

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

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 JUVENILES 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 **SECTION 2.** Part 9 of article 2 of title 19, Colorado Revised
24 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
25 read:

26 **19-2-924.7. Out-of-home placement - commitment - school**
27 **enrollment.** (1) FOR THE PURPOSES OF THIS SECTION, "IDENTIFIED

1 JUVENILE" MEANS A JUVENILE WHO, WITHIN THE TWELVE MONTHS PRIOR
2 TO ENROLLMENT PURSUANT TO THIS SECTION:

3 (a) HAS BEEN REMOVED FROM HIS OR HER HOME BY ORDER OF A
4 COURT RESULTING IN ADJUDICATION AS A JUVENILE DELINQUENT AND HAS
5 THREATENED PHYSICAL HARM TO OR HAS PHYSICALLY HARMED ANOTHER
6 PERSON OR HAS EXHIBITED BEHAVIOR DETRIMENTAL TO THE WELFARE OR
7 SAFETY OF THE IDENTIFIED JUVENILE OR OTHERS; OR

8 (b) HAS BEEN REMOVED FROM HIS OR HER HOME BY ORDER OF A
9 COURT OR BY AN AUTHORIZED CHILD PLACEMENT AGENCY BASED ON A
10 DETERMINATION BY THE COURT OR THE PLACEMENT AGENCY THAT
11 REMOVAL IS NECESSARY FOR THE SAFETY OF THE JUVENILE OR THE
12 COMMUNITY AND HAS THREATENED PHYSICAL HARM TO OR HAS
13 PHYSICALLY HARMED ANOTHER PERSON OR HAS EXHIBITED BEHAVIOR
14 DETRIMENTAL TO THE WELFARE OR SAFETY OF THE IDENTIFIED JUVENILE
15 OR OTHERS.

16 (2) (a) THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE
17 WRITTEN NOTIFICATION OF THE PENDING ENROLLMENT OF AN IDENTIFIED
18 JUVENILE IN A PUBLIC SCHOOL TO THE RECEIVING SCHOOL DISTRICT,
19 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL AT LEAST TEN
20 BUSINESS DAYS PRIOR TO THE IDENTIFIED JUVENILE'S ENROLLMENT. THE
21 RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER
22 SCHOOL IS ENCOURAGED TO USE THE TEN-DAY NOTIFICATION PERIOD TO
23 GATHER MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC
24 ACHIEVEMENT DATA ABOUT THE IDENTIFIED JUVENILE, WITHIN THE
25 PARAMETERS OF STATE AND FEDERAL LAW, TO DEVELOP A TRANSITION
26 PLAN FOR THE IDENTIFIED JUVENILE.

27 (b) IF THE COURT ORDERS AN EMERGENCY PLACEMENT FOR THE

1 SAFETY OF AN IDENTIFIED JUVENILE, THE DEPARTMENT OF HUMAN
2 SERVICES SHALL PROVIDE WRITTEN NOTIFICATION TO THE RECEIVING
3 SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL AT
4 LEAST FIVE BUSINESS DAYS FOLLOWING THE EMERGENCY PLACEMENT AND
5 PRIOR TO THE IDENTIFIED JUVENILE'S ENROLLMENT. THE RECEIVING
6 SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL IS
7 ENCOURAGED TO USE THE FIVE-DAY NOTIFICATION PERIOD TO GATHER
8 MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC
9 ACHIEVEMENT DATA ABOUT THE IDENTIFIED JUVENILE, WITHIN THE
10 PARAMETERS OF STATE AND FEDERAL LAW, TO DEVELOP A TRANSITION
11 PLAN FOR THE IDENTIFIED JUVENILE.

12 (c) THE DEPARTMENT OF HUMAN SERVICES SHALL WORK
13 COOPERATIVELY WITH THE RECEIVING SCHOOL DISTRICT, CHARTER
14 SCHOOL, OR INSTITUTE CHARTER SCHOOL TO ENSURE AN APPROPRIATE
15 PLACEMENT IS MADE AND SHALL PROVIDE INFORMATION ABOUT THE
16 IDENTIFIED JUVENILE, WITHIN THE PARAMETERS OF STATE AND FEDERAL
17 LAW, TO THE RECEIVING ENTITY.

18 (d) ON OR BEFORE SEPTEMBER 15, 2010, THE DEPARTMENT OF
19 HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER
20 INTO A MEMORANDUM OF UNDERSTANDING CONCERNING THE
21 ENROLLMENT OF IDENTIFIED JUVENILES IN THE PUBLIC SCHOOL SYSTEM.
22 THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE, BUT NEED NOT
23 BE LIMITED TO:

24 (I) A CONSISTENT AND UNIFORM APPROACH TO SHARING MEDICAL,
25 MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC ACHIEVEMENT DATA
26 ABOUT IDENTIFIED JUVENILES, WITHIN THE PARAMETERS OF STATE AND
27 FEDERAL LAW, BETWEEN A SCHOOL DISTRICT, CHARTER SCHOOL, OR

1 INSTITUTE CHARTER SCHOOL AND THE COUNTY DEPARTMENT OF SOCIAL
2 SERVICES TO BETTER FACILITATE THE CREATION OF TRANSITION PLANS FOR
3 IDENTIFIED JUVENILES AND ENSURE THE SAFETY OF THE PEOPLE IN THE
4 SCHOOL COMMUNITY;

5 (II) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA
6 AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

7 (III) AN APPEALS PROCESS TO FOLLOW IF THERE IS A
8 DISAGREEMENT BETWEEN A SCHOOL DISTRICT, CHARTER SCHOOL, OR
9 INSTITUTE CHARTER SCHOOL AND THE COUNTY DEPARTMENT OF SOCIAL
10 SERVICES REGARDING THE ENROLLMENT OF AN IDENTIFIED JUVENILE; AND

11 (IV) A PLAN FOR DETERMINING ACCOUNTABILITY CONCERNING
12 THE USE OF THE MANDATORY TEN-DAY AND FIVE-DAY NOTIFICATION
13 PERIODS AND THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A
14 CALENDAR YEAR.

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

18 **22-2-138. Department of education - memorandum of**
19 **understanding with department of human services.** (1) ON OR
20 BEFORE SEPTEMBER 15, 2010, THE DEPARTMENT OF HUMAN SERVICES AND
21 THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM OF
22 UNDERSTANDING CONCERNING THE ENROLLMENT OF IDENTIFIED
23 JUVENILES IN THE PUBLIC SCHOOL SYSTEM FOLLOWING PLACEMENT WITH
24 THE DEPARTMENT OF HUMAN SERVICES. THE MEMORANDUM OF
25 UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

26 (a) A CONSISTENT AND UNIFORM APPROACH TO SHARING MEDICAL,
27 MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC ACHIEVEMENT DATA

1 ABOUT IDENTIFIED JUVENILES, WITHIN THE PARAMETERS OF STATE AND
2 FEDERAL LAW, BETWEEN A SCHOOL DISTRICT, CHARTER SCHOOL, OR
3 INSTITUTE CHARTER SCHOOL AND THE COUNTY DEPARTMENT OF SOCIAL
4 SERVICES TO BETTER FACILITATE THE CREATION OF TRANSITION PLANS FOR
5 IDENTIFIED JUVENILES AND ENSURE THE SAFETY OF THE PEOPLE IN THE
6 SCHOOL COMMUNITY;

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

9 (c) AN APPEALS PROCESS TO FOLLOW IF THERE IS A DISAGREEMENT
10 BETWEEN A SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER
11 SCHOOL AND THE COUNTY DEPARTMENT OF SOCIAL SERVICES REGARDING
12 THE ENROLLMENT OF AN IDENTIFIED JUVENILE; AND

13 (d) A PLAN FOR DETERMINING ACCOUNTABILITY CONCERNING THE
14 USE OF THE MANDATORY TEN-DAY AND FIVE-DAY NOTIFICATION PERIODS
15 AS SET FORTH IN SECTION 19-2-921 (7.7), C.R.S., INCLUDING THE NUMBER
16 OF EMERGENCY PLACEMENTS OCCURRING IN A CALENDAR YEAR.

17 (2) FOR THE PURPOSES OF THIS SECTION, "IDENTIFIED JUVENILE"
18 MEANS A JUVENILE WHO, WITHIN THE TWELVE MONTHS PRIOR TO
19 ENROLLMENT PURSUANT TO THIS SECTION:

20 (a) HAS BEEN REMOVED FROM HIS OR HER HOME BY ORDER OF A
21 COURT RESULTING IN ADJUDICATION AS A JUVENILE DELINQUENT AND HAS
22 THREATENED PHYSICAL HARM TO OR HAS PHYSICALLY HARMED ANOTHER
23 PERSON OR HAS EXHIBITED BEHAVIOR DETRIMENTAL TO THE WELFARE OR
24 SAFETY OF THE IDENTIFIED JUVENILE OR OTHERS; OR

25 (b) HAS BEEN REMOVED FROM HIS OR HER HOME BY ORDER OF A
26 COURT OR BY AN AUTHORIZED CHILD PLACEMENT AGENCY BASED ON A
27 DETERMINATION BY THE COURT OR THE PLACEMENT AGENCY THAT

1 REMOVAL IS NECESSARY FOR THE SAFETY OF THE JUVENILE OR THE
2 COMMUNITY AND HAS THREATENED PHYSICAL HARM TO OR HAS
3 PHYSICALLY HARMED ANOTHER PERSON OR HAS EXHIBITED BEHAVIOR
4 DETRIMENTAL TO THE WELFARE OR SAFETY OF THE IDENTIFIED JUVENILE
5 OR OTHERS.

6 **SECTION 4. Act subject to petition - effective date.** This act
7 shall take effect at 12:01 a.m. on the day following the expiration of the
8 ninety-day period after final adjournment of the general assembly (August
9 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
10 referendum petition is filed pursuant to section 1 (3) of article V of the
11 state constitution against this act or an item, section, or part of this act
12 within such period, then the act, item, section, or part shall not take effect
13 unless approved by the people at the general election to be held in
14 November 2010 and shall take effect on the date of the official
15 declaration of the vote thereon by the governor.