Anaphylaxis Health Management Act", section 22-1-119.5.

#### **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.

#### **24-31-602. Legislative declaration.**

(1) The general assembly hereby finds and declares that:

(a) The purpose of this part 6 is to empower students and the community by offering a comprehensive program of education, awareness, and training and a readily accessible tool that allows students and the community to easily provide anonymous information about unsafe, potentially harmful, dangerous, violent, or criminal activities in schools, or the threat of these activities, to appropriate law enforcement and public safety agencies and school officials; and

(b) The ability to anonymously report information about unsafe, potentially harmful, dangerous, violent, or criminal activities in schools before or after they have occurred is critical in reducing, responding to, and recovering from these types of events in schools.

(2) The general assembly therefore finds that it is appropriate and necessary to provide for the anonymity of a person who provides information to law enforcement and public safety agencies and school officials and to provide for the confidentiality of associated materials.

**REGULATIONS**

No relevant regulations found.

## 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>		
Colorado Department of Education, Expelled and At-Risk Student Services (EARSS) Policies	Provides current overview of Colorado statutes that impact school disciplinary actions.	<a href="http://www.cde.state.co.us/dropoutpr/evention/earss_policiesandstatestatutes">http://www.cde.state.co.us/dropoutpr/evention/earss_policiesandstatestatutes</a>
Colorado Department of Education, Bully Prevention and Intervention Website	Provides information on bullying prevention and education, including research, best practices, state grant programs, and other tools and resources.	<a href="http://www.cde.state.co.us/pbis/Bullying/index.htm">http://www.cde.state.co.us/pbis/Bullying/index.htm</a>
Colorado Department of Education, Positive Behavioral Interventions and Supports (PBIS)	Provides information supporting school implementation of PBIS, including training materials, implementation supports, and other resources.	<a href="http://www.cde.state.co.us/pbis">http://www.cde.state.co.us/pbis</a>
Colorado Department of Education, Multi-Tiered Systems of Support (MTSS) Home	Provides components, resources and implementation support for MTSS.	<a href="http://www.cde.state.co.us/mtss">http://www.cde.state.co.us/mtss</a>
Colorado Department of Education, Quick Guide to Safe Schools and Youth Violence Prevention Information from State Agencies	Compiles resources from various Colorado state government agencies in the areas of safe schools, bullying, and youth violence prevention. Includes links to print and electronic publications as well as web sites maintained by state agencies.	<a href="http://www.cde.state.co.us/stateinfo/qgsafeschool">http://www.cde.state.co.us/stateinfo/qgsafeschool</a>
Colorado Department of Public Safety, School Safety Resource Center	Includes information designed to assist educators, emergency responders, community organizations, school mental health professionals, parents and students in creating safe school environments for Colorado students	<a href="https://www.colorado.gov/cssrc">https://www.colorado.gov/cssrc</a>

Title	Description	Website address (if applicable)
Colorado Department of Education, Dropout Prevention and Student Re-Engagement Home	Provides information on the Office of Dropout Prevention and Student Re-Engagement's efforts to reduce the dropout rate and increase graduation rates.	<a href="http://www.cde.state.co.us/dropoutprevention">http://www.cde.state.co.us/dropoutprevention</a>
<b>Documents</b>		
Alternatives to Zero Tolerance: Best Practice Summary	Practice brief highlighting several evidence-based, supportive disciplinary methods that serve as alternatives to suspension and expulsion.	<a href="http://www.cde.state.co.us/dropoutprevention/bestpracticesalternativestozerotolerance">http://www.cde.state.co.us/dropoutprevention/bestpracticesalternativestozerotolerance</a>
Colorado Department of Education, A Brief Analysis of the K-12 School Discipline Incidents	Analyzes K-12 student discipline incident data for behaviors that violate student codes of conduct. Schools report incident data to the Department on an annual basis.	<a href="http://www.cde.state.co.us/dropoutprevention/studentdisciplineanalysis">http://www.cde.state.co.us/dropoutprevention/studentdisciplineanalysis</a>
Colorado Department of Education, State Policy Report on Dropout Prevention and Student Engagement	Annual legislative report that provides an overview of issues tied to student dropout and graduation in Colorado. Includes an analysis of school attendance and truancy and review of policies, practices and legislation related to school attendance, discipline, dropout and graduation	<a href="http://www.cde.state.co.us/dropoutprevention/rad_coloradolegislaturereports">http://www.cde.state.co.us/dropoutprevention/rad_coloradolegislaturereports</a>
<b>Other Resources</b>		
Colorado Department of Education, Colorado Suspension and Expulsion Statistics	Exportable data file containing current and past statistics on disciplinary incidents and actions taken, by race/ethnicity and gender by district.	<a href="http://www.cde.state.co.us/cdereval/suspend-expelcurrent">http://www.cde.state.co.us/cdereval/suspend-expelcurrent</a>
Colorado Department of Education, SchoolView® Data Center	Data dashboard providing annual statistics on student enrollment, attendance and truancy, and conduct disaggregated by school level, ethnicity and gender.	<a href="https://edx.cde.state.co.us/SchoolView/DataCenter/reports.aspx?_afrLoop=481269484938678&amp;_afrWindowMode=0&amp;_adf.ctrl-state=11z20hpao0_4">https://edx.cde.state.co.us/SchoolView/DataCenter/reports.aspx?_afrLoop=481269484938678&amp;_afrWindowMode=0&amp;_adf.ctrl-state=11z20hpao0_4</a>