

**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. 10-0171.01 Julie Pelegrin

SENATE BILL 10-054

SENATE SPONSORSHIP

Hudak, Steadman

HOUSE SPONSORSHIP

Levy,

Senate Committees

Judiciary
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE PROVISION OF EDUCATIONAL SERVICES FOR**
102 **JUVENILES AGAINST WHOM CHARGES HAVE BEEN FILED IN**
103 **DISTRICT COURT.**

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 a school district to provide educational services during the school year to a juvenile who is held, pending trial as an adult, in a jail located within the school district. The school district is also required to comply with the federal "Individuals with Disabilities

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.

Education Act" if the juvenile has a disability. A school district is not required to provide educational services to a juvenile who has already graduated from high school or to a student who has received a GED, unless the student has a disability. A school district also does not have to provide educational services if:

- ! The juvenile refuses to receive the services, but the official in charge of the jail (official) must offer the services at least weekly and the school district must provide them upon the juvenile's acceptance; or
- ! The school district or the official determine that an appropriate and safe environment in which to provide the educational services is not available. If this occurs, the official must notify the juvenile's parents, his or her attorney, and the court.

The school district that provides the educational services may include the juvenile in its pupil enrollment if the school district is providing the services as of October 1 or may seek reimbursement from another school district or charter school if the juvenile was included in the other district's or charter school's pupil enrollment for the applicable budget year. If the juvenile was not included in the state's pupil enrollment, the school district may seek reimbursement from the department of education. The school district may also seek excess costs tuition from the juvenile's school district of residence if the juvenile is receiving special education services.

The official that receives a juvenile for holding pending trial as an adult must request educational services from the school district in which the jail is located and cooperate with the school district to provide an appropriate and safe environment in which to provide the services. The official will annually compile specified information concerning educational services received by the juveniles in the jail and report the information to the division of criminal justice in the department of public safety. The division of criminal justice will release the information upon request by a member of the public.

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

2 **SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is
3 amended BY THE ADDITION OF A NEW SECTION to read:

4 **22-32-140. Student awaiting trial as adult - educational**
5 **services.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

1 (a) "FEDERAL IDEA ACT" MEANS THE FEDERAL "INDIVIDUALS
2 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. 1400 ET SEQ., AND THE
3 FEDERAL REGULATIONS FOR IMPLEMENTING SAID ACT REGARDING THE
4 PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES TO STUDENTS
5 WITH DISABILITIES.

6 (b) "JUVENILE" MEANS A PERSON:

7 (I) AGAINST WHOM CRIMINAL CHARGES ARE DIRECTLY FILED IN
8 DISTRICT COURT PURSUANT TO SECTION 19-2-517, C.R.S., OR FOR WHOM
9 CRIMINAL CHARGES ARE TRANSFERRED TO DISTRICT COURT PURSUANT TO
10 SECTION 19-2-518, C.R.S.;

11 (II) WHO IS UNDER EIGHTEEN YEARS OF AGE AT THE TIME THE
12 OFFENSE IS COMMITTED; AND

13 (III) WHO IS LESS THAN TWENTY-ONE YEARS OF AGE.

14 (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPHS (c) TO
15 (g) OF THIS SUBSECTION (2), IF A JUVENILE IS HELD IN A JAIL OR OTHER
16 FACILITY FOR THE DETENTION OF ADULT OFFENDERS PENDING CRIMINAL
17 PROCEEDINGS AS AN ADULT, THE SCHOOL DISTRICT IN WHICH THE JAIL OR
18 FACILITY IS LOCATED SHALL PROVIDE EDUCATIONAL SERVICES FOR THE
19 JUVENILE UPON REQUEST OF THE OFFICIAL IN CHARGE OF THE JAIL OR
20 FACILITY, OR HIS OR HER DESIGNEE, PURSUANT TO SECTION 19-2-508 (4)
21 (b.5), C.R.S. A SCHOOL DISTRICT MAY PROVIDE EDUCATIONAL SERVICES
22 DIRECTLY USING ONE OR MORE OF ITS EMPLOYEES OR MAY ENSURE THAT
23 EDUCATIONAL SERVICES ARE PROVIDED THROUGH A BOARD OF
24 COOPERATIVE SERVICES, AN ADMINISTRATIVE UNIT, OR OTHERWISE
25 THROUGH CONTRACT WITH A PERSON OR ENTITY.

26 (b) IN ADDITION TO MEETING THE REQUIREMENTS SPECIFIED IN
27 THIS SECTION, FOR EACH JUVENILE IN A JAIL OR FACILITY WHO IS A

1 STUDENT WITH DISABILITIES, THE SCHOOL DISTRICT SHALL COMPLY WITH
2 ANY APPLICABLE PROVISIONS OF THE FEDERAL IDEA ACT.

3 (c) A SCHOOL DISTRICT IS NOT REQUIRED TO PROVIDE
4 EDUCATIONAL SERVICES PURSUANT TO THIS SECTION TO A JUVENILE IF THE
5 JUVENILE HAS ALREADY GRADUATED FROM HIGH SCHOOL OR IF THE
6 JUVENILE RECEIVED A GENERAL EDUCATION DEVELOPMENT CERTIFICATE,
7 UNLESS OTHERWISE REQUIRED BY THE FEDERAL IDEA ACT.

8 (d) A SCHOOL DISTRICT IS NOT REQUIRED TO PROVIDE
9 EDUCATIONAL SERVICES PURSUANT TO THIS SECTION TO A JUVENILE
10 DURING PERIODS OF THE SCHOOL YEAR WHEN STUDENTS ENROLLED IN THE
11 SCHOOL DISTRICT ARE NOT REQUIRED TO ATTEND SCHOOL, EXCEPT AS MAY
12 OTHERWISE BE REQUIRED BY THE FEDERAL IDEA ACT.

13 (e) IF A SCHOOL DISTRICT OR THE OFFICIAL IN CHARGE OF THE JAIL
14 OR FACILITY DETERMINES AS PROVIDED IN SECTION 19-2-508 (4) (b.5) (II),
15 C.R.S., THAT AN APPROPRIATE AND SAFE ENVIRONMENT FOR SCHOOL
16 DISTRICT EMPLOYEES OR CONTRACTORS IS NOT AVAILABLE IN WHICH TO
17 PROVIDE EDUCATIONAL SERVICES TO A SPECIFIC JUVENILE, THE SCHOOL
18 DISTRICT IS EXEMPT FROM THE REQUIREMENT OF PROVIDING EDUCATIONAL
19 SERVICES TO THE JUVENILE UNTIL SUCH TIME AS BOTH THE SCHOOL
20 DISTRICT AND THE OFFICIAL IN CHARGE OF THE JAIL OR FACILITY
21 DETERMINE THAT AN APPROPRIATE AND SAFE ENVIRONMENT FOR SCHOOL
22 DISTRICT EMPLOYEES OR CONTRACTORS IS AVAILABLE. IF THE SCHOOL
23 DISTRICT WILL NOT BE PROVIDING EDUCATIONAL SERVICES TO A JUVENILE
24 BECAUSE OF THE LACK OF AN APPROPRIATE AND SAFE ENVIRONMENT FOR
25 SCHOOL DISTRICT EMPLOYEES OR CONTRACTORS, THE OFFICIAL IN CHARGE
26 OF THE JAIL OR FACILITY SHALL NOTIFY THE JUVENILE, HIS OR HER PARENT
27 OR LEGAL GUARDIAN, THE JUVENILE'S DEFENSE ATTORNEY, AND THE

1 COURT HAVING JURISDICTION OVER THE JUVENILE'S CASE.

2 (f) IF A JUVENILE IS VIOLENT TOWARD OR PHYSICALLY INJURES THE
3 SCHOOL DISTRICT EMPLOYEE OR CONTRACTOR WHO IS PROVIDING
4 EDUCATIONAL SERVICES TO THE JUVENILE PURSUANT TO THIS SECTION,
5 THE SCHOOL DISTRICT SHALL NOT REQUIRE THE EMPLOYEE OR
6 CONTRACTOR TO CONTINUE PROVIDING EDUCATIONAL SERVICES TO THE
7 JUVENILE, AND THE SCHOOL DISTRICT MAY CHOOSE TO CEASE PROVIDING
8 EDUCATIONAL SERVICES TO THE JUVENILE, UNLESS OTHERWISE REQUIRED
9 BY THE FEDERAL IDEA ACT. IF A SCHOOL DISTRICT CEASES TO PROVIDE
10 EDUCATIONAL SERVICES TO A JUVENILE PURSUANT TO THIS PARAGRAPH
11 (f), THE SCHOOL DISTRICT SHALL NOTIFY THE OFFICIAL IN CHARGE OF THE
12 JAIL OR FACILITY, AND THE OFFICIAL SHALL NOTIFY THE JUVENILE, THE
13 JUVENILE'S PARENT OR LEGAL GUARDIAN, THE JUVENILE'S DEFENSE
14 ATTORNEY, AND THE COURT HAVING JURISDICTION OVER THE JUVENILE'S
15 CASE.

16 (g) IF A JUVENILE REFUSES TO ACCEPT OR PARTICIPATE IN
17 EDUCATIONAL SERVICES, INCLUDING SPECIAL EDUCATION SERVICES, A
18 SCHOOL DISTRICT SHALL NOT BE REQUIRED TO PROVIDE EDUCATIONAL
19 SERVICES PURSUANT TO THIS SECTION. THE OFFICIAL IN CHARGE OF THE
20 JAIL OR FACILITY IN WHICH THE JUVENILE IS HELD SHALL OFFER, AT LEAST
21 WEEKLY, TO ARRANGE EDUCATIONAL SERVICES FOR A JUVENILE WHO
22 PREVIOUSLY REFUSED EDUCATIONAL SERVICES. THE SCHOOL DISTRICT
23 SHALL BE REQUIRED TO PROVIDE EDUCATIONAL SERVICES PURSUANT TO
24 THIS SECTION UPON ACCEPTANCE BY THE JUVENILE.

25 (3) (a) EACH SCHOOL DISTRICT IN WHICH A JAIL OR OTHER FACILITY
26 FOR THE DETENTION OF ADULT OFFENDERS IS LOCATED SHALL DESIGNATE
27 A SCHOOL DISTRICT EMPLOYEE TO ACT AS THE CONTACT PERSON FOR THE

1 JAIL OR FACILITY, WHICH EMPLOYEE MAY BE THE CHILD WELFARE
2 EDUCATION LIAISON DESIGNATED PURSUANT TO SECTION 22-32-138 (2).
3 THE SCHOOL DISTRICT SHALL PROVIDE TO THE JAIL OR FACILITY THE
4 EMPLOYEE'S NAME AND CONTACT INFORMATION.

5 (b) FOLLOWING A REQUEST FOR EDUCATIONAL SERVICES
6 PURSUANT TO SUBSECTION (2) OF THIS SECTION, THE DESIGNATED
7 EMPLOYEE SHALL DETERMINE WHETHER THE JUVENILE WAS HELD IN A
8 JUVENILE DETENTION FACILITY PRIOR TO TRANSFER TO THE JAIL OR
9 FACILITY AND, IF SO, SHALL CONTACT THE JUVENILE DETENTION FACILITY
10 TO REQUEST THE TRANSFER OF ANY EDUCATIONAL OR OTHER
11 INFORMATION THE JUVENILE FACILITY MAY HAVE CONCERNING THE
12 JUVENILE. THE DESIGNATED EMPLOYEE SHALL ENSURE THAT THE
13 JUVENILE RECEIVES EDUCATIONAL SERVICES PURSUANT TO THIS SECTION
14 SO LONG AS THE JUVENILE IS HELD IN THE JAIL OR FACILITY, UNLESS THE
15 DESIGNATED EMPLOYEE DETERMINES THAT THE JUVENILE MEETS THE
16 CONDITIONS SPECIFIED IN PARAGRAPH (c) OF SUBSECTION (2) OF THIS
17 SECTION, OR THE SCHOOL DISTRICT IS EXEMPT AS PROVIDED IN PARAGRAPH
18 (e) OR (f) OF SUBSECTION (2) OF THIS SECTION, OR THE JUVENILE REFUSES
19 SERVICES AS PROVIDED IN PARAGRAPH (g) OF SUBSECTION (2) OF THIS
20 SECTION.

21 (4) (a) IN ANY BUDGET YEAR IN WHICH A SCHOOL DISTRICT IS
22 PROVIDING EDUCATIONAL SERVICES TO A JUVENILE PURSUANT TO THIS
23 SECTION ON OCTOBER 1 OF SAID BUDGET YEAR, THE SCHOOL DISTRICT
24 MAY INCLUDE THE JUVENILE IN ITS PUPIL ENROLLMENT, AS DEFINED IN
25 SECTION 22-54-103 (10), FOR PURPOSES OF DETERMINING THE SCHOOL
26 DISTRICT'S TOTAL PROGRAM FUNDING UNDER THE "PUBLIC SCHOOL
27 FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE.

1 (b) IF THE SCHOOL DISTRICT BEGINS PROVIDING EDUCATIONAL
2 SERVICES PURSUANT TO THIS SECTION AFTER OCTOBER 1, THE SCHOOL
3 DISTRICT MAY SEEK REIMBURSEMENT FOR THE COSTS INCURRED PURSUANT
4 TO THIS SECTION FROM THE SCHOOL DISTRICT OR CHARTER SCHOOL THAT
5 INCLUDED SAID JUVENILE IN ITS PUPIL ENROLLMENT FOR THE APPLICABLE
6 BUDGET YEAR. ANY AMOUNT RECEIVED AS REIMBURSEMENT MAY NOT
7 EXCEED THE REIMBURSING SCHOOL DISTRICT'S OR CHARTER SCHOOL'S PER
8 PUPIL REVENUE FOR THE APPLICABLE BUDGET YEAR, PRORATED FOR THE
9 PERIOD OF TIME THAT THE RECEIVING SCHOOL DISTRICT PROVIDES
10 EDUCATIONAL SERVICES PURSUANT TO THIS SECTION.

11 (c) IF A JUVENILE WHO RECEIVES EDUCATIONAL SERVICES
12 PURSUANT TO THIS SECTION WAS NOT INCLUDED IN THE PUPIL
13 ENROLLMENT FOR THE STATE FOR A BUDGET YEAR IN WHICH A SCHOOL
14 DISTRICT PROVIDES EDUCATIONAL SERVICES FOR THE JUVENILE, THE
15 SCHOOL DISTRICT MAY SEEK REIMBURSEMENT FROM THE DEPARTMENT OF
16 EDUCATION FOR THE COSTS INCURRED PURSUANT TO THIS SECTION. ANY
17 AMOUNT RECEIVED AS REIMBURSEMENT MAY NOT EXCEED THE STATE
18 AVERAGE PER PUPIL REVENUE FOR THE APPLICABLE BUDGET YEAR,
19 PRORATED FOR THE PERIOD THAT THE RECEIVING SCHOOL DISTRICT
20 PROVIDES EDUCATIONAL SERVICES PURSUANT TO THIS SECTION. THE
21 DEPARTMENT OF EDUCATION SHALL PAY REIMBURSEMENT PURSUANT TO
22 THIS PARAGRAPH (c) FROM THE AMOUNT RECOVERED BY THE DEPARTMENT
23 DURING THE APPLICABLE BUDGET YEAR AS OVERPAYMENTS MADE TO
24 SCHOOL DISTRICTS AND INSTITUTE CHARTER SCHOOLS, AS DESCRIBED IN
25 SECTION 22-54-114 (4).

26 (d) IN ADDITION TO ANY MONEYS RECEIVED PURSUANT TO
27 PARAGRAPH (a), (b), OR (c) OF THIS SUBSECTION (4), A SCHOOL DISTRICT

1 OR ADMINISTRATIVE UNIT THAT PROVIDES SPECIAL EDUCATION SERVICES
2 PURSUANT TO THIS SECTION TO A JUVENILE WHO HAS AN INDIVIDUALIZED
3 EDUCATION PROGRAM PURSUANT TO SECTION 22-20-108 MAY SEEK
4 EXCESS COSTS TUITION FROM THE JUVENILE'S ADMINISTRATIVE UNIT OF
5 RESIDENCE AS PROVIDED IN SECTION 22-20-109.

6 **SECTION 2.** 22-54-103 (10) (a), Colorado Revised Statutes, is
7 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

8 **22-54-103. Definitions - repeal.** As used in this article, unless
9 the context otherwise requires:

10 (10) (a) (III.5) FOR THE 2009-10 BUDGET YEAR AND BUDGET
11 YEARS THEREAFTER, "PUPIL ENROLLMENT" SHALL INCLUDE ANY JUVENILE
12 TO WHOM THE SCHOOL DISTRICT IS PROVIDING EDUCATIONAL SERVICES
13 PURSUANT TO SECTION 22-32-140 AS OF OCTOBER 1 OF THE APPLICABLE
14 BUDGET YEAR.

15 **SECTION 3.** 22-54-114 (4), Colorado Revised Statutes, is
16 amended to read:

17 **22-54-114. State public school fund.** (4) (a) For the 1997-98
18 fiscal year and fiscal years thereafter, the net amount recovered by the
19 department OF EDUCATION during the applicable fiscal year, pursuant to
20 school district and institute charter school audits, as overpayments made
21 to school districts and institute charter schools that would otherwise be
22 transmitted to the state treasurer for deposit in the general fund shall
23 instead be transmitted to the state treasurer for deposit in the state public
24 school fund. ~~Such~~ THE amount shall be available for appropriation to the
25 department OF EDUCATION in subsequent fiscal years.

26 (b) FOR THE 2010-11 FISCAL YEAR AND FISCAL YEARS
27 THEREAFTER, THE DEPARTMENT OF EDUCATION SHALL REIMBURSE SCHOOL

1 DISTRICTS FOR EDUCATIONAL SERVICES PROVIDED TO JUVENILES
2 PURSUANT TO SECTION 22-32-140 FROM MONEYS RECOVERED AS
3 OVERPAYMENTS MADE TO THE SCHOOL DISTRICTS AND INSTITUTE
4 CHARTER SCHOOLS.

5 **SECTION 4.** 19-2-508 (4), Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7 **19-2-508. Detention and shelter - hearing - time limits -**
8 **findings - review - confinement with adult offenders - restrictions -**

9 **repeal.** (4) (b.5) (I) WHEN A JUVENILE WHO IS TO BE HELD FOR CRIMINAL
10 PROCEEDINGS AS AN ADULT PURSUANT TO A DIRECT FILING OR TRANSFER
11 OF CHARGES, AS PROVIDED IN SECTIONS 19-2-517 AND 19-2-518,
12 RESPECTIVELY, IS RECEIVED AT A JAIL OR OTHER FACILITY FOR THE
13 DETENTION OF ADULT OFFENDERS, THE OFFICIAL IN CHARGE OF THE JAIL
14 OR FACILITY, OR HIS OR HER DESIGNEE, SHALL, AS SOON AS PRACTICABLE,
15 CONTACT THE PERSON DESIGNATED PURSUANT TO SECTION 22-32-140,
16 C.R.S., BY THE SCHOOL DISTRICT IN WHICH THE JAIL OR FACILITY IS
17 LOCATED TO REQUEST THAT THE SCHOOL DISTRICT PROVIDE EDUCATIONAL
18 SERVICES FOR THE JUVENILE FOR THE PERIOD DURING WHICH THE JUVENILE
19 IS HELD AT THE JAIL OR FACILITY. THE SCHOOL DISTRICT SHALL PROVIDE
20 THE EDUCATIONAL SERVICES IN ACCORDANCE WITH THE PROVISIONS OF
21 SECTION 22-32-140, C.R.S. THE OFFICIAL, IN COOPERATION WITH THE
22 SCHOOL DISTRICT, SHALL PROVIDE AN APPROPRIATE AND SAFE
23 ENVIRONMENT TO THE EXTENT PRACTICABLE IN WHICH THE JUVENILE MAY
24 RECEIVE EDUCATIONAL SERVICES.

25 (II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF
26 THIS PARAGRAPH (b.5), IF EITHER THE OFFICIAL IN CHARGE OF THE JAIL OR
27 FACILITY OR THE SCHOOL DISTRICT DETERMINES THAT AN APPROPRIATE

1 AND SAFE ENVIRONMENT CANNOT BE PROVIDED FOR A SPECIFIC JUVENILE,
2 THE OFFICIAL AND THE SCHOOL DISTRICT SHALL BE EXEMPT FROM THE
3 REQUIREMENT TO PROVIDE EDUCATIONAL SERVICES TO THE JUVENILE
4 UNTIL SUCH TIME AS AN ENVIRONMENT THAT IS DETERMINED TO BE
5 APPROPRIATE AND SAFE BY BOTH THE OFFICIAL AND THE SCHOOL DISTRICT
6 CAN BE PROVIDED. IF THE SCHOOL DISTRICT WILL NOT BE PROVIDING
7 EDUCATIONAL SERVICES TO A JUVENILE BECAUSE OF THE LACK OF AN
8 APPROPRIATE AND SAFE ENVIRONMENT, THE OFFICIAL IN CHARGE OF THE
9 JAIL OR FACILITY SHALL NOTIFY THE JUVENILE, HIS OR HER PARENT OR
10 LEGAL GUARDIAN, THE JUVENILE'S DEFENSE ATTORNEY, AND THE COURT
11 HAVING JURISDICTION OVER THE JUVENILE'S CASE.

12 (III) THE OFFICIAL IN CHARGE OF THE JAIL OR FACILITY FOR THE
13 DETENTION OF ADULT OFFENDERS, OR HIS OR HER DESIGNEE, IN
14 CONJUNCTION WITH EACH SCHOOL DISTRICT THAT PROVIDES EDUCATIONAL
15 SERVICES AT THE JAIL OR FACILITY, SHALL ANNUALLY COLLECT
16 NONIDENTIFYING DATA CONCERNING:

17 (A) THE NUMBER OF JUVENILES HELD AT THE JAIL OR FACILITY
18 WHO ARE AWAITING CRIMINAL PROCEEDINGS AS AN ADULT PURSUANT TO
19 A DIRECT FILING OR TRANSFER OF CHARGES, AS PROVIDED IN SECTIONS
20 19-2-517 AND 19-2-518, RESPECTIVELY, FOR THE YEAR;

21 (B) THE LENGTH OF STAY OF EACH OF THE JUVENILES IN THE JAIL
22 OR FACILITY;

23 (C) THE NUMBER OF THE JUVENILES IN THE JAIL OR FACILITY WHO
24 RECEIVED EDUCATIONAL SERVICES PURSUANT TO THIS PARAGRAPH (b.5);

25 (D) THE NUMBER OF DAYS ON WHICH SCHOOL DISTRICTS PROVIDED
26 EDUCATIONAL SERVICES TO THE JUVENILES IN THE JAIL OR FACILITY AND
27 THE NUMBER OF HOURS FOR WHICH SCHOOL DISTRICTS PROVIDED THE

1 EDUCATIONAL SERVICES EACH DAY;

2 (E) THE NUMBER OF JUVENILES IN THE JAIL OR FACILITY WHO WERE
3 EXEMPT FROM RECEIVING EDUCATIONAL SERVICES PURSUANT TO SECTION
4 22-32-140 (2) (c), (2) (e), (2) (f), AND (2) (g), C.R.S.;

5 (F) THE NUMBER OF JUVENILES IN THE JAIL OR FACILITY WHO HAD
6 PREVIOUSLY BEEN DETERMINED PURSUANT TO SECTION 22-20-108, C.R.S.,
7 TO BE ELIGIBLE FOR SPECIAL EDUCATION SERVICES AND HAD AN
8 INDIVIDUALIZED EDUCATION PROGRAM; AND

9 (G) THE NUMBER OF JUVENILES IN THE JAIL OR FACILITY WHO,
10 WHILE RECEIVING EDUCATIONAL SERVICES AT THE JAIL OR FACILITY, WERE
11 DETERMINED PURSUANT TO SECTION 22-20-108, C.R.S., TO BE ELIGIBLE
12 FOR SPECIAL EDUCATION SERVICES AND HAD SUBSEQUENTLY RECEIVED AN
13 INDIVIDUALIZED EDUCATION PROGRAM.

14 (IV) THE OFFICIAL IN CHARGE OF THE JAIL OR FACILITY SHALL
15 SUBMIT THE INFORMATION COLLECTED PURSUANT TO SUBPARAGRAPH (III)
16 OF THIS PARAGRAPH (b.5) TO THE DIVISION OF CRIMINAL JUSTICE IN THE
17 DEPARTMENT OF PUBLIC SAFETY. THE DIVISION OF CRIMINAL JUSTICE
18 SHALL MAKE THE INFORMATION AVAILABLE TO A MEMBER OF THE PUBLIC
19 UPON REQUEST.

20 **SECTION 5. Safety clause.** The general assembly hereby finds,
21 determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, and safety.