

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0018.01 Jane Ritter x4342

HOUSE BILL 15-1273

HOUSE SPONSORSHIP

Lawrence,

SENATE SPONSORSHIP

Newell,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING ADDITIONAL COMPREHENSIVE REPORTING
102 REQUIREMENTS FOR SCHOOL DISCIPLINE REPORTS, AND, IN
103 CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT
104 REVIEW OF THE IMPLEMENTATION OF THIS ACT.

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>.)

The bill adds sexual assaults and the unlawful use of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event to the current list of conduct and discipline code violations that a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

school is required to report as part of the safe school reporting requirements. Incidents of sexual assaults must only be reported in the aggregate, without any identifying information. The bill clarifies that the term "law enforcement" includes school resource officers.

The division of criminal justice (division) shall compile and report on the number of arrests, summons, and tickets that occurred on school grounds and the court dispositions of those cases. The division shall prepare a retroactive report using the best available data for the 2013-14 and 2014-15 school years.

The scheduled post-enactment review of House Bill 12-1345 will now include a review of this bill, including a review of the report to be compiled by the division. The post-enactment review of House Bill 12-1345 is extended to 180 days after the 4-year anniversary of the passage of this bill.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 determines and declares that:

4 (a) In 2011, the general assembly created a task force to study and
5 assess practices and statutes concerning zero tolerance practices in
6 schools and the interaction of school discipline practices with the juvenile
7 justice system;

8 (b) The following year, as a result of the work of this task force,
9 the general assembly passed House Bill 12-1345, which contained
10 requirements for law enforcement agencies and district attorneys to
11 annually report contacts with students. The purpose of this data was to
12 discover the extent to which minor offenses committed by students in
13 schools result in contact with law enforcement agencies and, ultimately,
14 entrance into the criminal justice system.

15 (c) Only seventy-four out of two hundred forty-six, or thirty
16 percent, of law enforcement agencies and only six out of twenty-two, or
17 twenty-seven percent, of district attorneys have complied with these

1 reporting requirements;

2 (d) Due to inconsistent data collection methods and procedures,
3 even the limited data currently collected from law enforcement agencies
4 and district attorneys cannot be used since it is unreliable and not
5 submitted in such a way that permits statewide comparison; and

6 (e) A number of additional problems with school discipline
7 reports have arisen, including:

8 (I) Schools are not required to separately report instances of
9 sexual assault in school safety reports and, as a result, they report sexual
10 assault in the ambiguous "other" category; and

11 (II) Despite the legalization of marijuana in the state, schools do
12 not separate marijuana-related incidents from general drug-related
13 incidents that occur on school property, in school vehicles, or at school
14 activities or sanctioned events.

15 (2) Therefore, it is the intent of the general assembly to ensure that
16 high-level, consistent, and easily accessible school safety data is available
17 to parents and other interested parties by:

18 (a) Ensuring that school reporting requirements reflect important
19 and relevant issues such as sexual assault and marijuana-related incidents;
20 and

21 (b) Implementing a new data collection method that is less
22 burdensome for law enforcement agencies and that permits a relevant,
23 reliable, and in-depth statewide analysis.

24 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.1, **amend**
25 (1) (a) (V), (1) (b.5), (1) (f), (2) introductory portion, (2) (b) introductory
26 portion, (2) (b) (IV) introductory portion, (2) (b) (IV) (C), (2) (b) (VII),
27 (2) (b) (VIII), (2) (c) (II), (3) introductory portion, and (3) (c); and **add**

1 (1) (e.5), (2) (b) (IV) (C.5), and (2) (b) (IX) as follows:

2 **22-32-109.1. Board of education - specific powers and duties**
3 **- safe school plan - conduct and discipline code - safe school reporting**
4 **requirements - school response framework - school resource officers**
5 **- definitions. (1) Definitions.** As used in this section, unless the context
6 otherwise requires:

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

9 (V) Referral to a law enforcement; ~~agency~~; or

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

17 (e.5) "LAW ENFORCEMENT" INCLUDES ANY LAW ENFORCEMENT
18 AGENCY, LAW ENFORCEMENT OFFICER, OR SCHOOL RESOURCE OFFICER.

19 (f) (I) "Referral to law enforcement" means a communication
20 between a school administrator, teacher, or other school employee and a
21 law enforcement ~~agency, which communication~~ THAT:

22 (A) Is initiated by the school administrator, teacher, or other
23 school employee; and

24 (B) Concerns behavior by a student that the school administrator,
25 teacher, or other school employee believes may constitute a violation of
26 the school conduct and discipline code or a criminal or delinquent offense
27 and for which the school administrator, teacher, or other school employee

1 requests an investigation or other involvement by a law enforcement.
2 agency.

3 (II) "Referral to law enforcement" does not include:

4 (A) Contact with a law enforcement agency that is made for the
5 purpose of education, prevention, or intervention regarding a student's
6 behavior; or

7 (B) Routine or incidental communication between a school
8 administrator, teacher, or other school employee and a law enforcement;
9 officer. OR

10 (C) ANY INCIDENT OR COMMUNICATION THAT IS INITIATED BY LAW
11 ENFORCEMENT.

12 (2) **Safe school plan.** In order to provide a learning environment
13 that is safe, conducive to the learning process, and free from unnecessary
14 disruption, EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL,
15 following consultation with the school district accountability committee
16 and school accountability committees, parents, teachers, administrators,
17 students, student councils where available, and, where appropriate, the
18 community at large, ~~each school district board of education shall~~ adopt
19 and implement a safe school plan, or review and revise, as necessary in
20 response to any relevant data collected by the school district, any existing
21 plans or policies already in effect. In addition to the aforementioned
22 parties, each school district board of education, in adopting and
23 implementing its safe school plan, may consult with victims' advocacy
24 organizations, school psychologists, local law enforcement, ~~agencies,~~ and
25 community partners. The plan, at a minimum, ~~shall~~ MUST include the
26 following:

27 (b) **Safe school reporting requirements.** A policy whereby the

1 principal of each public school in a school district ~~shall~~ IS REQUIRED TO
2 submit annually, in a manner and by a date specified by rule of the state
3 board, a written report to the board of education of ~~such~~ THE school
4 district concerning the learning environment in the school during that
5 school year. The board of education of the school district ~~annually~~ shall
6 ANNUALLY compile the reports from every school in the district and ~~shall~~
7 submit the compiled report to the department of education in a format
8 specified by rule of the state board. The compiled report ~~shall be made~~
9 ~~available to~~ MUST BE EASILY ACCESSIBLE BY the general public THROUGH
10 A LINK ON THE DEPARTMENT OF EDUCATION'S WEB SITE HOMEPAGE. ~~Such~~
11 THE report ~~shall~~ MUST include, but need not be limited to, the following
12 specific information for the preceding school year:

13 (IV) The number of conduct and discipline code violations. Each
14 ~~of which violations shall~~ VIOLATION MUST be reported only in the most
15 serious category that is applicable to that violation, including but not
16 limited to specific information identifying the number of, and the action
17 taken with respect to, each of the following types of violations:

18 (C) Use, possession, or sale of a drug or controlled substance,
19 OTHER THAN MARIJUANA, on school grounds, in a school vehicle, or at a
20 school activity or sanctioned event;

21 (C.5) THE UNLAWFUL USE, POSSESSION, OR SALE OF MARIJUANA ON
22 SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
23 SANCTIONED EVENT;

24 (VII) The average class size for each public elementary school,
25 middle school or junior high school, and senior high school in the state
26 calculated as the total number of students enrolled in the school divided
27 by the number of full-time teachers in the school; ~~and~~

1 (VIII) The school's policy concerning bullying prevention and
2 education, including information related to the development and
3 implementation of any bullying prevention programs; AND

4 (IX) THE NUMBER OF ACTS ON SCHOOL GROUNDS, IN A SCHOOL
5 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT THAT
6 INITIATED A TITLE IX SEXUAL VIOLENCE INVESTIGATION. IN ACCORDANCE
7 WITH GUIDANCE FROM THE UNITED STATES DEPARTMENT OF EDUCATION,
8 THE OFFICE FOR CIVIL RIGHTS, AND 20 U.S.C. SEC.1681 ET SEQ., A TITLE
9 IX INVESTIGATION MUST BE INITIATED WHEN A SCHOOL IS AWARE OR
10 REASONABLY SHOULD BE AWARE OF POSSIBLE SEXUAL VIOLENCE. ANY
11 INFORMATION PROVIDED AS A PART OF THIS SUBPARAGRAPH (IX) FOR THE
12 SAFE SCHOOL REPORTING REQUIREMENTS MUST BE REPORTED AS
13 AGGREGATE DATA AND MUST NOT INCLUDE ANY PERSONALLY IDENTIFYING
14 INFORMATION. FOR THE PURPOSES OF THIS SUBPARAGRAPH (IX), "SEXUAL
15 VIOLENCE" MEANS A PHYSICAL SEXUAL ACT PERPETRATED AGAINST A
16 PERSON'S WILL OR WHERE A PERSON IS INCAPABLE OF GIVING CONSENT.

17 (c) **Internet safety plan.** (II) Each school district is encouraged
18 to structure the internet safety plan so as to incorporate the internet safety
19 topics into the teaching of the regular classroom curricula, rather than
20 isolating the topics as a separate class. Each school district is encouraged
21 to use available internet safety curricula resources, including but not
22 limited to materials available through nonprofit internet safety
23 foundations that are endorsed by the federal government. Each school
24 district is also encouraged to work with ~~the~~ local law enforcement
25 ~~agencies~~ for the jurisdiction in which the school district is located in
26 developing the internet safety curricula, especially with regard to topics
27 that address personal safety on the internet, internet predator

1 identification, privacy issues, and homeland security issues. Each school
2 district is also encouraged to collaborate with parents and teachers in
3 developing the internet safety curricula, including collaborating with
4 district and statewide organizations that represent parents and teachers.

5 (3) **Agreements with state agencies.** Each board of education
6 shall cooperate and, to the extent possible, develop written agreements
7 with law enforcement, ~~officials~~, the juvenile justice system, and social
8 services, as allowed under state and federal law, to keep each school
9 environment safe. Each board of education shall adopt a policy whereby
10 procedures will be used following instances of assault upon, disorderly
11 conduct toward, harassment of, the making knowingly of a false
12 allegation of child abuse against, or any alleged offense under the
13 "Colorado Criminal Code" directed toward a school teacher or school
14 employee or instances of damage occurring on the premises to the
15 personal property of a school teacher or school employee by a student.
16 Such procedures shall include, at a minimum, the following provisions:

17 (c) The school administration shall report the incident to the
18 district attorney or ~~the~~ appropriate local law enforcement, ~~agency or~~
19 ~~officer, who~~ WHICH shall, upon receiving such report, investigate the
20 incident to determine the appropriateness of filing criminal charges or
21 initiating delinquency proceedings.

22 **SECTION 3.** In Colorado Revised Statutes, 22-32-146, **amend**
23 (4) introductory portion; and **add** (5) as follows:

24 **22-32-146. School use of on-site peace officers as school**
25 **resource officers.** (4) Commencing August 1, 2013, and continuing ~~each~~
26 ~~August 1 thereafter~~ THROUGH AUGUST 1, 2014, each law enforcement
27 agency employing or contracting with any law enforcement officer who

1 is acting or has acted in his or her official capacity on school grounds, in
2 a school vehicle, or at a school activity or sanctioned event shall report to
3 the division of criminal justice created in section 24-33.5-502, C.R.S., in
4 aggregate form without personal identifying information, data about the
5 cases handled by the agency on school grounds, in a school vehicle, or at
6 a school activity or sanctioned event. FAILURE TO SUBMIT A TIMELY
7 REPORT TO THE DIVISION OF CRIMINAL JUSTICE PURSUANT TO THIS
8 SUBSECTION (4) DOES NOT RELIEVE A LAW ENFORCEMENT AGENCY OF ITS
9 RESPONSIBILITY TO FILE THE REPORT REQUIRED BY THIS SUBSECTION (4).
10 A LAW ENFORCEMENT AGENCY THAT HAS FAILED TO FILE A TIMELY
11 REPORT SHALL FILE ALL SUCH REPORTS WITH THE DIVISION OF CRIMINAL
12 JUSTICE NO LATER THAN AUGUST 15, 2015. Each such report ~~shall~~ MUST
13 include, at a minimum, the following information relating to the
14 preceding twelve months:

15 (5) COMMENCING AUGUST 1, 2015, AND CONTINUING AUGUST 1
16 EVERY YEAR THEREAFTER, EACH LAW ENFORCEMENT AGENCY THAT IS
17 ACTING OR HAS ACTED IN ITS OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN
18 A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
19 SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE ALL STUDENT
20 ARRESTS THAT OCCURRED AT A PUBLIC ELEMENTARY SCHOOL, MIDDLE OR
21 JUNIOR HIGH SCHOOL, OR HIGH SCHOOL; IN A SCHOOL VEHICLE; OR AT A
22 SCHOOL ACTIVITY OR SANCTIONED EVENT. FOR EACH SUCH REPORT, THE
23 LAW ENFORCEMENT AGENCY SHALL REPORT:

- 24 (a) THE STUDENT'S FULL NAME;
- 25 (b) THE STUDENT'S DATE OF BIRTH;
- 26 (c) THE STUDENT'S RACE, ETHNICITY, AND GENDER;
- 27 (d) THE NAME OF THE SCHOOL WHERE THE INCIDENT OCCURRED OR

1 THE NAME OF THE SCHOOL THAT OPERATED THE VEHICLE OR HELD THE
2 ACTIVITY OR EVENT;

3 (e) THE DATE OF THE ARREST OR TAKING OF A STUDENT INTO
4 CUSTODY;

5 (f) THE DATE OF THE ISSUANCE OF THE SUMMONS OR TICKET;

6 (g) THE ARREST OR INCIDENT REPORT NUMBER AS RECORDED BY
7 THE LAW ENFORCEMENT AGENCY;

8 (h) THE SINGLE MOST SERIOUS OFFENSE INVESTIGATED PER
9 INCIDENT USING THE NATIONAL CRIME INFORMATION CENTER (NCIC)
10 CRIME CODE;

11 (i) THE TYPE OF WEAPON INVOLVED, IF ANY, FOR OFFENSES
12 CLASSIFIED AS GROUP A OFFENSES UNDER THE NATIONAL INCIDENT-BASED
13 REPORTING SYSTEM; AND

14 (j) THE LAW ENFORCEMENT AGENCY'S ORIGINATING REPORTING
15 IDENTIFIER.

16 **SECTION 4.** In Colorado Revised Statutes, 20-1-113, **amend** (1);
17 and **add** (4) as follows:

18 **20-1-113. Reporting of criminal proceedings involving public**
19 **school students.** (1) On or before August 1, 2013, and ~~on or before each~~
20 ~~August 1 thereafter~~ CONTINUING THROUGH AUGUST 1, 2014, the district
21 attorney of each judicial district, or his or her designee, shall report to the
22 division of criminal justice created in section 24-33.5-502, C.R.S.,
23 information about offenses alleged to have been committed by a student
24 that have occurred on school grounds, in a school vehicle, or at a school
25 activity or sanctioned event within the judicial district during the
26 preceding twelve months. FAILURE TO SUBMIT A TIMELY REPORT TO THE
27 DIVISION OF CRIMINAL JUSTICE PURSUANT TO THIS SUBSECTION (1) DOES

1 NOT RELIEVE A DISTRICT ATTORNEY OF HIS OR HER RESPONSIBILITY TO FILE
2 THE REPORT REQUIRED BY THIS SUBSECTION (1). A DISTRICT ATTORNEY
3 WHO HAS FAILED TO FILE A TIMELY REPORT SHALL FILE ALL SUCH REPORTS
4 WITH THE DIVISION OF CRIMINAL JUSTICE NO LATER THAN AUGUST 15,
5 2015.

6 (4) COMMENCING AUGUST 1, 2015, AND CONTINUING EVERY
7 AUGUST 1 EVERY YEAR THEREAFTER, EACH DISTRICT ATTORNEY SHALL
8 REPORT TO THE DIVISION OF CRIMINAL JUSTICE THE NAME OF ANY STUDENT
9 WHO WAS GRANTED PRE-FILE JUVENILE OR ADULT DIVERSION FOR AN
10 ARREST THAT OCCURRED AT A PUBLIC ELEMENTARY SCHOOL, MIDDLE OR
11 JUNIOR HIGH SCHOOL, OR HIGH SCHOOL; IN A SCHOOL VEHICLE; OR AT A
12 SCHOOL ACTIVITY OR SANCTIONED EVENT. IN ADDITION TO THE FULL NAME
13 OF THE STUDENT, THE DISTRICT ATTORNEY SHALL REPORT THE STUDENT'S
14 DATE OF BIRTH AND GENDER AND THE ARREST OR INCIDENT REPORT
15 NUMBER, AS RECORDED BY THE ARRESTING LAW ENFORCEMENT AGENCY
16 FOR THE STUDENT.

17 **SECTION 5.** In Colorado Revised Statutes, 24-33.5-503, **add** (1)
18 (bb) and (1) (cc) as follows:

19 **24-33.5-503. Duties of division.** (1) The division has the
20 following duties:

21 (bb) (I) ON OR BEFORE APRIL 1, 2016, AND EVERY APRIL 1 EVERY
22 TWO YEARS THEREAFTER, TO COMPILE AND ANALYZE THE DATA REPORTED
23 BY LAW ENFORCEMENT AGENCIES AND PREPARE A REPORT, WITHOUT
24 IDENTIFYING INFORMATION, CONCERNING THE TOTAL NUMBER OF ARRESTS
25 THAT OCCURRED ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT A
26 SCHOOL ACTIVITY OR SANCTIONED EVENT AND DESCRIBE THE FINAL
27 DISPOSITION OF THOSE ARRESTS BY REPORTING AGENCY, SCHOOL, AND

1 LOCATION. THE REPORT MUST ANALYZE THE DATA BY RACE, AGE, GENDER,
2 ETHNICITY, AND THE SPECIFIC TYPE OF OFFENSE WITH ALL NATIONAL
3 CRIME INFORMATION CENTER CRIME CODES. THE DIVISION OF CRIMINAL
4 JUSTICE SHALL SUPPORT LAW ENFORCEMENT AGENCIES IN THEIR EFFORTS
5 TO SUBMIT THE REQUIRED DATA, ACTIVELY REACH OUT TO AGENCIES THAT
6 HAVE FAILED TO SUBMIT THE REQUIRED DATA, AND PROVIDE A
7 REASONABLE DEGREE OF TRAINING IF NECESSARY.

8 (II) THE DIVISION SHALL SUBMIT THE REPORT TO THE EDUCATION
9 AND JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND
10 THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE DIVISION SHALL
11 PROVIDE THE REPORT TO ANY MEMBER OF THE PUBLIC UPON REQUEST, IN
12 A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING INFORMATION
13 REGARDING ANY STUDENT. IF THE DIVISION PROVIDES THE INFORMATION
14 TO A MEMBER OF THE PUBLIC UPON REQUEST PURSUANT TO THIS
15 PARAGRAPH (bb), THE DIVISION MAY CHARGE A FEE TO THE PERSON,
16 WHICH FEE SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS
17 INCURRED BY THE DIVISION IN PROVIDING THE INFORMATION. PROVIDED
18 THAT THE DIVISION ADHERES TO ALL STATE AND FEDERAL PRIVACY AND
19 CONFIDENTIALITY LAWS CONCERNING STUDENT INFORMATION, THE
20 DIVISION SHALL PROVIDE THE UNDERLYING DATA GATHERED BY A LAW
21 ENFORCEMENT AGENCY TO ANY INDEPENDENT RESEARCH OR
22 COMMUNITY-BASED ORGANIZATION WORKING TO ANALYZE SCHOOL-BASED
23 CRIMINAL BEHAVIOR AND THE RESPONSE TO THAT BEHAVIOR BY THE
24 JUVENILE AND CRIMINAL JUSTICE SYSTEMS.

25 (cc) TO PREPARE A RETROACTIVE REPORT MEETING THE
26 REQUIREMENTS OF PARAGRAPH (bb) OF THIS SUBSECTION (1) USING THE
27 BEST AVAILABLE DATA FOR THE 2013-14 AND 2014-15 SCHOOL YEARS.

1 **SECTION 6.** In Colorado Revised Statutes, 2-2-1201, **amend** (8)
2 as follows:

3 **2-2-1201. Accountability clauses - post-enactment review of**
4 **implementation of bills by legislative service agencies - definitions -**
5 **repeal.** (8) (a) Notwithstanding any other provision of this section, in
6 conducting the post-enactment review of House Bill 12-1345, enacted in
7 2012, AND HOUSE BILL 15-____, ENACTED IN 2015, the legislative service
8 agencies ~~shall not be~~ ARE NOT subject to:

9 (I) The requirements of subsection (2) of this section; or

10 (II) The requirement in subsection (3) of this section that the
11 legislative service agencies complete the post-enactment review no later
12 than one hundred eighty days after the two-year or five-year anniversary,
13 as applicable, of the enactment of House Bill 12-1345 OR HOUSE BILL
14 15-____.

15 (b) In conducting the post-enactment review of House Bill
16 12-1345 AND HOUSE BILL 15-____, ENACTED IN 2015, the legislative
17 service agencies shall submit to the members of the education committees
18 of the house of representatives and senate, or any successor committees,
19 any information reported ~~to~~ BY the division of criminal justice ~~by school~~
20 ~~resource officers and other law enforcement officers pursuant to section~~
21 ~~22-32-146, C.R.S., and by district attorneys pursuant to section 20-1-113,~~
22 ~~C.R.S. The committee members are encouraged to consider whether to:~~
23 PURSUANT TO SECTION 24-33.5-503 (1) (bb), C.R.S.

24 ~~(I) Continue to require school resource officers and other law~~
25 ~~enforcement officers and district attorneys to report such information to~~
26 ~~the division of criminal justice; or~~

27 ~~(II) Introduce legislation to repeal such reporting requirements.~~

1 (c) The legislative service agencies shall complete the
2 post-enactment review of House Bill 12-1345 AND HOUSE BILL 15-____,
3 ENACTED IN 2015, no later than one hundred eighty days after the
4 four-year anniversary of the enactment of ~~the bill~~ HOUSE BILL 15-____.

5 (d) This subsection (8) is repealed, effective ~~September 1, 2016~~
6 JULY 1, 2020.

7 **SECTION 7. Safety clause.** The general assembly hereby finds,
8 determines, and declares that this act is necessary for the immediate
9 preservation of the public peace, health, and safety.