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LLS NO. 12-0200 Richard Sweetman x4333

COMMITTEE BILL

Legislative Task Force to
Study School Discipline

SHORT TITLE: "Discipline In Public Schools"

A BILL FOR AN ACT

101 CONCERNING DISCIPLINARY MEASURES IN PUBLIC SCHOOLS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Legislative Task Force to Study School Discipline. The bill amends the statutory grounds for suspension or expulsion of a student to increase the discretion of school administrators and school district boards of education (local boards). The only circumstances under which expulsion remains mandatory are those that involve a student who is determined to have brought a firearm to school or possessed a firearm at school. The bill defines the terms "suspension", "in-school suspension",

"out-of-school suspension", and "expulsion".

The bill relocates, with substantive amendments, certain statutory provisions concerning school conduct and discipline codes (codes) and safe school reporting requirements.

Each code shall include criteria distinguishing minor code violations from behavior that will result in the referral of an offending student to a law enforcement agency.

Each public school of a school district shall require each student enrolled in the public school to complete an orientation program to familiarize the student with the provisions of the code.

In creating and enforcing a code, each local board shall:

- Ensure that the code is designed to protect students from harm, provide opportunities for students to learn from their mistakes, foster a positive learning community, keep students in school, and implement a graduated set of age-appropriate responses to misconduct that are fair and proportionate in relation to each student's individual conduct;
- To the extent practicable, limit the use of out-of-school suspensions and expulsions to incidents that involve conduct that poses a serious and credible threat to the safety of pupils and staff; and
- To the extent practicable, use prevention, intervention, restorative justice, peer mediation, counseling, and other approaches to address student misconduct, which approaches do not include arrests of, or summonses issued to, students.

In creating a code, each local board shall solicit and consider input from the school district accountability committee of the school district, a local or statewide law enforcement agency, a statewide organization of parents of public school students, and a statewide organization that offers training and support programs for parents of public school students.

To the extent practicable, each local board shall assist teachers and other school employees, as may be appropriate, in obtaining training in conflict resolution in and out of the classroom, disciplinary alternatives, and restorative justice for the purpose of preventing violations of the school district's code.

Each school administrator and local board is encouraged to use all available resources to properly assess a student before making any decision to refer the student to a law enforcement agency or a district attorney or other prosecutor as part of a disciplinary response to the student's conduct.

If a student is suspended from school, the suspending authority shall provide an opportunity for the student to make up school work during the period of suspension for full academic credit.

The report of code violations that is required of each school principal as part of the safe school reporting requirements shall specifically identify:

- Each violation that resulted in a school official referring the matter to a law enforcement agency or to a district attorney or other prosecutor for potential criminal or juvenile proceedings;
- To the extent possible, the result of each criminal or juvenile proceeding resulting from such a referral; and
- The total number of arrests made of, and summonses issued to, students of the school by any peace officer utilized by the school in his or her official capacity.

On and after October 1, 2012, the peace officer standards and training (P.O.S.T.) board shall create and provide a training curriculum to prepare peace officers to serve as school resource officers. In creating the training curriculum, the P.O.S.T. board shall solicit and, to the extent practicable, implement the suggestions of relevant stakeholders.

On and after October 1, 2013, neither a school administrator nor a local board shall utilize a peace officer in his or her official capacity in a public school unless the peace officer has successfully completed the school resource officer training program.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that a safe school is one that has a conduct and discipline
4 code that:

5 (a) Defines and helps to create a learning environment that
6 students respect;

7 (b) Defines acceptable norms of behavior for students;

8 (c) Recognizes that a disruptive student infringes on the rights of
9 other students in the school to receive a free and appropriate education;

10 (d) Protects students from the violence and intimidation of
11 bullying by setting forth clear and strict consequences for that type of
12 behavior;

13 (e) Establishes a system of consequences for misconduct, which

1 system helps define the culture of the school; and

2 (f) Makes these consequences known by making them easily
3 available and visible to all students.

4 (2) The general assembly further finds that it is important that
5 children of school age recognize that:

6 (a) A safe school enhances student achievement;

7 (b) Respect of law and policies is an important part of a civil
8 society;

9 (c) School administrators and law enforcement officers are their
10 friends, and the laws and policies these persons enforce provide students
11 the opportunity to get a quality education; and

12 (d) They live in a country and a state that ensure them due process
13 for a fair administration of justice in their schools.

14 (3) Finally, the general assembly finds that:

15 (a) In-school suspensions are an adequate response to most
16 conduct and discipline code violations;

17 (b) Public schools and school district boards of education should
18 use out-of-school suspensions and expulsions as disciplinary responses
19 to only the most serious offenses; and

20 (c) If a school administrator or a school district board of education
21 deems it necessary to suspend or expel a student from school, the school
22 administrator or board must consider the safety of the other students if
23 and when the student returns to the school.

24 (4) Now, therefore, the general assembly hereby declares that, in
25 creating and enforcing a school conduct and discipline code, each school
26 district board of education shall:

27 (a) Ensure that the code is designed to:

- 1 (I) Protect students from harm;
- 2 (II) Provide opportunities for students to learn from their
3 mistakes;
- 4 (III) Foster a positive learning community;
- 5 (IV) Keep students in school; and
- 6 (V) Implement a graduated set of age-appropriate responses to
7 misconduct that are fair and proportionate in relation to each student's
8 individual conduct;
- 9 (b) To the extent practicable:
- 10 (I) Impose in-school suspensions as a disciplinary response to
11 misconduct; and
- 12 (II) Limit the use of out-of-school suspensions and expulsions to
13 incidents that involve conduct that poses a serious and credible threat to
14 the safety of pupils and staff;
- 15 (c) To the extent practicable, use prevention, intervention,
16 restorative justice, peer mediation, counseling, and other approaches to
17 address student misconduct, which approaches do not include the arrest
18 of, or summonses issued to, students; and
- 19 (d) Ensure the code complies with all state and federal laws
20 concerning the education of students with disabilities, as defined in
21 section 22-20-103 (5), Colorado Revised Statutes.

22 **SECTION 2.** 22-32-109.1 (2) (a), (2) (b), and (10), Colorado
23 Revised Statutes, are amended to read:

24 **22-32-109.1. Board of education - specific powers and duties**
25 **- safe schools. (2) Safe school plan.** In order to provide a learning
26 environment that is safe, conducive to the learning process, and free from
27 unnecessary disruption, following consultation with the school district

1 accountability committee and school accountability committees, parents,
2 teachers, administrators, students, student councils where available, and,
3 where appropriate, the community at large, each school district board of
4 education shall adopt and implement a safe school plan, or review and
5 revise, if necessary, any existing plans or policies already in effect, which
6 shall include, but not be limited to, the following:

7 (a) **Conduct and discipline code.** A concisely written conduct
8 and discipline code that shall be enforced uniformly, fairly, and
9 consistently for all students, REGARDLESS OF RACE, ETHNICITY, CREED, OR
10 SEXUAL ORIENTATION, IN ACCORDANCE WITH THE PROVISIONS OF SECTION
11 22-32-145. Copies of the code shall be provided to each student upon
12 enrollment at the elementary, middle, JUNIOR HIGH, and high school levels
13 and shall be posted or kept on file at each public school in OF the school
14 district. ~~The code shall include, but shall not be limited to:~~
15 ~~ADDITIONALLY, EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT SHALL~~
16 ~~REQUIRE EACH STUDENT ENROLLED IN THE PUBLIC SCHOOL TO COMPLETE~~
17 ~~AN ORIENTATION PROGRAM TO FAMILIARIZE THE STUDENT WITH THE~~
18 ~~PROVISIONS OF THE CODE. <{Note: The stricken text that follows is~~
19 ~~re-created, with amendments, in a new section 22-32-145 created later~~
20 ~~in this draft.}>~~

21 (I) ~~General policies on student conduct, safety, and welfare;~~
22 (H) ~~General policies and procedures for dealing with students who~~
23 ~~cause a disruption in the classroom, on school grounds, in school~~
24 ~~vehicles, as defined in section 42-1-102 (88.5), C.R.S., or at school~~
25 ~~activities or sanctioned events, including a specific policy allowing a~~
26 ~~teacher to remove a disruptive student from his or her classroom and;~~
27 ~~upon the third such removal from a teacher's class, to remove the~~

1 ~~disruptive student from such teacher's class for the remainder of the term~~
2 ~~of the class. The general policies and procedures shall include a due~~
3 ~~process procedure, which at a minimum shall require that, as soon as~~
4 ~~possible after a removal, the teacher or the school principal shall contact~~
5 ~~the parent or legal guardian of the student to request his or her attendance~~
6 ~~at a student-teacher conference regarding the removal. A behavior plan~~
7 ~~may be developed after the first such removal from class, and shall be~~
8 ~~developed after the second such removal from class. Any policy or~~
9 ~~procedure adopted shall comply with applicable federal and state laws,~~
10 ~~including, but not limited to laws regarding students with disabilities.~~

11 ~~(III) Provisions for the initiation of suspension or expulsion~~
12 ~~proceedings for students who qualify as habitually disruptive by causing~~
13 ~~a disruption in the classroom, on school grounds, in school vehicles, or~~
14 ~~at school activities or sanctioned events for a third time during a single~~
15 ~~school year or calendar year;~~

16 ~~(IV) Policies and procedures for the use of acts of reasonable and~~
17 ~~appropriate physical intervention or force in dealing with disruptive~~
18 ~~students, except that no board shall adopt a discipline code that includes~~
19 ~~provisions that are in conflict with the definition of child abuse in section~~
20 ~~18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;~~

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

25 ~~(VI) A specific policy concerning gang-related activities in the~~
26 ~~school, on school grounds, in school vehicles, or at school activities or~~
27 ~~sanctioned events;~~

1 ~~(VII) Written prohibition, consistent with section 22-33-106, of~~
2 ~~students from bringing dangerous weapons, drugs, or other controlled~~
3 ~~substances to school, on school grounds, in school vehicles, or at school~~
4 ~~activities or sanctioned events and from using drugs, other controlled~~
5 ~~substances, or tobacco products on school grounds, in school vehicles, or~~
6 ~~at school activities or sanctioned events;~~

7 ~~(VIII) A written policy concerning searches on school grounds,~~
8 ~~including student lockers;~~

9 ~~(IX) A dress code policy that encourages school pride and unity,~~
10 ~~promotes uniformity of dress, and defines and prohibits students from~~
11 ~~wearing apparel that is deemed disruptive to the classroom environment~~
12 ~~or to the maintenance of a safe and orderly school. The dress code policy~~
13 ~~may require students to wear a school uniform or may establish minimum~~
14 ~~standards of dress; and~~

15 ~~(X) (A) On and after August 8, 2001, a specific policy concerning~~
16 ~~bullying prevention and education. Each school district is encouraged to~~
17 ~~ensure that its policy, at a minimum, incorporates the biennial~~
18 ~~administration of surveys of students' impressions of the severity of~~
19 ~~bullying in their schools, as described in section 22-93-104 (1) (c);~~
20 ~~character building; and the designation of a team of persons at each~~
21 ~~school of the school district who advise the school administration~~
22 ~~concerning the severity and frequency of bullying incidents that occur in~~
23 ~~the school, which team may include, but need not be limited to, law~~
24 ~~enforcement officials, social workers, prosecutors, health professionals,~~
25 ~~mental health professionals, counselors, teachers, administrators, parents,~~
26 ~~and students. Each school district's policy shall set forth appropriate~~
27 ~~disciplinary consequences for students who bully other students and for~~

1 ~~any person who takes any retaliatory action against a student who reports~~
2 ~~in good faith an incident of bullying, which consequences shall comply~~
3 ~~with all applicable state and federal laws.~~

4 ~~(B) For purposes of this subparagraph (X), "bullying" means any~~
5 ~~written or verbal expression, or physical or electronic act or gesture, or a~~
6 ~~pattern thereof, that is intended to coerce, intimidate, or cause any~~
7 ~~physical, mental, or emotional harm to any student. Bullying is prohibited~~
8 ~~against any student for any reason, including but not limited to any such~~
9 ~~behavior that is directed toward a student on the basis of his or her~~
10 ~~academic performance or against whom federal and state laws prohibit~~
11 ~~discrimination upon any of the bases described in section 22-32-109 (1)~~
12 ~~(H) (I). This definition is not intended to infringe upon any right~~
13 ~~guaranteed to any person by the first amendment to the United States~~
14 ~~constitution or to prevent the expression of any religious, political, or~~
15 ~~philosophical views.~~

16 **(b) Safe school reporting requirements.** A policy whereby the
17 principal of each public school ~~in~~ OF a school district shall submit
18 annually, in a manner and by a date specified by THE PROVISIONS OF
19 SECTION 22-32-146 AND BY rule of the state board, a written report to the
20 board of education of such school district concerning the learning
21 environment in the school during that school year. The board of
22 education of the school district annually shall compile the reports from
23 every school ~~in~~ OF the district and shall submit the compiled report to the
24 department of education in a format specified by rule of the state board.
25 The compiled report shall be made available to the general public. Such
26 report shall include, but need not be limited to, the following specific
27 information for the preceding school year: ~~(Note: The stricken text that~~

1 ~~follows is re-created, with amendments, in a new section 22-32-146~~
2 ~~created later in this draft.~~

3 ~~(I) The total enrollment for the school;~~

4 ~~(H) The average daily attendance rate at the school;~~

5 ~~(HH) Dropout rates for grades seven through twelve, if such grades~~
6 ~~are taught at the school, and~~

7 ~~(IV) The number of conduct and discipline code violations, each~~
8 ~~of which violations shall be reported only in the most serious category~~
9 ~~that is applicable to that violation, including but not limited to specific~~
10 ~~information on the number of and the action taken with respect to each of~~
11 ~~the following types of violations:~~

12 ~~(A) Carrying, bringing, using, or possessing a dangerous weapon~~
13 ~~on school grounds, in school vehicles, or at school activities or sanctioned~~
14 ~~events without the authorization of the school or the school district;~~

15 ~~(B) Use or possession of alcohol on school grounds, in school~~
16 ~~vehicles, or at school activities or sanctioned events;~~

17 ~~(C) Use, possession, or sale of a drug or controlled substance on~~
18 ~~school grounds, in school vehicles, or at school activities or sanctioned~~
19 ~~events;~~

20 ~~(D) Use or possession of tobacco products on school grounds, in~~
21 ~~school vehicles, or at school activities or sanctioned events;~~

22 ~~(E) Being willfully disobedient or openly and persistently defiant~~
23 ~~or repeatedly interfering with the school's ability to provide educational~~
24 ~~opportunities to and a safe environment for other students;~~

25 ~~(F) Commission of an act on school grounds that, if committed by~~
26 ~~an adult, would be considered first degree assault, as described in section~~
27 ~~18-3-202, C.R.S., second degree assault, as described in section 18-3-203;~~

- 1 ~~C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;~~
- 2 ~~(G) Behavior on school property that is detrimental to the welfare~~
- 3 ~~or safety of other students or of school personnel, including but not~~
- 4 ~~limited to incidents of bullying, as described by subparagraph (X) of~~
- 5 ~~paragraph (a) of this subsection (2), and other behavior that creates a~~
- 6 ~~threat of physical harm to the student or to other students;~~
- 7 ~~(H) Willful destruction or defacement of school property;~~
- 8 ~~(I) Commission of an act on school grounds that, if committed by~~
- 9 ~~an adult, would be considered third degree assault, as described in section~~
- 10 ~~18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106~~
- 11 ~~(1) (d), C.R.S., but not disorderly conduct involving firearms or other~~
- 12 ~~deadly weapons, as described in section 18-9-106 (1) (e) and (1) (f);~~
- 13 ~~C.R.S.;~~
- 14 ~~(J) Commission of an act on school grounds that, if committed by~~
- 15 ~~an adult, would be considered robbery, and~~
- 16 ~~(K) Other violations of the code of conduct and discipline that~~
- 17 ~~resulted in documentation of the conduct in a student's record;~~
- 18 ~~(V) For purposes of subparagraph (IV) of this paragraph (b),~~
- 19 ~~"action taken" means the specific type of discipline, including but not~~
- 20 ~~limited to the following categories of discipline:~~
- 21 ~~(A) In-school suspension;~~
- 22 ~~(B) Out-of-school suspension;~~
- 23 ~~(C) Classroom removal in accordance with board policy;~~
- 24 ~~(D) Expulsion;~~
- 25 ~~(E) Referral to a law enforcement agency, or~~
- 26 ~~(F) Any other form of discipline, which shall be officially~~
- 27 ~~identified as part of a board policy;~~

1 ~~(VI) The conduct and discipline code violations required to be~~
2 ~~reported pursuant to subparagraph (IV) of this paragraph (b) shall~~
3 ~~specifically identify each conduct and discipline code violation by a~~
4 ~~student with a disability and each action taken with respect to each~~
5 ~~violation by a student with a disability;~~

6 ~~(VII) The average class size for each public elementary school;~~
7 ~~middle school or junior high school, and senior high school in the state~~
8 ~~calculated as the total number of students enrolled in the school divided~~
9 ~~by the number of full-time teachers in the school. For purposes of this~~
10 ~~subparagraph (VII), "full-time teacher" means a person who is licensed~~
11 ~~pursuant to article 60.5 of this title or is authorized pursuant to section~~
12 ~~22-60.5-111 to teach, and is primarily engaged in teaching during a~~
13 ~~substantial majority of the instructional minutes per school day.~~

14 ~~(VIII) On and after August 8, 2001, the school's policy concerning~~
15 ~~bullying prevention and education, including information related to the~~
16 ~~development and implementation of any bullying prevention programs.~~

17 **(10) Compliance with safe school reporting requirements.** If
18 the state board determines that a school district or one or more of the
19 public schools in a school district is in willful noncompliance with the
20 provisions of paragraph (b) of subsection (2) of this section OR OF
21 SECTION 22-32-146, the state's share of the school district's total program,
22 as determined pursuant to article 54 of this title, may be subject to
23 forfeiture until the school district and each school in the district attains
24 compliance with the provisions of paragraph (b) of subsection (2) of this
25 section.

26 **SECTION 3.** Article 32 of title 22, Colorado Revised Statutes, is
27 amended BY THE ADDITION OF THE FOLLOWING NEW

1 SECTIONS to read:

2 **22-32-145. School conduct and discipline codes - training -**
3 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
4 OTHERWISE REQUIRES:

5 (a) "BULLYING" MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR
6 PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT
7 IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL,
8 OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED
9 AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO
10 ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS
11 OF HIS OR HER ACADEMIC PERFORMANCE OR AGAINST WHOM FEDERAL AND
12 STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES
13 DESCRIBED IN SECTION 22-32-109 (1) (II) (I). THIS DEFINITION IS NOT
14 INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY
15 THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO
16 PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR
17 PHILOSOPHICAL VIEWS.

18 (b) "DANGEROUS WEAPON" SHALL HAVE THE SAME MEANING AS
19 SET FORTH IN SECTION 22-33-102 (4).

20 (c) "EXPULSION" SHALL HAVE THE SAME MEANING AS SET FORTH
21 IN SECTION 22-33-102 (7).

22 (d) "HABITUALLY DISRUPTIVE STUDENT" SHALL HAVE THE SAME
23 MEANING AS SET FORTH IN SECTION 22-33-112 (1).

24 (e) "IN-SCHOOL SUSPENSION" SHALL HAVE THE SAME MEANING AS
25 SET FORTH IN SECTION 22-33-102 (10).

26 (f) "OUT-OF-SCHOOL SUSPENSION" SHALL HAVE THE SAME
27 MEANING AS SET FORTH IN SECTION 22-33-102 (12).

1 (g) "RESTORATIVE JUSTICE" SHALL HAVE THE SAME MEANING AS
2 SET FORTH IN SECTION 22-32-144 (3).

3 (h) "SCHOOL VEHICLE" SHALL HAVE THE SAME MEANING AS SET
4 FORTH IN SECTION 42-1-102 (88.5), C.R.S.

5 (i) "SUSPENSION" SHALL HAVE THE SAME MEANING AS SET FORTH
6 IN SECTION 22-33-102 (15).

7 (2) PURSUANT TO SECTION 22-32-109.1 (2) (a), EACH SCHOOL
8 DISTRICT BOARD OF EDUCATION SHALL INCLUDE WITHIN ITS SAFE SCHOOL
9 PLAN A CONDUCT AND DISCIPLINE CODE THAT SHALL INCLUDE, BUT NEED
10 NOT BE LIMITED TO:

11 (a) GENERAL POLICIES ON STUDENT CONDUCT, SAFETY, AND
12 WELFARE;

13 (b) GENERAL POLICIES AND PROCEDURES FOR DEALING WITH
14 STUDENTS WHO CAUSE A DISRUPTION IN THE CLASSROOM, ON SCHOOL
15 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
16 SANCTIONED EVENT, WHICH POLICIES AND PROCEDURES MAY INCLUDE A
17 SPECIFIC POLICY ALLOWING A TEACHER TO REMOVE A DISRUPTIVE
18 STUDENT FROM HIS OR HER CLASSROOM AND, UPON THE THIRD SUCH
19 REMOVAL FROM THE TEACHER'S CLASS, TO REMOVE THE DISRUPTIVE
20 STUDENT FROM THE TEACHER'S CLASS FOR THE REMAINDER OF THE TERM
21 OF THE CLASS. THE GENERAL POLICIES AND PROCEDURES SHALL INCLUDE
22 A DUE PROCESS PROCEDURE, WHICH AT A MINIMUM SHALL REQUIRE THAT,
23 AS SOON AS POSSIBLE AFTER A REMOVAL, THE TEACHER OR THE SCHOOL
24 PRINCIPAL SHALL CONTACT THE PARENT OR LEGAL GUARDIAN OF THE
25 STUDENT TO REQUEST HIS OR HER ATTENDANCE AT A STUDENT-TEACHER
26 CONFERENCE REGARDING THE REMOVAL. A BEHAVIOR PLAN MAY BE
27 DEVELOPED AFTER THE FIRST REMOVAL FROM CLASS AND SHALL BE

1 DEVELOPED AFTER THE SECOND REMOVAL FROM CLASS. ANY POLICY OR
2 PROCEDURE ADOPTED SHALL COMPLY WITH APPLICABLE FEDERAL AND
3 STATE LAWS, INCLUDING BUT NOT LIMITED TO LAWS REGARDING
4 STUDENTS WITH DISABILITIES.

5 (c) PROVISIONS ADDRESSING HABITUALLY DISRUPTIVE STUDENTS,
6 INCLUDING BUT NOT LIMITED TO SUSPENSION AND EXPULSION
7 PROCEEDINGS FOR HABITUALLY DISRUPTIVE STUDENTS;

8 (d) POLICIES AND PROCEDURES FOR THE USE OF ACTS OF
9 REASONABLE AND APPROPRIATE PHYSICAL INTERVENTION OR FORCE IN
10 DEALING WITH DISRUPTIVE STUDENTS; EXCEPT THAT A DISTRICT BOARD
11 SHALL NOT ADOPT A CONDUCT AND DISCIPLINE CODE THAT INCLUDES
12 PROVISIONS THAT CONFLICT WITH THE DESCRIPTIONS OF CHILD ABUSE IN
13 SECTION 18-6-401 (1), C.R.S., AND SECTION 19-1-103 (1), C.R.S., OR THE
14 PROVISIONS CONCERNING THE USE OF RESTRAINT IN THE "PROTECTION OF
15 PERSONS FROM RESTRAINT ACT", ARTICLE 20 OF TITLE 26, C.R.S.;

16 (e) GENERAL POLICIES AND PROCEDURES FOR DETERMINING THE
17 CIRCUMSTANCES UNDER AND THE MANNER IN WHICH DISCIPLINARY
18 ACTIONS, INCLUDING SUSPENSION, EXPULSION, AND DENIAL OF ADMISSION,
19 SHALL BE IMPOSED IN ACCORDANCE WITH THE PROVISIONS OF THIS
20 SECTION AND SECTIONS 22-33-105 AND 22-33-106;

21 (f) PROCEDURES TO:

22 (I) INFORM EACH STUDENT AND THE STUDENT'S PARENT OR
23 GUARDIAN WHEN DISCIPLINARY INFORMATION IS COMMUNICATED;

24 (II) PROVIDE A COPY OF THE DISCIPLINARY INFORMATION TO THE
25 STUDENT AND THE STUDENT'S PARENT OR GUARDIAN; AND

26 (III) ALLOW A STUDENT AND THE STUDENT'S PARENT OR
27 GUARDIAN TO CHALLENGE THE ACCURACY OF THE DISCIPLINARY

1 INFORMATION AND ANY DISCIPLINARY ACTION TAKEN BY THE SCHOOL OR
2 SCHOOL DISTRICT, WHICH DISCIPLINARY ACTION IS DESCRIBED THEREIN.

3 *<I'm not sure about this provision; what's it intended to do? What
4 does it mean to allow a student or parent to "challenge . . . any
5 disciplinary action taken"? >*

6 *<Note: I relocated the text of this paragraph (f) to here from its
7 current location at 22-32-126 (5) (b), although the language beginning
8 with "... and any disciplinary action..." is new, requested by a task force
9 member. >*

10 (g) A SPECIFIC POLICY CONCERNING GANG-RELATED ACTIVITIES IN
11 THE SCHOOL, ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL
12 ACTIVITIES OR SANCTIONED EVENTS;

13 (h) WRITTEN PROHIBITION, CONSISTENT WITH SECTION 22-33-106,
14 OF STUDENT POSSESSION OF DANGEROUS WEAPONS, DRUGS, OR OTHER
15 CONTROLLED SUBSTANCES ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE,
16 OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND OF USING DRUGS
17 OR OTHER CONTROLLED SUBSTANCES ON SCHOOL GROUNDS, IN A SCHOOL
18 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;

19 (i) WRITTEN PROHIBITION OF STUDENT POSSESSION OR USE OF
20 TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT
21 A SCHOOL ACTIVITY OR SANCTIONED EVENT;

22 (j) A WRITTEN POLICY CONCERNING SEARCHES ON SCHOOL
23 GROUNDS, INCLUDING SEARCHES OF STUDENT LOCKERS;

24 (k) A DRESS CODE POLICY THAT ENCOURAGES SCHOOL PRIDE AND
25 UNITY, PROMOTES UNIFORMITY OF DRESS, AND DEFINES AND PROHIBITS
26 STUDENTS FROM WEARING APPAREL THAT IS DEEMED DISRUPTIVE TO THE
27 CLASSROOM ENVIRONMENT OR TO THE MAINTENANCE OF A SAFE AND

1 ORDERLY SCHOOL. THE DRESS CODE POLICY MAY REQUIRE STUDENTS TO
2 WEAR A SCHOOL UNIFORM OR MAY ESTABLISH MINIMUM STANDARDS OF
3 DRESS.

4 (l) A SPECIFIC POLICY CONCERNING BULLYING PREVENTION AND
5 EDUCATION. EACH SCHOOL DISTRICT IS ENCOURAGED TO ENSURE THAT ITS
6 POLICY, AT A MINIMUM, INCORPORATES THE BIENNIAL ADMINISTRATION OF
7 SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN
8 THEIR SCHOOLS, AS DESCRIBED IN SECTION 22-93-104 (1) (c); CHARACTER
9 BUILDING; AND THE DESIGNATION OF A TEAM OF PERSONS AT EACH
10 SCHOOL OF THE SCHOOL DISTRICT WHO ADVISE THE SCHOOL
11 ADMINISTRATION CONCERNING THE SEVERITY AND FREQUENCY OF
12 BULLYING INCIDENTS THAT OCCUR IN THE SCHOOL, WHICH TEAM MAY
13 INCLUDE, BUT NEED NOT BE LIMITED TO, LAW ENFORCEMENT OFFICIALS,
14 SOCIAL WORKERS, PROSECUTORS, HEALTH PROFESSIONALS, MENTAL
15 HEALTH PROFESSIONALS, COUNSELORS, TEACHERS, ADMINISTRATORS,
16 PARENTS, AND STUDENTS. EACH SCHOOL DISTRICT'S POLICY SHALL SET
17 FORTH APPROPRIATE DISCIPLINARY CONSEQUENCES FOR STUDENTS WHO
18 BULLY OTHER STUDENTS AND FOR ANY PERSON WHO TAKES ANY
19 RETALIATORY ACTION AGAINST A STUDENT WHO REPORTS IN GOOD FAITH
20 AN INCIDENT OF BULLYING, WHICH CONSEQUENCES SHALL COMPLY WITH
21 ALL APPLICABLE STATE AND FEDERAL LAWS; AND

22 (m) CRITERIA DISTINGUISHING MINOR VIOLATIONS OF THE
23 CONDUCT AND DISCIPLINE CODE FROM BEHAVIOR THAT WILL RESULT IN
24 THE REFERRAL OF AN OFFENDING STUDENT TO A LAW ENFORCEMENT
25 AGENCY.

26 *< The text at (m) above is my adaptation of provision 1006.13*
27 *(2)(a) from the Florida code. >*

1 ~~<{Note: subsections (3), (4), (5), and (6) below are new statutory~~
2 ~~language.}>~~

3 (3) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND
4 DISCIPLINE CODE PURSUANT TO SUBSECTION (2) OF THIS SECTION, EACH
5 SCHOOL DISTRICT BOARD OF EDUCATION SHALL:

6 (a) ENSURE THAT THE CODE IS DESIGNED TO:

7 (I) PROTECT STUDENTS FROM HARM;

8 (II) PROVIDE OPPORTUNITIES FOR STUDENTS TO LEARN FROM THEIR
9 MISTAKES;

10 (III) FOSTER A POSITIVE LEARNING COMMUNITY;

11 (IV) KEEP STUDENTS IN SCHOOL; AND

12 (V) IMPLEMENT A GRADUATED SET OF AGE-APPROPRIATE
13 RESPONSES TO STUDENT MISCONDUCT THAT ARE FAIR AND
14 PROPORTIONATE IN RELATION TO EACH STUDENT'S INDIVIDUAL CONDUCT;

15 (b) TO THE EXTENT PRACTICABLE, IMPOSE IN-SCHOOL SUSPENSIONS
16 AS A DISCIPLINARY RESPONSE TO MISCONDUCT, AND LIMIT THE USE OF
17 OUT-OF-SCHOOL SUSPENSIONS AND EXPULSIONS TO INCIDENTS THAT
18 INVOLVE CONDUCT THAT POSES A SERIOUS AND CREDIBLE THREAT TO THE
19 SAFETY OF PUPILS AND STAFF;

20 (c) TO THE EXTENT PRACTICABLE, USE PREVENTION,
21 INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING,
22 AND OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH
23 APPROACHES DO NOT INCLUDE THE ARREST OF, OR SUMMONSES ISSUED TO,
24 STUDENTS; AND

25 (d) ENSURE THE CODE COMPLIES WITH ALL STATE AND FEDERAL
26 LAWS CONCERNING THE EDUCATION OF STUDENTS WITH DISABILITIES, AS
27 DEFINED IN SECTION 22-20-103 (5).

1 (4) IN CREATING A SCHOOL DISCIPLINE CODE, EACH SCHOOL
2 DISTRICT BOARD OF EDUCATION SHALL SOLICIT AND CONSIDER INPUT
3 FROM:

4 (a) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE OF THE
5 SCHOOL DISTRICT;

6 (b) A LOCAL OR STATEWIDE LAW ENFORCEMENT AGENCY;

7 (c) A STATEWIDE ORGANIZATION OF PARENTS OF PUBLIC SCHOOL
8 STUDENTS; AND

9 (d) A STATEWIDE ORGANIZATION THAT OFFERS TRAINING AND
10 SUPPORT PROGRAMS FOR PARENTS OF PUBLIC SCHOOL STUDENTS.

11 (5) TO THE EXTENT PRACTICABLE, EACH SCHOOL DISTRICT BOARD
12 OF EDUCATION SHALL ASSIST TEACHERS AND OTHER SCHOOL EMPLOYEES,
13 AS MAY BE APPROPRIATE, IN OBTAINING TRAINING IN CONFLICT
14 RESOLUTION IN AND OUT OF THE CLASSROOM, DISCIPLINARY
15 ALTERNATIVES, AND RESTORATIVE JUSTICE FOR THE PURPOSE OF
16 PREVENTING VIOLATIONS OF THE SCHOOL DISTRICT'S CONDUCT AND
17 DISCIPLINE CODE AND CREATING A POSITIVE SCHOOL CULTURE.

18 (6) EACH SCHOOL DISTRICT BOARD OF EDUCATION IS ENCOURAGED
19 TO UTILIZE THE RESOURCES OF A STATEWIDE ORGANIZATION THAT OFFERS
20 TRAINING AND SUPPORT PROGRAMS FOR PARENTS OF PUBLIC SCHOOL
21 STUDENTS AND TO REFER PARENTS TO SUCH RESOURCES.

22 **22-32-146. Safe school reporting requirements - definitions.**

23 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "ACTION TAKEN" MEANS THE SPECIFIC TYPE OF DISCIPLINE
26 EMPLOYED BY A SCHOOL OR SCHOOL DISTRICT, INCLUDING BUT NOT
27 LIMITED TO THE FOLLOWING CATEGORIES OF DISCIPLINE:

- 1 (I) RESTORATIVE JUSTICE;
- 2 (II) IN-SCHOOL SUSPENSION;
- 3 (III) OUT-OF-SCHOOL SUSPENSION;
- 4 (IV) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;
- 5 (V) EXPULSION;
- 6 (VI) A REFERRAL TO A LAW ENFORCEMENT AGENCY, WHICH
- 7 REFERRAL RESULTS IN THE ARREST OF, OR SUMMONS ISSUED TO, A
- 8 STUDENT;
- 9 (VII) A REFERRAL TO A LAW ENFORCEMENT AGENCY, WHICH
- 10 REFERRAL DOES NOT RESULT IN THE ARREST OF, OR SUMMONS ISSUED TO,
- 11 A STUDENT;
- 12 (VIII) ANY OTHER FORM OF DISCIPLINE THAT IS OFFICIALLY
- 13 IDENTIFIED AS PART OF A BOARD POLICY.
- 14 (b) "BULLYING" SHALL HAVE THE SAME MEANING AS SET FORTH IN
- 15 SECTION 22-32-145 (1).
- 16 (c) "DANGEROUS WEAPON" SHALL HAVE THE SAME MEANING AS
- 17 SET FORTH IN SECTION 22-33-102 (4).
- 18 (d) "EXPULSION" SHALL HAVE THE SAME MEANING AS SET FORTH
- 19 IN SECTION 22-33-102 (7).
- 20 (e) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED
- 21 PURSUANT TO ARTICLE 60.5 OF THIS TITLE OR IS AUTHORIZED PURSUANT
- 22 TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN
- 23 TEACHING DURING A SUBSTANTIAL MAJORITY OF THE INSTRUCTIONAL
- 24 MINUTES PER SCHOOL DAY.
- 25 (f) "IN-SCHOOL SUSPENSION" SHALL HAVE THE SAME MEANING AS
- 26 SET FORTH IN SECTION 22-33-102 (10).
- 27 (g) "OUT-OF-SCHOOL SUSPENSION" SHALL HAVE THE SAME

1 MEANING AS SET FORTH IN SECTION 22-33-102 (12).

2 (h) "RESTORATIVE JUSTICE" SHALL HAVE THE SAME MEANING AS
3 SET FORTH IN SECTION 22-32-144 (3).

4 (i) "SCHOOL VEHICLE" SHALL HAVE THE SAME MEANING AS SET
5 FORTH IN SECTION 42-1-102 (88.5), C.R.S.

6 (j) "SUSPENSION" SHALL HAVE THE SAME MEANING AS SET FORTH
7 IN SECTION 22-32-102 (15).

8 (2) PURSUANT TO SECTION 22-32-109.1 (2) (b), EACH SCHOOL
9 DISTRICT BOARD OF EDUCATION SHALL INCLUDE WITHIN ITS SAFE SCHOOL
10 PLAN A POLICY WHEREBY THE PRINCIPAL OF EACH PUBLIC SCHOOL OF THE
11 SCHOOL DISTRICT SHALL SUBMIT ANNUALLY, IN A MANNER AND BY A DATE
12 SPECIFIED BY THE PROVISIONS OF THIS SECTION AND BY RULE OF THE STATE
13 BOARD, A WRITTEN REPORT TO THE BOARD OF EDUCATION OF THE SCHOOL
14 DISTRICT CONCERNING THE LEARNING ENVIRONMENT IN THE SCHOOL
15 DURING THAT SCHOOL YEAR. THE REPORT SHALL INCLUDE, BUT NEED NOT
16 BE LIMITED TO, THE FOLLOWING SPECIFIC INFORMATION FOR THE
17 PRECEDING SCHOOL YEAR:

- 18 (a) THE TOTAL ENROLLMENT FOR THE SCHOOL;
- 19 (b) THE AVERAGE DAILY ATTENDANCE RATE AT THE SCHOOL;
- 20 (c) DROPOUT RATES FOR GRADES SEVEN THROUGH TWELVE, IF
21 SUCH GRADES ARE TAUGHT AT THE SCHOOL;

22 (d) THE AVERAGE CLASS SIZE FOR EACH PUBLIC ELEMENTARY
23 SCHOOL, MIDDLE SCHOOL OR JUNIOR HIGH SCHOOL, AND SENIOR HIGH
24 SCHOOL IN THE STATE, CALCULATED AS THE TOTAL NUMBER OF STUDENTS
25 ENROLLED IN THE SCHOOL DIVIDED BY THE NUMBER OF FULL-TIME
26 TEACHERS IN THE SCHOOL;

27 (e) THE SCHOOL'S POLICY CONCERNING BULLYING PREVENTION AND

1 EDUCATION, INCLUDING INFORMATION RELATED TO THE DEVELOPMENT
2 AND IMPLEMENTATION OF ANY BULLYING-PREVENTION PROGRAMS;

3 (f) THE NUMBER OF CONDUCT AND DISCIPLINE CODE VIOLATIONS,
4 EACH OF WHICH VIOLATIONS SHALL BE REPORTED ONLY IN THE MOST
5 SERIOUS CATEGORY THAT IS APPLICABLE TO THAT VIOLATION, INCLUDING
6 BUT NOT LIMITED TO THE NUMBER OF AND THE ACTION TAKEN WITH
7 RESPECT TO EACH OF THE FOLLOWING TYPES OF VIOLATIONS:

8 (I) POSSESSING A DANGEROUS WEAPON ON SCHOOL GROUNDS, IN
9 A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
10 WITHOUT THE AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;

11 (II) USE OR POSSESSION OF ALCOHOL ON SCHOOL GROUNDS, IN A
12 SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;

13 (III) USE, POSSESSION, OR SALE OF A DRUG OR CONTROLLED
14 SUBSTANCE ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL
15 ACTIVITY OR SANCTIONED EVENT;

16 (IV) USE OR POSSESSION OF TOBACCO PRODUCTS ON SCHOOL
17 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
18 SANCTIONED EVENT;

19 (V) COMMISSION OF AN ACT ON SCHOOL GROUNDS, IN A SCHOOL
20 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT THAT, IF
21 COMMITTED BY AN ADULT, WOULD BE CONSIDERED:

22 (A) FIRST DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-202,
23 C.R.S.; SECOND DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-203,
24 C.R.S.; THIRD DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-204,
25 C.R.S.; VEHICULAR ASSAULT, AS DESCRIBED IN SECTION 18-3-205, C.R.S.;
26 OR SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402, C.R.S.;

27 (B) DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3,

1 C.R.S.;

2 (C) ROBBERY, AS DESCRIBED IN SECTION 18-4-301, C.R.S.; OR

3 (D) DISORDERLY CONDUCT, AS DESCRIBED IN SECTION 18-9-106 (1)

4 (d), C.R.S., BUT NOT DISORDERLY CONDUCT INVOLVING FIREARMS OR

5 OTHER DEADLY WEAPONS, AS DESCRIBED IN SECTION 18-9-106 (1) (e) AND

6 (1) (f), C.R.S. ~~<{Note: in this subparagraph (V) I have incorporated the~~

7 ~~text of the existing 22-32-109.1 (2) (b) (IV) (F), (2) (b) (IV) (I), and (2)~~

8 ~~(b) (IV) (J), as well as new text to include sexual assault and domestic~~

9 ~~violence. }>~~

10 (VI) WILLFUL DESTRUCTION OR DEFACEMENT OF SCHOOL
11 PROPERTY; AND

12 (VII) OTHER VIOLATIONS OF THE CONDUCT AND DISCIPLINE CODE
13 THAT RESULTED IN DOCUMENTATION OF THE CONDUCT IN A STUDENT'S
14 RECORD.

15 ~~<{ Note: CDE has voiced concerns over my deletions and revisions of~~
16 ~~the safe school reporting categories at (2)(f) above. }>~~

17 (3) THE REPORT OF THE CONDUCT AND DISCIPLINE CODE
18 VIOLATIONS THAT IS REQUIRED PURSUANT TO PARAGRAPH (f) OF
19 SUBSECTION (2) OF THIS SECTION SHALL SPECIFICALLY IDENTIFY:

20 (a) EACH CONDUCT AND DISCIPLINE CODE VIOLATION BY A
21 STUDENT WITH A DISABILITY AND EACH ACTION TAKEN WITH RESPECT TO
22 EACH VIOLATION BY A STUDENT WITH A DISABILITY; ~~<{This paragraph (3)~~

23 ~~(a) currently appears in 22-32-109.1 (2) (b) (VI); paragraphs (b), (c),~~
24 ~~and (d) below are new language. }>~~

25 (b) EACH VIOLATION THAT RESULTED IN THE ARREST OF, OR A
26 SUMMONS ISSUED TO, A STUDENT;

27 (c) TO THE EXTENT POSSIBLE, THE RESULT OF EACH CRIMINAL OR

1 JUVENILE PROCEEDING RESULTING FROM EACH SUCH ARREST OR SUMMONS
2 ISSUED; AND

3 (d) THE TOTAL NUMBER OF ARRESTS MADE OF, AND SUMMONSES
4 ISSUED TO, STUDENTS OF THE SCHOOL BY ANY PEACE OFFICER EMPLOYED
5 OR UTILIZED BY THE SCHOOL IN HIS OR HER OFFICIAL CAPACITY PURSUANT
6 TO SECTION 22-32-147.

7 **22-32-147. School use of on-site peace officers - employment -**
8 **training - notification of summons.** (1) ON AND AFTER OCTOBER 1,
9 2013, NEITHER A SCHOOL ADMINISTRATOR NOR A SCHOOL DISTRICT BOARD
10 OF EDUCATION SHALL UTILIZE A PEACE OFFICER, AS DEFINED IN SECTION
11 24-31-301 (5), C.R.S., ACTING IN HIS OR HER OFFICIAL CAPACITY IN A
12 PUBLIC SCHOOL UNLESS THE PEACE OFFICER HAS SUCCESSFULLY
13 COMPLETED THE SCHOOL RESOURCE OFFICER TRAINING CURRICULUM
14 DESCRIBED IN SECTION 24-31-311, C.R.S.

15 (2) IF A PEACE OFFICER WHO IS UTILIZED IN HIS OR HER OFFICIAL
16 CAPACITY BY A PUBLIC SCHOOL PURSUANT TO SUBSECTION (1) OF THIS
17 SECTION ARRESTS OR ISSUES A SUMMONS TO A STUDENT OF THE SCHOOL,
18 THE PEACE OFFICER SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OF THE
19 ARREST OR ISSUANCE OF THE SUMMONS WITHIN TWENTY-FOUR HOURS
20 AFTER THE ARREST OR ISSUANCE OF THE SUMMONS.

21 **SECTION 4.** 22-33-102, Colorado Revised Statutes, is amended
22 to read:

23 **22-33-102. Definitions.** As used in this article, unless the context
24 otherwise requires:

25 (1) "Academic year" means that portion of the school year during
26 which the public schools are in regular session, beginning about the first
27 week in September and ending about the first week in June of the next

1 year, or that portion of the school year which constitutes the minimum
2 period during which a pupil must be enrolled.

3 (2) "Adult" means a person who has reached the age of twenty-one
4 years.

5 (3) "Board of education" means the school board, board of
6 directors, and board of education of a school district.

7 (4) "DANGEROUS WEAPON" MEANS:

8 (a) A FIREARM, AS DEFINED IN SECTION 18-1-901 (3) (h), C.R.S.;

9 (b) ANY PELLET GUN, BB GUN, OR OTHER DEVICE, WHETHER
10 OPERATIONAL OR NOT, DESIGNED TO PROPEL PROJECTILES BY SPRING
11 ACTION OR COMPRESSED AIR;

12 (c) A FIXED-BLADE KNIFE WITH A BLADE THAT EXCEEDS THREE
13 INCHES IN LENGTH;

14 (d) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE
15 EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR

16 (e) ANY OBJECT, DEVICE, INSTRUMENT, MATERIAL, OR SUBSTANCE,
17 WHETHER ANIMATE OR INANIMATE, THAT IS USED OR INTENDED TO BE USED
18 TO INFLICT DEATH OR SERIOUS BODILY INJURY.

19 (5) "DELINQUENT ACT" SHALL HAVE THE SAME MEANING AS SET
20 FORTH IN SECTION 19-1-103 (36), C.R.S.

21 ~~(4)~~ (6) "Executive officer" means the superintendent of schools or
22 ~~that~~ THE head administrative officer designated by the board of education
23 to execute its policy decisions.

24 (7) "EXPULSION" MEANS THE PROHIBITION OF A STUDENT BY A
25 SCHOOL ADMINISTRATION OR BY A LOCAL BOARD OF EDUCATION FROM
26 BEING PRESENT ON SCHOOL GROUNDS FOR THE REMAINDER OF THE
27 ACADEMIC YEAR.

1 ~~(4.5)~~(8) "General educational development tests" or "GED" means
2 the battery of tests given at an authorized testing center, which tests are
3 designed and published by the GED testing service of the American
4 council on education to measure the major outcomes and concepts
5 generally associated with four years of high school education. Each GED
6 testing center must have a current contract with the American council on
7 education and be authorized by the commissioner of education.

8 (9) "HABITUALLY DISRUPTIVE STUDENT" SHALL HAVE THE SAME
9 MEANING AS SET FORTH IN SECTION 22-33-112 (1).

10 (10) "IN-SCHOOL SUSPENSION" MEANS A PERIOD OF TIME DURING
11 WHICH A STUDENT IS PROHIBITED FROM PARTICIPATING IN REGULAR
12 SCHOOL ACTIVITIES BUT REMAINS IN THE SCHOOL ENVIRONMENT AND
13 RECEIVES CONTINUOUS EDUCATIONAL INSTRUCTION, SUPERVISION, AND
14 DISCIPLINE.

15 ~~(4.7)~~(11) "Informal hearing" means an opportunity for a child to
16 explain his or her position regarding a disruption in the classroom or an
17 incident constituting grounds for discipline.

18 (12) "OUT-OF-SCHOOL SUSPENSION" MEANS A PERIOD OF TIME
19 DURING WHICH A STUDENT IS PROHIBITED BY A SCHOOL ADMINISTRATION
20 OR BY A LOCAL BOARD OF EDUCATION FROM BEING PRESENT ON SCHOOL
21 GROUNDS.

22 ~~(5)~~(13) "Parent" means the mother or father of a child or any other
23 person having custody of a child.

24 (14) "SCHOOL VEHICLE" SHALL HAVE THE SAME MEANING AS SET
25 FORTH IN SECTION 42-1-102 (88.5), C.R.S.

26 (15) "SUSPENSION" MEANS EITHER AN IN-SCHOOL SUSPENSION OR
27 AN OUT-OF-SCHOOL SUSPENSION.

1 ~~(6)~~ (16) "State board" means the state board of education.

2 **SECTION 5.** 22-33-105 (2) (c), (2.5), the introductory portion to
3 22-33-105 (3) (d), and 22-33-105 (3) (d) (III), Colorado Revised Statutes,
4 are amended to read:

5 **22-33-105. Suspension, expulsion, and denial of admission.**

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

8 (c) Deny admission to, or expel for any period not extending
9 beyond one year, any child whom the board of education, in accordance
10 with the limitations imposed by this article, ~~shall determine~~ DETERMINES
11 does not qualify for admission to, or continued attendance at, the public
12 schools of the district; EXCEPT THAT A BOARD OF EDUCATION SHALL NOT
13 DENY ADMISSION TO OR EXPEL ANY CHILD UNTIL A HEARING HAS BEEN
14 CONDUCTED, IF ONE IS REQUESTED BY THE PARENT, GUARDIAN, OR LEGAL
15 CUSTODIAN OF THE CHILD, AT WHICH HEARING EVIDENCE MAY BE
16 PRESENTED ON THE CHILD'S BEHALF. SUCH EVIDENCE MAY INCLUDE
17 TESTIMONY FROM THE CHILD; THE PARENT, GUARDIAN, OR LEGAL
18 CUSTODIAN OF THE CHILD; RELATIVES OF THE CHILD; AND ANY OTHER
19 ADULT WHO HAS A PROFESSIONAL CONCERN FOR THE CHILD, INCLUDING
20 BUT NOT LIMITED TO TEACHERS, ADMINISTRATORS, COUNSELORS, SOCIAL
21 SERVICES PROFESSIONALS, LAW ENFORCEMENT PROFESSIONALS, AND
22 ATTORNEYS. A board of education may delegate such powers to its
23 executive officer or to a HIS OR HER designee who shall serve as a hearing
24 officer. If ~~the~~ A hearing is conducted: ~~by a designee acting as a hearing~~
25 ~~officer~~

26 (I) AT THE CONCLUSION OF THE HEARING, IF THE HEARING HAS
27 BEEN CONDUCTED BY A DESIGNEE OF THE EXECUTIVE OFFICER SERVING AS

1 A HEARING OFFICER, the hearing officer shall forward findings of fact and
2 recommendations to the executive officer at the conclusion of the hearing.

3 (II) NOT MORE THAN FIVE DAYS AFTER THE CONCLUSION OF THE
4 HEARING, the executive officer shall render a written opinion ~~within five~~
5 ~~days after a hearing conducted by the executive officer or by a hearing~~
6 ~~officer~~ AND A DECISION REGARDING THE DENIAL OF ADMISSION TO, OR THE
7 EXPULSION OF, THE CHILD.

8 (III) The executive officer shall report ~~on each case acted upon~~
9 THE OUTCOME OF THE HEARING at the next meeting of the board of
10 education, briefly describing the circumstances and the reasons for the
11 executive officer's action.

12 (IV) ~~When delegated, an~~ AFTER A HEARING, A CHILD WHO HAS
13 BEEN DENIED ADMISSION OR EXPELLED AS AN OUTCOME OF THE HEARING
14 MAY appeal ~~may be taken from~~ the decision of the executive officer to the
15 board of education. The appeal shall consist of a review of the facts that
16 were presented and ~~that were determined~~ CONSIDERED at the hearing,
17 ~~conducted by the executive officer or by a designee acting as a hearing~~
18 ~~officer~~, arguments relating to the decision, and questions of clarification
19 from the board of education. ~~No board of education shall deny admission~~
20 ~~to, or expel, any child without a hearing, if one is requested by the parent,~~
21 ~~guardian, or legal custodian of the child, at which evidence may be~~
22 ~~presented in the child's behalf.~~

23 (V) ~~If the child is denied admission or expelled,~~ A BOARD OF
24 EDUCATION OR AN EXECUTIVE OFFICER DENIES ADMISSION TO, OR EXPELS,
25 A CHILD, the child ~~shall be entitled to~~ MAY SEEK a review of the decision
26 of the board of education in accordance with section 22-33-108.

27 (2.5) Each board of education shall annually report to the state

1 board the number of students expelled from schools within the district
2 pursuant to this section, PURSUANT TO SECTION 22-33-106, and pursuant
3 to section 25-4-907, C.R.S. Any ~~pupil~~ STUDENT who is expelled pursuant
4 to this section shall not be included in calculating the dropout rate for the
5 school from which ~~such~~ THE student is expelled or in calculating the
6 dropout rate for the school district in which ~~such pupil~~ THE STUDENT was
7 enrolled prior to being expelled.

8 (3) (d) IF A STUDENT IS SUSPENDED PURSUANT TO SUBSECTION (2)
9 OF THIS SECTION, the suspending authority shall:

10 (III) Provide an opportunity for ~~a pupil~~ THE STUDENT to make up
11 school work during the period of suspension FOR FULL ACADEMIC CREDIT.
12 The intent of this provision is to provide an opportunity for the ~~pupil~~
13 STUDENT to reintegrate into the educational program of the district
14 following the period of suspension, which the school district should take
15 into consideration when determining the amount of credit a student will
16 receive for this makeup work.

17 **SECTION 6.** The introductory portion to 22-33-106 (1),
18 22-33-106 (1) (c.5) (I), (1) (c.5) (II), (1) (c.5) (III), (1) (d), the
19 introductory portion to 22-33-106 (3), and 22-33-106 (4) (a) and (4) (b)
20 (I), Colorado Revised Statutes, are amended, and the said 22-33-106 (1)
21 is further amended BY THE ADDITION OF A NEW PARAGRAPH, to
22 read:

23 *<Note: In addition to the changes described in the amending*
24 *clause above, in the next section of the bill I have further amended*
25 *22-33-106 by creating a new subsection (1.5) within this section for*
26 *mandatory federal firearms-based expulsions.>*

27 **22-33-106. Grounds for suspension, expulsion, and denial of**

1 **admission.** (1) The following shall MAY be grounds for suspension or
2 expulsion of a child from a public school during a school year:

3 (c.5) (I) Declaration as an A habitually disruptive student. pursuant
4 to the provisions of this paragraph (c.5):

5 (II) For purposes of this paragraph (c.5), "habitually disruptive
6 student" means a child who has been suspended pursuant to paragraph (a);
7 (b), (c), or (d) of this subsection (1) three times during the course of the
8 school year for causing a material and substantial disruption in the
9 classroom, on school grounds, on a school vehicle, as defined in section
10 42-1-102 (88.5), C.R.S., or at school activities or events, because of
11 behavior that was initiated, willful, and overt on the part of the child. Any
12 student who is enrolled in a public school may be subject to being
13 declared an habitually disruptive student:

14 (III) The student and the parent, legal guardian, or legal custodian
15 shall have been notified in writing of each suspension counted toward
16 declaring the student as habitually disruptive pursuant to this paragraph
17 (c.5) and the student and parent, legal guardian, or legal custodian shall
18 have been notified in writing and by telephone or other means at the home
19 or the place of employment of the parent or legal guardian of the
20 definition of "habitually disruptive student". ~~⌘ {Note: I have moved the~~

21 ~~text of these subparagraphs (II) and (III) to the new section 22-33-112~~
22 ~~concerning habitually disruptive students.} ⌘~~

23 (d) (I) Serious violations in a school building or in or on school
24 property, which suspension or expulsion shall be mandatory, except that
25 expulsion shall be mandatory for the following violations: Carrying,
26 bringing, using, or possessing a dangerous weapon without the
27 authorization of the school or the school district; the sale of a drug or

1 ~~controlled substance as defined in section 12-22-303, C.R.S., or the~~
2 ~~commission of an act which if committed by an adult would be robbery~~
3 ~~pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to part~~
4 ~~2 of article 3 of title 18, C.R.S., other than the commission of an act that~~
5 ~~would be third degree assault under section 18-3-204, C.R.S., if~~
6 ~~committed by an adult.~~

7 ~~(II) As used in this paragraph (d), "dangerous weapon" means:~~

8 ~~(A) A firearm, whether loaded or unloaded;~~

9 ~~(B) Any pellet or BB gun or other device, whether operational or~~
10 ~~not, designed to propel projectiles by spring action or compressed air;~~

11 ~~(C) A fixed blade knife with a blade that measures longer than~~
12 ~~three inches in length or a spring loaded knife or a pocket knife with a~~
13 ~~blade longer than three and one-half inches; or~~

14 ~~(D) Any object, device, instrument, material, or substance, whether~~
15 ~~animate or inanimate, used or intended to be used to inflict death or~~
16 ~~serious bodily injury.~~

17 ~~(III) Notwithstanding the provisions of subparagraph (I) of this~~
18 ~~paragraph (d), carrying, bringing, or possessing a dangerous weapon~~
19 ~~without the authorization of the school or the school district shall not~~
20 ~~require mandatory expulsion if, when the student discovers that he or she~~
21 ~~has carried, brought, or is in possession of a dangerous weapon, the~~
22 ~~student notifies a teacher, administrator, or other authorized person in the~~
23 ~~school district as soon as possible and delivers the dangerous weapon to~~
24 ~~the teacher, administrator, or other authorized person. Nothing in this~~
25 ~~subparagraph (III) shall be construed as prohibiting a school district from~~
26 ~~expelling a student under the circumstances specified in this subparagraph~~
27 ~~(III) if such expulsion would be in accordance with the school district's~~

1 discipline code:

2 (d) COMMITTING ONE OF THE FOLLOWING OFFENSES ON SCHOOL
3 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
4 SANCTIONED EVENT:

5 (I) POSSESSION OF A DANGEROUS WEAPON WITHOUT THE
6 AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;

7 (II) THE SALE OF A DRUG OR CONTROLLED SUBSTANCE AS DEFINED
8 IN SECTION 12-22-303, C.R.S.; OR

9 (III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN
10 ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE
11 18, C.R.S.; SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402, C.R.S.;
12 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.; OR
13 ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18, C.R.S., OTHER
14 THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD DEGREE
15 ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN ADULT.

16 (3) The following ~~shall~~ MAY constitute additional grounds for
17 denial of admission to a public school: ~~<{Note: Consider the rest of~~
18 ~~subsection (3), which appears beneath this introductory portion in~~
19 ~~statute, but which does NOT appear in this bill draft. Does the task~~
20 ~~force wish to make all of these mandatory grounds become~~
21 ~~discretionary?}>~~

22 (4) (a) Except as provided in paragraph (b) of this subsection (4),
23 a school district shall prohibit any student who is expelled from a public
24 school of the school district pursuant to paragraph (c) or (d) of subsection
25 (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION
26 from enrolling or reenrolling in the same school in which the victim of the
27 offense or member of a victim's immediate family is enrolled or employed.

1 If the school district has no actual knowledge of the name of the victim of
2 the offense for which the student was expelled, the provisions of this
3 subsection (4) shall be implemented only upon request of the victim or a
4 member of the victim's immediate family.

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

7 (I) Prohibit the student expelled from the school district pursuant
8 to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO
9 SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the
10 same school in which the victim of the offense or member of a victim's
11 immediate family is enrolled or employed; or

12 **SECTION 7.** 22-33-106, Colorado Revised Statutes, is amended
13 BY THE ADDITION OF A NEW SUBSECTION to read:

14 **22-33-106. Grounds for suspension, expulsion, and denial of**
15 **admission.** (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN
16 ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT
17 WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO
18 HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A
19 PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT
20 OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR
21 A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN
22 WRITING.

23 **SECTION 8.** Part 1 of article 33 of title 22, Colorado Revised
24 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

25 **22-33-112. Habitually disruptive students - designation - notice**
26 **- definition.** (1) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
27 OTHERWISE REQUIRES, "HABITUALLY DISRUPTIVE STUDENT" MEANS A

1 STUDENT WHO HAS BEEN SUSPENDED PURSUANT TO SECTION 22-33-106 (1)
2 (a), (1) (b), (1) (c), OR (1) (d) THREE TIMES DURING THE COURSE OF THE
3 SCHOOL YEAR FOR CAUSING A MATERIAL AND SUBSTANTIAL DISRUPTION IN
4 THE CLASSROOM, ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A
5 SCHOOL ACTIVITY OR SANCTIONED EVENT BECAUSE OF BEHAVIOR THAT
6 WAS INITIATED, WILLFUL, AND OVERT ON THE PART OF THE CHILD.

7 (2) (a) EXCEPT AS DESCRIBED IN PARAGRAPH (b) OF THIS
8 SUBSECTION (2), A STUDENT WHO IS ENROLLED IN A PUBLIC SCHOOL MAY
9 BE DECLARED A HABITUALLY DISRUPTIVE STUDENT BY THE
10 ADMINISTRATION OF THE STUDENT'S SCHOOL IF THE STUDENT SATISFIES
11 THE DEFINITION PROVIDED IN SUBSECTION (1) OF THIS SECTION.

12 (b) A SCHOOL ADMINISTRATOR SHALL NOT DECLARE A STUDENT TO
13 BE A HABITUALLY DISRUPTIVE STUDENT UNTIL THE SCHOOL HAS
14 DEVELOPED A REMEDIAL DISCIPLINE PLAN FOR THE STUDENT THAT
15 ADDRESSES THE STUDENT'S DISRUPTIVE BEHAVIOR, HIS OR HER
16 EDUCATIONAL NEEDS, AND THE GOAL OF KEEPING THE STUDENT IN SCHOOL.
17 A SCHOOL SHALL DEVELOP A REMEDIAL DISCIPLINE PLAN AFTER THE
18 SECOND SUSPENSION OF A STUDENT FOR A MATERIAL AND SUBSTANTIAL
19 DISRUPTION. THE SCHOOL ADMINISTRATION SHALL ENCOURAGE AND
20 SOLICIT THE FULL PARTICIPATION OF THE STUDENT'S PARENT, GUARDIAN,
21 OR LEGAL CUSTODIAN IN THE DEVELOPMENT OF THE REMEDIAL DISCIPLINE
22 PLAN.

23 *< Note: The language at (b) above was originally created in*
24 *1993 (HB93-1093) with the other "habitually disruptive student"*
25 *language. It was amended in 1996 and 1998 before being deleted by*
26 *amendment in 2000 (SB00-133). >*

27 (3) IF THE ADMINISTRATION OF A SCHOOL DECLARES A STUDENT TO

1 BE A HABITUALLY DISRUPTIVE STUDENT PURSUANT TO SUBSECTION (1) OF
2 THIS SECTION, AN ADMINISTRATOR OF THE SCHOOL SHALL IMMEDIATELY
3 NOTIFY THE STUDENT'S PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN
4 IN WRITING OF SUCH DESIGNATION. THIS NOTIFICATION SHALL INCLUDE:

5 (a) A BRIEF DESCRIPTION OF EACH SUSPENSION THAT THE SCHOOL
6 ADMINISTRATION COUNTED IN DECLARING THE STUDENT HABITUALLY
7 DISRUPTIVE; AND

8 (b) THE DEFINITION OF "HABITUALLY DISRUPTIVE STUDENT" SET
9 FORTH IN SUBSECTION (1) OF THIS SECTION.

10 **SECTION 9.** Part 1 of article 9 of title 18, Colorado Revised
11 Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION
12 to read:

13 **18-9-109. Interference with staff, faculty, or students of**
14 **educational institutions.** (7) THE OFFENSES DESCRIBED IN THIS SECTION
15 ARE NOT INTENDED TO BE USED TO CHARGE OR PROSECUTE A STUDENT,
16 SCHOOL OFFICIAL, EMPLOYEE, OR INVITEE WHO IS LEGALLY PRESENT ON
17 THE PREMISES OR FACILITIES OF AN EDUCATIONAL INSTITUTION.

18 **SECTION 10.** 24-31-303 (1) (i), Colorado Revised Statutes, is
19 amended, and the said 24-31-303 (1) is further amended BY THE
20 ADDITION OF A NEW PARAGRAPH, to read:

21 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
22 P.O.S.T. board has the following duties:

23 (i) To promulgate rules and regulations that establish the criteria
24 that shall be applied in determining whether to recommend peace officer
25 status for a group or specific position as provided in section 16-2.5-201
26 (4), C.R.S.; AND

27 (j) TO ESTABLISH STANDARDS FOR TRAINING OF SCHOOL RESOURCE

1 OFFICERS, AS DESCRIBED IN SECTION 24-31-312.

2 **SECTION 11.** Part 3 of article 31 of title 24, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

4 **24-31-312. School resource officer training.** (1) ON OR BEFORE
5 OCTOBER 1, 2012, THE P.O.S.T. BOARD SHALL CREATE, AND SHALL
6 THEREAFTER PROVIDE, A TRAINING CURRICULUM TO PREPARE PEACE
7 OFFICERS TO SERVE IN THEIR OFFICIAL CAPACITY AS SCHOOL RESOURCE
8 OFFICERS IN PUBLIC SCHOOLS PURSUANT TO SECTION 22-32-147, C.R.S.

9 (2) IN CREATING THE TRAINING CURRICULUM DESCRIBED IN
10 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD SHALL SOLICIT AND,
11 TO THE EXTENT PRACTICABLE, IMPLEMENT THE SUGGESTIONS OF RELEVANT
12 STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO:

13 (a) THE DEPARTMENT OF EDUCATION CREATED IN SECTION
14 24-1-115;

15 (b) THE SCHOOL SAFETY RESOURCE CENTER CREATED IN SECTION
16 24-33.5-1803;

17 (c) A STATEWIDE ASSOCIATION OF LOCAL SCHOOL DISTRICT BOARDS
18 OF EDUCATION;

19 (d) A STATEWIDE ORGANIZATION OF SCHOOL RESOURCE OFFICERS;

20 (e) A STATEWIDE ASSOCIATION OF SCHOOL EXECUTIVES;

21 (f) A STATEWIDE ASSOCIATION OF TEACHERS;

22 (g) A STATEWIDE ASSOCIATION THAT ADVOCATES ON BEHALF OF
23 CHILDREN WITH DISABILITIES;

24 (h) A STATEWIDE ASSOCIATION OF PARENTS;

25 (i) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE
26 JUSTICE CREATED IN SECTION 16-11.3-102, C.R.S.; AND

27 (j) THE RESTORATIVE JUSTICE COORDINATING COUNCIL CREATED

1 IN SECTION 19-2-213, C.R.S.

2 (3) FOR THE PURPOSES OF SECTION 22-32-147, C.R.S., THE
3 TRAINING CURRICULUM CREATED PURSUANT TO SUBSECTION (1) OF THIS
4 SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING
5 PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING
6 CURRICULUM.

7 **SECTION 12.** 22-11-302 (1) (e), Colorado Revised Statutes, is
8 amended, and the said 22-11-302 (1) is further amended BY THE
9 ADDITION OF A NEW PARAGRAPH, to read:

10 **22-11-302. School district accountability committees - powers**
11 **and duties.** (1) Each school district accountability committee shall have
12 the following powers and duties:

13 (e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school
14 accountability committee ~~for the principal's~~ OF EACH school ~~shall provide~~
15 ~~input and recommendations to the district accountability committee and~~
16 ~~the district administration concerning the principal's evaluation~~ OF THE
17 SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE
18 OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS
19 TITLE; AND

20 (f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING
21 THE CLIMATE AND ENVIRONMENT OF EACH SCHOOL OF THE SCHOOL
22 DISTRICT AND THE CREATION AND ENFORCEMENT OF A SCHOOL CONDUCT
23 AND DISCIPLINE CODE.

24 **SECTION 13.** 22-2-117 (1.5), Colorado Revised Statutes, is
25 amended to read:

26 **22-2-117. Additional power - state board - waiver of**
27 **requirements - rules.** (1.5) Notwithstanding any provision of this

1 section or any other provision of law, the state board shall not waive
 2 requirements contained in article 11 of this title or sections ~~22-7-409,~~
 3 ~~22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and~~
 4 ~~22-33-104(4)~~ SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND
 5 (2), 22-32-109.1 (2) (a), 22-32-145, 22-32-146, 22-32-147, AND 22-33-104
 6 (4).

7 SECTION 14. 22-30.5-116 (2), Colorado Revised Statutes, is
 8 amended to read:

9 **22-30.5-116. Charter schools - school bullying policies**
 10 **required.** (2) For the purposes of this section, "bullying" shall have the
 11 same meaning as set forth in section ~~22-32-109.1 (2) (a) (X) (B)~~ SECTION
 12 22-32-145 (1).

13 SECTION 15. 22-32-126 (5) (b), Colorado Revised Statutes, is
 14 repealed. *<{Note: I moved this provision, with amendments, into the*
 15 *new 22-32-145 as it is really about the mandatory contents of each*
 16 *school's code. See 22-32-145 (2) (f).}>*

17 SECTION 16. 18-1.3-204 (2.3) (a), Colorado Revised Statutes,
 18 is amended to read:

19 **18-1.3-204. Conditions of probation.** (2.3) (a) When granting
 20 probation, the court may, as a condition of probation, require any
 21 defendant who is less than eighteen years of age at the time of sentencing
 22 to attend school or an educational program or to work toward the
 23 attainment of a high school diploma or a GED, as that term is defined in
 24 section 22-33-102 ~~(4.5)~~ (8), C.R.S.; except that the court shall not require
 25 any such juvenile to attend a school from which he or she has been
 26 expelled without the prior approval of that school's local board of
 27 education.

1 **SECTION 17.** 19-2-207, Colorado Revised Statutes, is amended
2 to read:

3 **19-2-207. Juvenile parole board - authority.** The board shall
4 have the authority to grant, deny, defer, suspend, revoke, or specify or
5 modify the conditions of any parole for any juvenile committed to the
6 department of human services under section 19-2-601 or 19-2-907 in such
7 a manner as is in the best interests of the juvenile and the public. In
8 addition to any other conditions, the board may require, as a condition of
9 parole, any adjudicated juvenile to attend school or an educational
10 program or to work toward the attainment of a high school diploma or a
11 GED, as that term is defined in section 22-33-102 (4.5)(8), C.R.S.; except
12 that the board shall not require any such juvenile to attend a school from
13 which he or she has been expelled without the prior approval of that
14 school's local board of education. The board shall promulgate rules that
15 establish criteria under which its parole decisions are made. The board
16 shall have the duties and responsibilities specified in part 10 of this article.

17 **SECTION 18.** 19-2-1002 (1) (a), (3) (b) (I), and (9) (c) (I),
18 Colorado Revised Statutes, are amended to read:

19 **19-2-1002. Juvenile parole. (1) Juvenile parole board -**
20 **hearing panels authority.** (a) The juvenile parole board, referred to in
21 this part 10 as the "board", established pursuant to section 19-2-206 is
22 authorized to grant, deny, defer, suspend, revoke, or specify or modify the
23 conditions of any parole for any juvenile committed to the department of
24 human services as provided in sections 19-2-601 and 19-2-907. In
25 addition to any other conditions, the board may require, as a condition of
26 parole, any adjudicated juvenile to attend school or an educational
27 program or to work toward the attainment of a high school diploma or a

1 GED, as that term is defined in section 22-33-102 ~~(4.5)~~(8), C.R.S.; except
2 that the board shall not require any such juvenile to attend a school from
3 which he or she has been expelled without the prior approval of that
4 school's local board of education. The board may modify any of its
5 decisions, or those of the hearing panel, except an order of discharge.

6 (3) (b) (I) In addition to any other conditions, the hearing panel
7 may require, as a condition of parole, any adjudicated juvenile to attend
8 school or an educational program or to work toward the attainment of a
9 high school diploma or a GED, as that term is defined in section
10 22-33-102 ~~(4.5)~~(8), C.R.S.; except that the hearing panel shall not require
11 any such juvenile to attend a school from which he or she has been
12 expelled without the prior approval of that school's local board of
13 education.

14 (9) **Parole discharge.** (c) The board may discharge a juvenile
15 from parole before completion of the mandatory six-month parole period
16 when the board finds that the juvenile meets, at a minimum, all of the
17 following conditions of special achievement:

18 (I) Graduation from a public or accredited nonpublic high school
19 or completion of a GED, as that term is defined in section 22-33-102 ~~(4.5)~~
20 (8), C.R.S.;

21 **SECTION 19.** 25-9-106.5, Colorado Revised Statutes, is amended
22 to read:

23 **25-9-106.5. Education and experience - substitution**
24 **allowed.** Water and wastewater facility operator applicants must have a
25 high school diploma or have successfully completed the GED as defined
26 in section 22-33-102 ~~(4.5)~~(8), C.R.S.; except that experience or relevant
27 training may be substituted for the high school diploma or GED.

1 Education, training as established under section 25-9-104 (2), and
 2 cross-experience may be substituted for experience requirements for
 3 certification as a water facility operator, as a water distribution system
 4 operator, as a domestic wastewater facility operator, as a wastewater
 5 collection system operator, as an industrial wastewater treatment facility
 6 operator, or as a multiple facility operator; except that at least fifty percent
 7 of any experience requirement shall be met by actual on-site operating
 8 experience in a water facility or a wastewater facility, as the case may be.
 9 For the lowest classification of operator in each category, the board may
 10 establish rules allowing complete substitution of education for experience
 11 for any applicant who passes the applicable examination. For purposes of
 12 this section, "cross-experience" means that experience as a wastewater
 13 treatment facility operator may be substituted for experience requirements
 14 for certification as water treatment facility operator and vice versa.

15 **SECTION 20.** In Colorado Revised Statutes, 22-37-103, **amend**
 16 (2) and (3) as follows:

17 **22-37-103. Definitions.** As used in this article, unless the context
 18 otherwise requires:

19 (2) "In-home suspension" means a ~~suspension pursuant to section~~
 20 ~~22-33-105~~ in PERIOD OF TIME DURING which, PURSUANT TO SECTION
 21 22-33-105, the student is ~~suspended~~ PROHIBITED from participation
 22 PARTICIPATING in regular school activities but receives continuous
 23 educational instruction, supervision, and discipline in a home
 24 environment.

25 (3) "In-school suspension" means a ~~suspension pursuant to section~~
 26 ~~22-33-105~~ in PERIOD OF TIME DURING which, PURSUANT TO SECTION
 27 22-33-105, the student is ~~suspended~~ PROHIBITED from participation

1 PARTICIPATING in regular school activities but remains in the school
2 environment and receives continuous educational instruction, supervision,
3 and discipline.

4 **SECTION 21.** In Colorado Revised Statutes, 22-33-105, **amend**
5 (6) as follows:

6 **22-33-105. Suspension, expulsion, and denial of admission.**
7 (6) When a pupil is expelled by a school district, ~~for the remainder of the~~
8 ~~school year,~~ the parent, guardian, or legal custodian is responsible for
9 seeing that the compulsory school attendance statute is complied with
10 during the period of expulsion from such school district.

11 **SECTION 22.** In Colorado Revised Statutes, 22-33-203, **amend**
12 (2) (b) and (3) as follows:

13 **22-33-203. Educational alternatives for expelled students.**
14 (2) (b) The educational services provided pursuant to this section are
15 designed to provide a second chance for the student to succeed in
16 achieving an education. While receiving educational services, a student
17 may be suspended or expelled pursuant to the CONDUCT AND discipline
18 code of the school district providing the educational services and the
19 provisions of part 1 of this article. Except as required by federal law, the
20 expelling school district is not required to provide educational services to
21 any student who is suspended or expelled while receiving educational
22 services pursuant to this section until the period of the suspension or
23 expulsion is completed.

24 (3) If a student is expelled ~~for the remainder of the school year~~ and
25 the student is not receiving educational services pursuant to this section,
26 the school district shall contact the expelled student's parent or guardian
27 at least once every sixty days until the beginning of the next school year

1 to determine whether the student is receiving educational services from
2 some other source; except that the school district need not contact a
3 student's parent or guardian after the student is enrolled in another school
4 district or in an independent or parochial school or if the student is
5 committed to the department of human services or is sentenced pursuant
6 to article 2 of title 19, C.R.S.

7 **SECTION 23.** In Colorado Revised Statutes, 22-30.5-505, **amend**
8 (9) as follows:

9 **22-30.5-505. State charter school institute - institute board -**
10 **appointment - powers and duties - rules.** (9) The institute shall ensure
11 that each institute charter school addresses the expulsion, suspension, and
12 education of expelled or suspended students in a manner consistent with
13 the intents and purposes of ~~sections 22-33-106 and 22-33-203~~ SECTIONS
14 22-33-105, 22-33-106, AND 22-33-203.

15 **SECTION 24.** In Colorado Revised Statutes, 22-38-103, **amend**
16 (2) as follows:

17 **22-38-103. Definitions.** As used in this article, unless the context
18 otherwise requires:

19 (2) "Expelled student" means a student who is in the sixth,
20 seventh, eighth, or ninth grade, who is under seventeen years of age, and
21 who has been expelled from school pursuant to section 22-33-105. ~~for a~~
22 ~~period in excess of thirty days.~~

23 **SECTION 25.** In Colorado Revised Statutes, 22-33-106, **add** (1)
24 (g) as follows:

25 **22-33-106. Grounds for suspension, expulsion, and denial of**
26 **admission.** (1) The following shall be grounds for suspension or
27 expulsion of a child from a public school during a school year:

1 (g) PURSUANT TO SECTION 22-12-105 (3), MAKING A FALSE
2 ACCUSATION OF CRIMINAL ACTIVITY AGAINST AN EMPLOYEE OF AN
3 EDUCATIONAL ENTITY TO LAW ENFORCEMENT AUTHORITIES OR SCHOOL
4 DISTRICT OFFICIALS OR PERSONNEL;

5 **SECTION 26.** In Colorado Revised Statutes, 22-93-101, **amend**
6 (1) as follows:

7 **22-93-101. Definitions.** As used in this article, unless the context
8 otherwise requires:

9 (1) "Bullying" shall have the same meaning as set forth in ~~section~~
10 ~~22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-145 (1) (a).

11 **SECTION 27. Act subject to petition - effective date.** This act
12 shall take effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part shall not take effect
18 unless approved by the people at the general election to be held in
19 November 2012 and shall take effect on the date of the official declaration
20 of the vote thereon by the governor.