

**Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0634.01 Jane Ritter

HOUSE BILL 10-1274

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A BILL FOR AN ACT

101 **CONCERNING SUCCESSFUL TRANSITIONS BACK TO THE PUBLIC SCHOOL**
102 **SYSTEM FOR STUDENTS IN OUT-OF-HOME PLACEMENT WHO**
103 **HAVE DEMONSTRATED BEHAVIOR THAT IS DETRIMENTAL TO THE**
104 **SAFETY OR WELFARE OF THEMSELVES OR OTHERS DURING THE**
105 **PREVIOUS TWELVE MONTHS.**

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 requires the department of human services (department)

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.

to provide written notification to a school district, charter school, or institute charter school (school) 10 days prior to enrollment of a student who has been placed in out-of-home placement and is identified as potentially presenting a risk to himself or herself or the community (student). In a case where the student requires an emergency placement, the bill requires the department to provide written notification to the school 5 days prior to the student's enrollment. The school is encouraged to use the notification period to gather medical, mental health, sociological, and scholastic achievement data about the student from various sources to develop a transition plan for the student.

The department of human services and the department of education are required to enter into a memorandum of understanding that includes, at a minimum:

(1) A consistent and uniform approach to sharing medical, mental health, sociological, and scholastic achievement data about students between a school district, charter school, or institute charter school and the county department of social services to better facilitate the creation of transition plans for those students and ensure the safety of the people in the school community;

(2) A plan for utilizing existing state and federal data and any existing information-sharing activities;

(3) An appeals process to follow if there is a disagreement between a school district, charter school, or institute charter school and the county department of social services regarding the enrollment of a student; and

(4) A plan for determining accountability concerning the use of the notification periods and the number of emergency placements that occur.

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

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

4 (a) Students enrolled in a public school may often receive
5 additional support during the school day to ensure their success at school;

6 (b) Students who have been in the care of the department of
7 human services and who have not been enrolled in a public school may
8 benefit from additional support services to help them achieve a successful
9 transition back to a public school;

1 (c) School districts should be active partners in developing
2 transition plans for students to achieve successful transitions to public
3 schools; and

4 (d) Sharing of medical, mental health, sociological, and scholastic
5 achievement data about a student between the department of human
6 services and a receiving school district and school will enable the school
7 district and school to better determine the types of support, services, and
8 appropriate settings for the student who is making the transition back into
9 the public school system.

10 (2) The general assembly further finds and declares that:

11 (a) The expansion of state and local collaborative agreements will
12 allow school districts and other agencies to operate more effectively in
13 the decision-making process for these students;

14 (b) Multiple agencies, departments, and other participants can
15 help ensure school safety by developing plans and collaborating with one
16 another to create an atmosphere that promotes safety and success for
17 students; and

18 (c) Sharing of medical, mental health, sociological, and scholastic
19 achievement data by various entities and school districts, within the
20 constraints of state and federal law, should provide as much information
21 as possible, and appropriate use of that information will allow students to
22 successfully transition to and succeed in the public school system.

23

24 **SECTION 2.** 19-1-115.5, Colorado Revised Statutes, is amended
25 **BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to**
26 **read:**

27 **19-1-115.5. Placement of children out of home - legislative**

1 **declaration.** (4) (a) THE RESPONSIBLE STATE OR COUNTY DEPARTMENT
2 OF HUMAN SERVICES SHALL PROVIDE WRITTEN OR ELECTRONIC
3 NOTIFICATION TO THE CHILD WELFARE EDUCATION LIAISON DESIGNATED
4 IN A SCHOOL DISTRICT PURSUANT TO SECTION 22-32-138 (2) (a), C.R.S.,
5 OF THE PENDING ENROLLMENT IN A PUBLIC SCHOOL OF A STUDENT WHO:

6 (I) IS TRANSFERRING FROM A STATE-LICENSED DAY TREATMENT
7 FACILITY, FACILITY SCHOOL, OR STATE HOSPITAL, AND HAS BEEN
8 DETERMINED BY THE STATE-LICENSED DAY TREATMENT FACILITY,
9 FACILITY SCHOOL, STATE HOSPITAL, OR THE COURT TO BE A RISK TO
10 THEMSELVES OR THE COMMUNITY; AND

11 (II) IS TRANSFERRING TO A PUBLIC SCHOOL.

12 (b) THE NOTIFICATION SHALL ALSO INCLUDE AN INVITATION TO
13 THE CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE IN THE
14 SCHOOL WHERE THE STUDENT WILL BE ENROLLING, AT LEAST TEN DAYS
15 PRIOR TO THE STUDENT'S TRANSITION FROM THE STATE LICENSED DAY
16 TREATMENT FACILITY, FACILITY SCHOOL, OR STATE HOSPITAL AND
17 SUBSEQUENT ENROLLMENT IN A PUBLIC SCHOOL, TO PARTICIPATE IN THE
18 DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE
19 INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON
20 SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, EDUCATIONAL RECORDS
21 FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF
22 THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC
23 SCHOOL SETTING THAT WOULD ASSIST THE SCHOOL DISTRICT IN MEETING
24 THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. THE
25 INFORMATION MAY INCLUDE A DESCRIPTION OF MENTAL HEALTH NEEDS
26 WITH THE CONSENT OF A PARENT OR LEGAL GUARDIAN OR, IF THE STUDENT
27 IS FIFTEEN YEARS OF AGE OR OLDER, THE STUDENT'S CONSENT.

1 (5) IF A CHANGE OF PUBLIC PLACEMENT IS REQUIRED FOR THE
2 SAFETY OF THE IDENTIFIED STUDENT, THE RESPONSIBLE STATE OR COUNTY
3 DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE INFORMATION TO THE
4 CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION
5 22-32-138 (2) (a), C.R.S., OF THE RECEIVING SCHOOL DISTRICT, CHARTER
6 SCHOOL, OR INSTITUTE CHARTER SCHOOL AT LEAST FIVE BUSINESS DAYS
7 FOLLOWING THE STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO
8 THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT
9 BE LIMITED TO, EDUCATIONAL RECORDS FROM THE TRANSFERRING
10 EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S
11 TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING
12 THAT WOULD ASSIST THE DISTRICT IN MEETING THE STUDENT'S NEEDS AND
13 ENSURING A SUCCESSFUL TRANSITION. THE INFORMATION MAY INCLUDE
14 A DESCRIPTION OF MENTAL HEALTH NEEDS WITH THE CONSENT OF A
15 PARENT OR LEGAL GUARDIAN OR, IF THE STUDENT IS FIFTEEN YEARS OR
16 OLDER, THE STUDENT'S CONSENT.

17 (6) THE RESPONSIBLE COUNTY DEPARTMENT OF HUMAN SERVICES
18 AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE
19 CHARTER SCHOOL SHALL WORK COOPERATIVELY TO ENSURE AN
20 APPROPRIATE PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE
21 PURSUANT TO THIS SECTION AND SECTIONS 22-20-108 AND 22-32-138,
22 C.R.S., AS APPLICABLE.

23 (7) WITHIN THE CONFIDENTIALITY AND PRIVACY PARAMETERS OF
24 STATE AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF
25 HUMAN SERVICES OR THE SENDING SCHOOL DISTRICT, CHARTER SCHOOL,
26 OR INSTITUTE CHARTER SCHOOL SHALL PROVIDE INFORMATION ABOUT THE
27 STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING AN

1 APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

2 (8) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN
3 SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A
4 MEMORANDUM OF UNDERSTANDING CONCERNING THE ENROLLMENT OF
5 STUDENTS WHO MEET THE REQUIREMENTS OF SUBSECTION (4) OF THIS
6 SECTION IN THE PUBLIC SCHOOL SYSTEM. THE MEMORANDUM OF
7 UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

8 (a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND
9 TO SHARING MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC
10 ACHIEVEMENT DATA ABOUT STUDENTS, WITHIN THE PARAMETERS OF
11 STATE AND FEDERAL LAW, BETWEEN SCHOOL DISTRICTS, CHARTER
12 SCHOOLS, INSTITUTE CHARTER SCHOOLS, AND COUNTY DEPARTMENTS OF
13 HUMAN SERVICES FOR THE PURPOSES OF COLLABORATION IN THE
14 PLACEMENT OF A STUDENT PURSUANT TO THIS SECTION AND SECTION
15 22-20-108, C.R.S., AND TO FACILITATE THE CREATION OF A TRANSITION
16 PLAN FOR A STUDENT AND TO FACILITATE THE CREATION OF A TRANSITION
17 PLAN FOR THE SUCCESS OF THE STUDENT WHILE BALANCING THE SAFETY
18 OF THE STUDENTS AND STAFF IN THE SCHOOL COMMUNITY.

19 (b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA
20 AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

21 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING
22 DATA CONCERNING THE IMPLEMENTATION OF NOTIFICATIONS AND
23 INVITATIONS REQUIRED PURSUANT TO SUBSECTION (1) OF THIS SECTION,
24 THE NUMBER OF EMERGENCY CHANGE OF PLACEMENTS OCCURRING IN A
25 CALENDAR YEAR, AND THE SHARING OF INFORMATION PURSUANT TO THIS
26 SECTION;

27 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND

1 COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTION
2 19-1-115.5 AND SECTION 22-20-108, C.R.S.;

3 (e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA
4 THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL
5 ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN
6 COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND
7 REGULATIONS CONCERNING THE PRIVACY OF INFORMATION; AND

8 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL
9 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION
10 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT
11 COULD BE UTILIZED FOR THIS PURPOSE.

12 (9) (a) NOTHING IN THE SECTION SHALL ALTER THE RIGHTS AND
13 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION OR ANY LOCAL AGENCY
14 CREATED PURSUANT TO TITLE 22, C.R.S.; 20 U.S.C. SEC. 1400 ET SEQ.; 29
15 U.S.C. ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675 ET
16 SEQ., AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO
17 SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

18 (b) THE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES
19 SHALL CEASE TO HAVE RESPONSIBILITIES FOR A STUDENT PURSUANT TO
20 THIS SECTION WHEN THE STUDENT IS NO LONGER UNDER THE SUPERVISION
21 AND MONITORING BY THE STATE OR COUNTY DEPARTMENT OF HUMAN
22 SERVICES.

23 **SECTION 3.** Part 1 of article 2 of title 22, Colorado Revised
24 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
25 read:

26 **22-2-138. Department of education - out-of-home placement**
27 **- commitment - school enrollment - memorandum of understanding.**

1 (1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES
2 AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM
3 OF UNDERSTANDING CONCERNING THE ENROLLMENT OF STUDENTS IN THE
4 PUBLIC SCHOOL SYSTEM. THE MEMORANDUM OF UNDERSTANDING SHALL
5 INCLUDE, BUT NEED NOT BE LIMITED TO:

6 (a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND
7 TO SHARING MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC
8 ACHIEVEMENT DATA ABOUT STUDENTS, WITHIN THE PARAMETERS OF
9 STATE AND FEDERAL LAW, BETWEEN SCHOOL DISTRICTS, CHARTER
10 SCHOOLS, INSTITUTE CHARTER SCHOOLS, AND COUNTY DEPARTMENTS OF
11 HUMAN SERVICES FOR THE PURPOSES OF COLLABORATION IN THE
12 PLACEMENT OF STUDENTS PURSUANT TO THIS SECTION AND SECTION
13 22-20-108, BETTER FACILITATION OF THE CREATION OF TRANSITION PLANS
14 FOR STUDENTS, AND ENSURING THE SAFETY OF THE PEOPLE IN THE SCHOOL
15 COMMUNITY;

16 (b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA
17 AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

18 (c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING
19 DATA CONCERNING THE IMPLEMENTATION OF THE NOTIFICATIONS AND
20 INVITATION REQUIRED PURSUANT TO SECTION 19-1-115.5 (4) (a) AND (4)
21 (b), C.R.S., THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A
22 CALENDAR YEAR, AND THE SHARING OF INFORMATION UNDER THIS
23 SECTION;

24 (d) A PROCESS FOR DETERMINING INFORMATION SHARING AND
25 COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTION
26 19-1-115.5, C.R.S. AND SECTION 22-20-108;

27 (e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA

1 THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL
2 ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN
3 COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND
4 REGULATIONS CONCERNING THE PRIVACY OF INFORMATION; AND

5 (f) IDENTIFICATION OF TRAINING AND PROFESSIONAL
6 DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION
7 SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT
8 COULD BE UTILIZED FOR THIS PURPOSE.

9 (2) NOTHING IN THE SECTION SHALL ALTER THE RIGHTS AND
10 OBLIGATIONS OF THE DEPARTMENT OF EDUCATION OR ANY LOCAL AGENCY
11 CREATED PURSUANT TO TITLE 22, C.R.S.; 20 U.S.C. SEC. 1400 ET SEQ.; 29
12 U.S.C. ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675 ET
13 SEQ., AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO
14 SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

15 **SECTION 4.** 22-32-138 (2) (a), Colorado Revised Statutes, is
16 amended to read:

17 **22-32-138. Out-of-home placement students - transfer**
18 **procedures - absences - exemptions.** (2) (a) Each school district and
19 the state charter school institute, created pursuant to section 22-30.5-503,
20 shall designate an employee of the school district or the institute to act as
21 the child welfare education liaison for the district or for state charter
22 schools. In lieu of designating an employee, a school district or the state
23 charter school institute may contract with an individual to act as the child
24 welfare education liaison. SCHOOL DISTRICTS AND THE STATE CHARTER
25 SCHOOL INSTITUTE SHALL REPORT BY AUGUST 15, 2010, AND EACH
26 AUGUST 15 THEREAFTER, THE NAME AND CONTACT INFORMATION OF THE
27 CHILD WELFARE EDUCATION LIAISON TO THE STATE DEPARTMENT. THE

1 STATE DEPARTMENT SHALL BE RESPONSIBLE FOR POSTING THAT
2 INFORMATION ON THE STATE DEPARTMENT WEB SITE AND PROVIDING THE
3 INFORMATION TO THE DEPARTMENT OF HUMAN SERVICES. The child
4 welfare education liaison shall be responsible for working with child
5 placement agencies, county departments, and the state department to
6 facilitate the prompt and appropriate placement, transfer, and enrollment
7 in school of students in out-of-home placement within the school district
8 or who are enrolled or enrolling in institute charter schools. The specific
9 duties of the child welfare education liaison shall include, but need not be
10 limited to:

11 (I) Working with social workers from county departments,
12 juvenile probation officers, and foster care parents to ensure the prompt
13 school enrollment of students in out-of-home placement and the prompt
14 transfer of their education information and records when students are
15 required to change school enrollment due to changes in placement;

16 (II) Ensuring that the education information and records of a
17 student in out-of-home placement are delivered to the student's new
18 school within five school days after receiving a request for the transfer of
19 the student's education information and records from a county department
20 as required in subsection (3) of this section; AND

21 (III) RECEIVING THE REQUIRED NOTIFICATION AND INVITATION TO
22 PARTICIPATE AND ACTUAL PARTICIPATION IN A TRANSITION PLANNING
23 MEETING REGARDING THE ENROLLMENT IN A PUBLIC SCHOOL OF A
24 STUDENT IN AN OUT-OF-HOME PLACEMENT PURSUANT TO SECTION
25 22-2-138.

26 **SECTION 5. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.