

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

PREAMENDED

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

LLS NO. 12-0200.01 Richard Sweetman x4333

SENATE BILL 12-046

SENATE SPONSORSHIP

Newell and Hudak,

HOUSE SPONSORSHIP

Nikkel and Levy, Szabo

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING DISCIPLINARY MEASURES IN PUBLIC SCHOOLS, AND IN**
102 **CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT**
103 **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>.)

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

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.*

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 code shall include a specific policy concerning the prevention of sexual assault and domestic violence.

Each public school of a school district shall require each student enrolled in the public school to be familiar 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.

In creating a code, each local board shall solicit and consider input from the school district accountability committee of the school district and a local or statewide law enforcement agency.

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.

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 referral to a law enforcement agency.

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 accept the assignment of a peace officer acting in his or her official capacity as school resource officer 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 declares that:

4 (a) The use of inflexible "zero-tolerance" policies as a means of
5 addressing disciplinary problems in schools has resulted in unnecessary
6 expulsions, out-of-school suspensions, and referrals to law enforcement
7 agencies;

8 (b) Involvement of students in the criminal or juvenile justice
9 systems should be avoided when addressing minor misbehavior that is
10 typical for a student based on his or her developmental stage;

11 (c) State laws must allow school administrators and local boards
12 of education to use their discretion to determine the appropriate
13 disciplinary response to each incident of student misconduct;

14 (d) Each school district of the state is encouraged, in creating and
15 enforcing a school conduct and discipline code, to protect students and
16 staff from harm, provide opportunities for students to learn from their
17 mistakes, foster a positive learning community, keep students in school,
18 and show mindful consideration of negative impacts that can occur as a
19 result of involvement with the criminal justice system;

20 (e) School discipline policies and practices must apply equally to

1 all students regardless of their economic status, race, gender, ethnicity,
2 religion, national origin, sexual orientation, or disability; and

3 (f) Each school district of the state is encouraged to include in its
4 school conduct and discipline code a specific policy that:

5 (I) States which violations of the code require a referral to law
6 enforcement due to the serious nature of the violation or as a result of a
7 state or federal reporting law;

8 (II) States which violations of the code may result in a referral to
9 law enforcement, subject to the discretion of a school administration or
10 a local board of education; and

11 (III) States factors that the school district will consider when
12 making a determination as to whether to refer a student to law
13 enforcement, which factors, at a minimum, include:

14 (A) The age of a student;

15 (B) The disciplinary history of a student;

16 (C) Whether a student has a disability;

17 (D) The seriousness of a violation;

18 (E) Whether a violation threatened the safety of any student or
19 staff member; and

20 (F) Whether a lesser intervention would properly address a
21 violation.

22 (2) Now, therefore, the general assembly determines and declares
23 that:

24 (a) To ensure that the best interests of Colorado schools are being
25 served, in accordance with section 2-2-1201, Colorado Revised Statutes
26 (C.R.S.), the legislative service agencies of the general assembly shall
27 conduct a post-enactment review of this act and report their conclusions

1 to the education committees of the house of representatives and senate,
2 or any successor committees, and to the persons described in section
3 2-2-1201 (3), C.R.S.:

4 (b) Notwithstanding the provisions of section 2-2-1201 (3),
5 C.R.S., the legislative service agencies of the general assembly shall
6 complete the post-enactment review of this act four years after this act
7 becomes law;

8 (c) Notwithstanding the provisions of section 2-2-1201 (2) (a),
9 C.R.S., the review shall not make the determinations described in said
10 section 2-2-1201 (2) (a), C.R.S., but shall include any information
11 reported to the division of criminal justice by school resource officers and
12 other law enforcement officers pursuant to section 22-32-145, C.R.S., as
13 described in section 3 of this act; and by district attorneys pursuant to
14 section 20-1-113, C.R.S., as described in section 10 of this act; and

15 (d) The members of the education committees of the house of
16 representatives and senate, or any successor committees, are encouraged
17 to consider whether to:

18 (I) Continue to require school resource officers and other law
19 enforcement officers and district attorneys to report such information to
20 the division of criminal justice; or

21 (II) Enact legislation to repeal such reporting requirements.

22 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.1, amend
23 (1), (2) introductory portion, (2) (a), and (2) (b); and add (1.5) as follows:

24 **22-32-109.1. Board of education - specific powers and duties**
25 **- safe school plan - conduct and discipline code - safe school reporting**
26 **requirements. (1) Definitions.** Each school district board of education
27 shall adopt a mission statement for the school district, which statement

1 shall include making safety a priority in each public school of the school
2 district. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
3 REQUIRES:

4 (a) "ACTION TAKEN" MEANS A SPECIFIC TYPE OF DISCIPLINE,
5 INCLUDING BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF
6 DISCIPLINE:

7 (I) IN-SCHOOL SUSPENSION;

8 (II) OUT-OF-SCHOOL SUSPENSION;

9 (III) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;

10 (IV) EXPULSION;

11 (V) REFERRAL TO A LAW ENFORCEMENT AGENCY; OR

12 (VI) ANY OTHER FORM OF DISCIPLINE, WHICH SHALL BE
13 OFFICIALLY IDENTIFIED AS PART OF A BOARD POLICY;

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

27 (c) "DANGEROUS WEAPON" HAS THE SAME MEANING AS SET FORTH

1 IN SECTION 22-33-102 (4).

2 (d) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED
3 PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR IS AUTHORIZED PURSUANT
4 TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN
5 TEACHING DURING A MAJORITY OF THE INSTRUCTIONAL MINUTES PER
6 SCHOOL DAY.

7 (e) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING
8 AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

9 (f) (I) "REFERRAL TO LAW ENFORCEMENT" MEANS A
10 COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR
11 OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT AGENCY, WHICH
12 COMMUNICATION:

13 (A) IS INITIATED BY THE SCHOOL ADMINISTRATOR, TEACHER, OR
14 OTHER SCHOOL EMPLOYEE; AND

15 (B) CONCERNS BEHAVIOR BY A STUDENT THAT THE SCHOOL
16 ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE BELIEVES MAY
17 CONSTITUTE A VIOLATION OF THE SCHOOL CONDUCT AND DISCIPLINE CODE
18 OR A CRIMINAL OR DELINQUENT OFFENSE AND FOR WHICH THE SCHOOL
19 ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE REQUESTS AN
20 INVESTIGATION OR OTHER INVOLVEMENT BY A LAW ENFORCEMENT
21 AGENCY.

22 (II) "REFERRAL TO LAW ENFORCEMENT" DOES NOT INCLUDE:

23 (A) CONTACT WITH A LAW ENFORCEMENT AGENCY THAT IS MADE
24 FOR THE PURPOSE OF EDUCATION, PREVENTION, OR INTERVENTION
25 REGARDING A STUDENT'S BEHAVIOR; OR

26 (B) ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A
27 SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A

1 LAW ENFORCEMENT OFFICER.

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

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

6 (1.5) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF
7 EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL
8 DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY FOR ALL
9 STUDENTS AND STAFF A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL
10 DISTRICT.

11 (2) **Safe school plan.** In order to provide a learning environment
12 that is safe, conducive to the learning process, and free from unnecessary
13 disruption, following consultation with the school district accountability
14 committee and school accountability committees, parents, teachers,
15 administrators, students, student councils where available, and, where
16 appropriate, the community at large, each school district board of
17 education shall adopt and implement a safe school plan, or review and
18 revise, if AS necessary IN RESPONSE TO ANY RELEVANT DATA COLLECTED
19 BY THE SCHOOL DISTRICT, any existing plans or policies already in effect.
20 which IN ADDITION TO THE AFOREMENTIONED PARTIES, EACH SCHOOL
21 DISTRICT BOARD OF EDUCATION, IN ADOPTING AND IMPLEMENTING ITS
22 SAFE SCHOOL PLAN, MAY CONSULT WITH VICTIMS ADVOCACY
23 ORGANIZATIONS, SCHOOL PSYCHOLOGISTS, AND LOCAL LAW
24 ENFORCEMENT AGENCIES. THE PLAN, AT A MINIMUM, shall include **but not**
25 **be limited to,** the following:

26 (a) **Conduct and discipline code.** (I) A concisely written conduct
27 and discipline code that shall be enforced uniformly, fairly, and

1 consistently for all students. Copies of the code shall be provided to each
2 student upon enrollment at the elementary, middle, and high school levels
3 and shall be posted or kept on file at each public school in the school
4 district. THE SCHOOL DISTRICT SHALL TAKE REASONABLE MEASURES TO
5 ENSURE THAT EACH STUDENT OF EACH PUBLIC SCHOOL IN THE SCHOOL
6 DISTRICT IS FAMILIAR WITH THE CODE. The code shall include, but ~~shall~~
7 NEED not be limited to:

8 (F) (A) General policies on student conduct, safety, and welfare;
9 (H) (B) General policies and procedures for dealing with students
10 who cause a disruption in the classroom, on school grounds, in a school
11 vehicles as defined in section 42-1-102 (88.5), C.R.S., VEHICLE, or at a
12 school activities ACTIVITY or sanctioned events EVENT, including a
13 specific policy allowing a teacher to remove a disruptive student from his
14 or her classroom. and, THE POLICY SHALL STATE THAT, upon the third
15 such removal from a teacher's class, to THE TEACHER MAY remove the
16 disruptive student from such THE teacher's class for the remainder of the
17 term of the class; EXCEPT THAT A DISRUPTIVE STUDENT SHALL NOT BE
18 REMOVED FROM A TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF
19 THE CLASS UNLESS THE PRINCIPAL OF THE STUDENT'S SCHOOL OR HIS OR
20 HER DESIGNEE HAS DEVELOPED AND IMPLEMENTED A BEHAVIOR PLAN FOR
21 THE STUDENT. A BEHAVIOR PLAN MAY BE DEVELOPED AFTER THE FIRST
22 SUCH REMOVAL FROM CLASS AND SHALL BE DEVELOPED AFTER THE
23 SECOND REMOVAL FROM CLASS. The general policies and procedures shall
24 include a due process procedure, which at a minimum shall require that,
25 as soon as possible after a removal, the teacher or the school principal
26 shall contact the parent or legal guardian of the student to request his or
27 her attendance at a student-teacher conference regarding the removal. A

1 behavior plan may be developed after the first such removal from class,
2 and shall be developed after the second such removal from class. Any
3 policy or procedure adopted shall comply with applicable federal and
4 state laws, including but not limited to laws regarding students with
5 disabilities.

6 ~~(HH)~~ (C) Provisions for the initiation of suspension or expulsion
7 proceedings for students who qualify as habitually disruptive by causing
8 a disruption in the classroom, on school grounds, in school vehicles, or
9 at school activities or sanctioned events for a third time during a single
10 school year or calendar year STUDENTS;

11 ~~(IV)~~ (D) Policies and procedures for the use of acts of reasonable
12 and appropriate physical intervention or force in dealing with disruptive
13 students; except that no board shall adopt a discipline code that includes
14 provisions that are in conflict with the definition of child abuse in section
15 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

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

20 ~~(VI)~~ (F) A specific policy concerning gang-related activities in the
21 school, on school grounds, in school vehicles, or AND at school activities
22 or sanctioned events;

23 ~~(VII)~~ (G) Written prohibition, consistent with section 22-33-106,
24 of students from bringing OR POSSESSING dangerous weapons, drugs, or
25 other controlled substances to school, on school grounds, in A school
26 vehicles VEHICLE, or at A school activities ACTIVITY or sanctioned events
27 EVENT and from using drugs OR other controlled substances or tobacco

1 products on school grounds, in A school vehicles VEHICLE, or at A school
2 activities ACTIVITY or sanctioned events EVENT;

3 (H) WRITTEN PROHIBITION OF STUDENTS FROM USING OR
4 POSSESSING TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN A SCHOOL
5 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;

6 ~~(VIII)~~ (I) A written policy concerning searches on school grounds,
7 including SEARCHES OF student lockers;

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

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

1 action against a student who reports in good faith an incident of bullying,
2 which consequences shall comply with all applicable state and federal
3 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 (II) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND
17 DISCIPLINE CODE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH
18 (a), EACH SCHOOL DISTRICT BOARD OF EDUCATION, ON AND AFTER
19 AUGUST 1, 2013, SHALL:

20 (A) IMPOSE PROPORTIONATE DISCIPLINARY INTERVENTIONS AND
21 CONSEQUENCES, INCLUDING BUT NOT LIMITED TO IN-SCHOOL
22 SUSPENSIONS, IN RESPONSE TO STUDENT MISCONDUCT, WHICH
23 INTERVENTIONS AND CONSEQUENCES ARE DESIGNED TO REDUCE THE
24 NUMBER OF EXPULSIONS, OUT-OF-SCHOOL SUSPENSIONS, AND REFERRALS
25 TO LAW ENFORCEMENT, EXCEPT FOR SUCH REFERRALS TO LAW
26 ENFORCEMENT AS ARE REQUIRED BY STATE OR FEDERAL LAW;

27 (B) INCLUDE PLANS FOR THE APPROPRIATE USE OF PREVENTION,

1 INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING, OR
2 OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH
3 APPROACHES ARE DESIGNED TO MINIMIZE STUDENT EXPOSURE TO THE
4 CRIMINAL AND JUVENILE JUSTICE SYSTEM. THE PLANS SHALL STATE THAT
5 A SCHOOL ADMINISTRATION SHALL NOT ORDER A VICTIM'S PARTICIPATION
6 IN A RESTORATIVE JUSTICE PRACTICE OR PEER MEDIATION IF THE ALLEGED
7 VICTIM OF AN OFFENDING STUDENT'S MISCONDUCT ALLEGES THAT THE
8 MISCONDUCT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN
9 SECTION 16-22-102 (9), C.R.S.; A CRIME IN WHICH THE UNDERLYING
10 FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION
11 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED IN SECTION 18-3-602,
12 C.R.S.; OR VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION
13 18-6-803.5, C.R.S.; AND

14 (C) ENSURE THAT THE IMPLEMENTATION OF THE CODE COMPLIES
15 WITH ALL STATE AND FEDERAL LAWS CONCERNING THE EDUCATION OF
16 STUDENTS WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103 (5).

17 (b) **Safe school reporting requirements.** A policy whereby the
18 principal of each public school in a school district shall submit annually,
19 in a manner and by a date specified by rule of the state board, a written
20 report to the board of education of such school district concerning the
21 learning 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 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:

- 1 (I) The total enrollment for the school;
- 2 (II) The average daily attendance rate at the school;
- 3 (III) Dropout rates for grades seven through twelve, if such grades
4 are taught at the school; and
- 5 (IV) The number of conduct and discipline code violations, each
6 of which violations shall be reported only in the most serious category
7 that is applicable to that violation, including but not limited to specific
8 information on IDENTIFYING the number of, and the action taken with
9 respect to, each of the following types of violations:
- 10 (A) ~~Carrying, bringing, using, or~~ Possessing a dangerous weapon
11 on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~
12 ACTIVITY or sanctioned ~~events~~ EVENT without the authorization of the
13 school or the school district;
- 14 (B) Use or possession of alcohol on school grounds, in A school
15 ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~
16 EVENT;
- 17 (C) Use, possession, or sale of a drug or controlled substance on
18 school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~
19 ACTIVITY or sanctioned ~~events~~ EVENT;
- 20 (D) Use or possession of A tobacco ~~products~~ PRODUCT on school
21 grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY
22 or sanctioned ~~events~~ EVENT;
- 23 (E) Being willfully disobedient or openly and persistently defiant
24 or repeatedly interfering with the school's ability to provide educational
25 opportunities to, and a safe environment for, other students;
- 26 (F) Commission of an act on school grounds, IN A SCHOOL
27 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if

1 committed by an adult, would be considered first degree assault, as
2 described in section 18-3-202, C.R.S., second degree assault, as described
3 in section 18-3-203, C.R.S., or vehicular assault, as described in section
4 18-3-205, C.R.S.:

5 (G) Behavior on school property GROUNDS, IN A SCHOOL VEHICLE,
6 OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that is detrimental to
7 the welfare or safety of other students or of school personnel, including
8 but not limited to incidents of bullying as described by subparagraph (X)
9 of paragraph (a) of this subsection (2), and other behavior that creates a
10 threat of physical harm to the student or to other students;

11 (H) Willful destruction or defacement of school property;

12 (I) Commission of an act on school grounds, IN A SCHOOL
13 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if
14 committed by an adult, would be considered third degree assault, as
15 described in section 18-3-204, C.R.S., or disorderly conduct, as described
16 in section 18-9-106 (1) (d), C.R.S., but not disorderly conduct involving
17 firearms or other deadly weapons, as described in section 18-9-106 (1) (e)
18 and (1) (f), C.R.S.:

19 (J) 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 robbery; and

22 (K) Other violations of the code of conduct and discipline that
23 resulted in documentation of the conduct in a student's record;

24 (V) For purposes of subparagraph (IV) of this paragraph (b),
25 "action taken" means the specific type of discipline, including but not
26 limited to the following categories of discipline:

27 (A) In-school suspension;

1 ~~(B) Out-of-school suspension;~~
2 ~~(C) Classroom removal in accordance with board policy;~~
3 ~~(D) Expulsion;~~
4 ~~(E) Referral to a law enforcement agency; or~~
5 ~~(F) Any other form of discipline, which shall be officially~~
6 ~~identified as part of a board policy;~~

7 ~~(VI) The conduct and discipline code violations required to be~~
8 ~~reported pursuant to subparagraph (IV) of this paragraph (b) shall~~
9 ~~specifically identify each conduct and discipline code violation by a~~
10 ~~student with a disability and each action taken with respect to each~~
11 ~~violation by a student with a disability;~~

12 ~~(VII) The average class size for each public elementary school,~~
13 ~~middle school or junior high school, and senior high school in the state~~
14 ~~calculated as the total number of students enrolled in the school divided~~
15 ~~by the number of full-time teachers in the school; For purposes of this~~
16 ~~subparagraph (VII), "full-time teacher" means a person who is licensed~~
17 ~~pursuant to article 60.5 of this title or is authorized pursuant to section~~
18 ~~22-60.5-111 to teach, and is primarily engaged in teaching during a~~
19 ~~substantial majority of the instructional minutes per school day. AND~~

20 ~~(VIII) On and after August 8, 2001, The school's policy~~
21 ~~concerning bullying prevention and education, including information~~
22 ~~related to the development and implementation of any bullying prevention~~
23 ~~programs.~~

24 ~~**SECTION 3. In Colorado Revised Statutes, add 22-32-145 as**~~
25 ~~**follows:**~~

26 ~~**22-32-145. School use of on-site peace officers as school**~~
27 ~~**resource officers - notifications of arrests and notices issued -**~~

1 reporting requirements. (1) If a school resource officer or other
2 law enforcement officer acting in his or her official capacity on
3 school grounds, in a school vehicle, or at a school activity or
4 sanctioned event arrests a student of the school, the officer
5 shall notify the principal of the school or his or her designee of
6 the arrest within twenty-four hours after the arrest.

7 (2) If a school resource officer or other law enforcement
8 officer acting in his or her official capacity on school grounds,
9 in a school vehicle, or at a school activity or sanctioned event
10 issues a summons, ticket, or other notice requiring the
11 appearance of a student of the school in court or at a police
12 station for investigation relating to an offense allegedly
13 committed on school grounds, in a school vehicle, or at a school
14 activity or sanctioned event, the officer shall notify the
15 principal of the school or his or her designee of the issuance of
16 the summons, ticket, or other notice within ten days after the
17 issuance of the summons, ticket, or other notice.

18 (3) A school resource officer shall be familiar with the
19 provisions of the conduct and discipline code of the school to
20 which he or she is assigned.

21 (4) Commencing August 1, 2013, and continuing each
22 August 1 thereafter, each law enforcement agency employing
23 or contracting with any law enforcement officer who is acting
24 or has acted in his or her official capacity on school grounds, in
25 a school vehicle, or at a school activity or sanctioned event
26 shall report to the division of criminal justice created in section
27 24-33.5-502, C.R.S., in aggregate form without personal

1 IDENTIFYING INFORMATION, DATA ABOUT THE CASES HANDLED BY THE
2 AGENCY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL
3 ACTIVITY OR SANCTIONED EVENT. EACH SUCH REPORT SHALL INCLUDE, AT
4 A MINIMUM, THE FOLLOWING INFORMATION RELATING TO THE PRECEDING
5 TWELVE MONTHS:

6 (a) THE NUMBER OF STUDENTS INVESTIGATED BY THE OFFICER FOR
7 DELINQUENT OFFENSES, INCLUDING THE NUMBER OF STUDENTS
8 INVESTIGATED FOR EACH TYPE OF DELINQUENT OFFENSE FOR WHICH THE
9 OFFICER INVESTIGATED AT LEAST ONE STUDENT;

10 (b) THE NUMBER OF STUDENTS ARRESTED BY THE OFFICER,
11 INCLUDING THE OFFENSE FOR WHICH EACH SUCH ARREST WAS MADE;

12 (c) THE NUMBER OF SUMMONSES OR TICKETS ISSUED BY THE
13 OFFICER TO STUDENTS; AND

14 (d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH
15 STUDENT WHOM THE OFFICER ARRESTED OR TO WHOM THE OFFICER ISSUED
16 A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF
17 THE STUDENT IN COURT OR AT A POLICE STATION FOR INVESTIGATION
18 RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS,
19 IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.

20 (5) UPON THE REQUEST OF A LOCAL BOARD OF EDUCATION, THE
21 DIVISION OF CRIMINAL JUSTICE SHALL MAKE AVAILABLE TO THE LOCAL
22 BOARD THE INFORMATION DESCRIBED IN SUBSECTION (4) OF THIS SECTION
23 THAT RELATES TO THE SCHOOL DISTRICT OF THE LOCAL BOARD.

24 **SECTION 4.** In Colorado Revised Statutes, amend 22-33-102 as
25 follows:

26 **22-33-102. Definitions.** As used in this article, unless the context
27 otherwise requires:

1 (1) "Academic year" means that portion of the school year during
2 which the public schools are in regular session, beginning about the first
3 week in September and ending about the first week in June of the next
4 year, or that portion of the school year which constitutes the minimum
5 period during which a pupil must be enrolled.

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

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

10 (4) "DANGEROUS WEAPON" MEANS:

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

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

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

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

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

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

24 ~~(4)~~ (6) "Executive officer" means the superintendent of schools or
25 that THE head administrative officer designated by the A board of
26 education to execute its policy decisions.

27 ~~(4.5)~~ (7) "General educational development tests" or "GED"

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

7 (8) "HABITUALLY DISRUPTIVE STUDENT" HAS THE SAME MEANING
8 AS SET FORTH IN SECTION 22-33-106 (1) (c.5).

9 ~~(4.7)~~ (9) "Informal hearing" means an opportunity for a child to
10 explain his or her position regarding a disruption in the classroom or an
11 incident constituting THAT OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL
12 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND THAT
13 CONSTITUTED grounds for discipline.

14 ~~(5)~~ (10) "Parent" means the mother or father of a child or any
15 other person having custody of a child.

16 (11) "SCHOOL VEHICLE" HAS THE SAME MEANING AS SET FORTH IN
17 SECTION 42-1-102 (88.5), C.R.S.

18 ~~(6)~~ (12) "State board" means the state board of education.

19 **SECTION 5. In Colorado Revised Statutes, 22-33-105, amend**

20 (2) (c), (3) (d) (III), and (6) as follows:

21 **22-33-105. Suspension, expulsion, and denial of admission.**

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

24 (c) Deny admission to, or expel for any period not extending
25 beyond one year, any child whom the board of education, in accordance
26 with the limitations imposed by this article, shall determine does not
27 qualify for admission to, or continued attendance at, the public schools of

1 the district. A board of education may delegate such powers to its
2 executive officer or to a designee who shall serve as a hearing officer. If
3 the hearing is conducted by a designee acting as a hearing officer, the
4 hearing officer shall forward findings of fact and recommendations to the
5 executive officer at the conclusion of the hearing. The executive officer
6 shall render a written opinion within five days after a hearing conducted
7 by the executive officer or by a hearing officer. The executive officer
8 shall report on each case acted upon at the next meeting of the board of
9 education, briefly describing the circumstances and the reasons for the
10 executive officer's action. ~~When delegated, an appeal may be taken from~~
11 IF THE HEARING CONCERNS THE POTENTIAL EXPULSION OR DENIAL OF
12 ADMISSION OF A CHILD WHO COMMITTED AN ALLEGED CRIMINAL OFFENSE
13 AGAINST A PERSON, AS DESCRIBED BY ANY PROVISION OF ARTICLE 3 OF
14 TITLE 18, C.R.S., THEN THE BOARD OF EDUCATION OR HEARING OFFICER
15 CONDUCTING THE HEARING SHALL ENSURE THAT THE PERSON AGAINST
16 WHOM THE ALLEGED OFFENSE WAS COMMITTED HAS THE OPPORTUNITY TO
17 SUBMIT A WRITTEN VICTIM IMPACT STATEMENT FOR THE CONSIDERATION
18 OF THE BOARD OF EDUCATION OR HEARING OFFICER PRIOR TO THE
19 HEARING. A CHILD WHO IS DENIED ADMISSION OR EXPELLED AS AN
20 OUTCOME OF THE HEARING SHALL HAVE TEN DAYS AFTER THE DENIAL OF
21 ADMISSION OR EXPULSION TO APPEAL the decision of the executive officer
22 to the board of education, AFTER WHICH TIME THE DECISION TO GRANT OR
23 DENY THE APPEAL SHALL BE AT THE DISCRETION OF THE BOARD OF
24 EDUCATION. The appeal shall consist of a review of the facts that were
25 presented and that were determined at the hearing conducted by the
26 executive officer or by a designee acting as a hearing officer, arguments
27 relating to the decision, and questions of clarification from the board of

1 education. No board of education shall deny admission to, or expel, any
2 child without a hearing, if one is requested by the parent, guardian, or
3 legal custodian of the child, at which evidence may be presented in the
4 child's behalf. If the child is denied admission or expelled, the child shall
5 be entitled to a review of the decision of the board of education in
6 accordance with section 22-33-108.

7 (3) (d) The suspending authority shall:

8 (III) Provide an opportunity for a pupil to make up school work
9 during the period of suspension FOR FULL OR PARTIAL ACADEMIC CREDIT
10 TO THE EXTENT POSSIBLE. The intent of this provision is to provide an
11 opportunity for the pupil to reintegrate into the educational program of
12 the district AND TO HELP PREVENT THE PUPIL FROM DROPPING OUT OF
13 SCHOOL BECAUSE OF AN INABILITY TO REINTEGRATE INTO THE
14 EDUCATIONAL PROGRAM following the period of suspension. ~~which~~ The
15 school district should take THIS INTENT into consideration when
16 determining the amount of credit a student will receive for this makeup
17 work.

18 (6) When a pupil is expelled by a school district, for the remainder
19 of the school year, the PUPIL'S parent, guardian, or legal custodian is
20 responsible for seeing that the compulsory school attendance statute is
21 complied with PUPIL COMPLIES WITH THE PROVISIONS OF THIS ARTICLE
22 during the period of expulsion. ~~from such school district.~~

23 **SECTION 6.** In Colorado Revised Statutes, 22-33-106, **amend**
24 (1) introductory portion, (1) (c.5) (I), (1) (c.5) (II), (1) (c.5) (III), (1) (d),
25 (2) introductory portion, (3) introductory portion, (4) (a), and (4) (b) (I);
26 and **add** (1) (g) and (1.5) as follows:

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
7 (a), (b), (c), or (d) of this subsection (1) three times during the course of
8 the school year for causing CAUSED a material and substantial disruption
9 in the classroom, on school grounds, on IN a school vehicle, as defined in
10 section 42-1-102 (88.5), C.R.S., or at A school activities ACTIVITY or
11 events because of behavior that was initiated, willful, and overt on the
12 part of the child SANCTIONED EVENT THREE OR MORE TIMES DURING THE
13 COURSE OF A SCHOOL YEAR. Any student who is enrolled in a public
14 school may be subject to being declared an A habitually disruptive
15 student.

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

23 (d) (f) 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
4 part 2 of article 3 of title 18, C.R.S., other than the commission of an act
5 that would be third degree assault under section 18-3-204, C.R.S., if
6 committed by an adult.

7 (H) 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,
15 whether animate or inanimate, used or intended to be used to inflict death
16 or serious bodily injury.

17 (HH) 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 (HH) shall be construed as prohibiting a school district from
26 expelling a student under the circumstances specified in this subparagraph
27 (HH) if such expulsion would be in accordance with the school district's

1 discipline code. COMMITTING ONE OF THE FOLLOWING OFFENSES ON
2 SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
3 SANCTIONED EVENT:

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

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

8 (III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN
9 ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE
10 18, C.R.S., OR ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18,
11 C.R.S., OTHER THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD
12 DEGREE ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN
13 ADULT.

14 (g) PURSUANT TO SECTION 22-12-105 (3), MAKING A FALSE
15 ACCUSATION OF CRIMINAL ACTIVITY AGAINST AN EMPLOYEE OF AN
16 EDUCATIONAL ENTITY TO LAW ENFORCEMENT AUTHORITIES OR SCHOOL
17 DISTRICT OFFICIALS OR PERSONNEL.

18 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN
19 ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT
20 WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO
21 HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A
22 PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT
23 OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR
24 A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN
25 WRITING.

26 (2) Subject to the district's responsibilities under article 20 of this
27 title, the following shall MAY be grounds for expulsion from or denial of

1 admission to a public school, or diversion to an appropriate alternate
2 program:

3 (3) The following shall MAY constitute additional grounds for
4 denial of admission to a public school:

5 (4) (a) Except as provided in paragraph (b) of this subsection (4),
6 a school district shall prohibit any student who is expelled from a public
7 school of the school district pursuant to paragraph (c) or (d) of subsection
8 (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION
9 from enrolling or reenrolling in the same school in which the victim of
10 the offense or member of a victim's immediate family is enrolled or
11 employed. If the school district has no actual knowledge of the name of
12 the victim of the offense for which the student was expelled, the
13 provisions of this subsection (4) shall be implemented only upon request
14 of the victim or a member of the victim's immediate family.

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

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

22 **SECTION 7. In Colorado Revised Statutes, 22-11-302, amend**
23 **(1) (e); and add (1) (f) as follows:**

24 **22-11-302. School district accountability committees - powers**
25 **and duties. (1) Each school district accountability committee shall have**
26 **the following powers and duties:**

27 **(e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school**

1 accountability committee for the principal's OF EACH school shall provide
2 input and recommendations to the district accountability committee and
3 the district administration concerning the principal's evaluation OF THE
4 SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE
5 OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS
6 TITLE; AND

7 (f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING
8 THE CREATION AND ENFORCEMENT OF ITS SCHOOL CONDUCT AND
9 DISCIPLINE CODE.

10 **SECTION 8.** In Colorado Revised Statutes, 22-11-503, **amend**
11 **(3) (c) as follows:**

12 **22-11-503. Performance reports - contents - rules.** (3) In
13 addition to any information specified by rule of the state board, each
14 school performance report shall include the following information
15 concerning the operations and environment of the public school that is the
16 subject of the report:

17 (c) As described in state board rule, the occurrence of each of the
18 following types of incidents DESCRIBED IN SECTION 22-32-109.1 (2) (b)
19 (IV), expressed as a number and as a percentage of the total occurrences
20 of all of the incidents;

21 (I) Substance abuse - drugs;

22 (II) Substance abuse - alcohol;

23 (III) Substance abuse - tobacco;

24 (IV) Felony assaults;

25 (V) Fights;

26 (VI) Possession of dangerous weapons; and

27 (VII) Other violations of the code of conduct at the public school;

1 **SECTION 9.** In Colorado Revised Statutes, 22-37-103, **amend**
2 **(3)** as follows:

3 **22-37-103. Definitions.** As used in this article, unless the context
4 **otherwise requires:**

5 (3) "In-school suspension" means a **suspension pursuant to section**
6 **22-33-105 in** PERIOD OF TIME DURING which, PURSUANT TO SECTION
7 **22-33-105,** the student is **suspended** PROHIBITED from **participation**
8 **PARTICIPATING** in regular school activities but remains in the school
9 **environment and receives continuous** CONTINUES TO RECEIVE educational
10 **instruction, supervision, and discipline.**

11 **SECTION 10.** In Colorado Revised Statutes, **add** 20-1-113 as
12 **follows:**

13 **20-1-113. Reporting of criminal proceedings involving public**
14 **school students.** (1) **ON OR BEFORE AUGUST 1, 2013, AND ON OR BEFORE**
15 **EACH AUGUST 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL**
16 **DISTRICT, OR HIS OR HER DESIGNEE, SHALL REPORT TO THE DIVISION OF**
17 **CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., THE**
18 **FOLLOWING INFORMATION ABOUT OFFENSES ALLEGED TO HAVE BEEN**
19 **COMMITTED BY A STUDENT THAT HAVE OCCURRED ON SCHOOL GROUNDS,**
20 **IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT**
21 **WITHIN THE JUDICIAL DISTRICT DURING THE PRECEDING TWELVE MONTHS:**

22 (a) **THE NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE**
23 **TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES;**

24 (b) **THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE**
25 **DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT**
26 **FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH**
27 **OFFENSES;**

1 (c) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY
2 REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER
3 ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE
4 OF SUCH OFFENSES; AND

5 (d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH
6 STUDENT THAT THE DISTRICT ATTORNEY PROSECUTED, DECLINED TO
7 PROSECUTE, OR REFERRED TO A JUVENILE DIVERSION PROGRAM OR OTHER
8 ALTERNATIVE PROGRAM.

9 **SECTION 11.** In Colorado Revised Statutes, 24-31-303, **amend**
10 (1) (i); and **add** (1) (j) as follows:

11 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
12 P.O.S.T. board has the following duties:

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

17 (j) TO ESTABLISH STANDARDS FOR TRAINING OF SCHOOL RESOURCE
18 OFFICERS, AS DESCRIBED IN SECTION 24-31-312.

19 **SECTION 12.** In Colorado Revised Statutes, **add** 24-31-312 as
20 follows:

21 **24-31-312. School resource officer training.** (1) ON OR BEFORE
22 JANUARY 1, 2014, THE P.O.S.T. BOARD SHALL PROVIDE A TRAINING
23 CURRICULUM TO PREPARE PEACE OFFICERS TO SERVE IN AN OFFICIAL
24 CAPACITY AS SCHOOL RESOURCE OFFICERS IN PUBLIC SCHOOLS PURSUANT
25 TO SECTION 22-32-145, C.R.S. IN PROVIDING THE TRAINING CURRICULUM,
26 THE P.O.S.T. BOARD MAY UTILIZE PART OR ALL OF ANY EXISTING
27 TRAINING CURRICULUM PROVIDED BY ONE OR MORE PUBLIC OR PRIVATE

1 ENTITIES THAT TRAIN SCHOOL RESOURCE OFFICERS.

2 (2) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN
3 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD SHALL SOLICIT
4 AND, TO THE EXTENT PRACTICABLE, IMPLEMENT THE SUGGESTIONS OF
5 RELEVANT STAKEHOLDERS AND ADVOCATES.

6 (3) (a) IN ASSIGNING PEACE OFFICERS TO SERVE AS SCHOOL
7 RESOURCE OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., EACH LAW
8 ENFORCEMENT AGENCY IS ENCOURAGED TO ENSURE THAT SUCH PEACE
9 OFFICERS HAVE SUCCESSFULLY COMPLETED THE SCHOOL RESOURCE
10 OFFICER TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS
11 SECTION, OR WILL COMPLETE SAID TRAINING WITHIN SIX MONTHS AFTER
12 BEGINNING THE ASSIGNMENT.

13 (b) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND
14 EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL
15 EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY
16 COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF
17 THIS SECTION.

18 (4) FOR THE PURPOSES OF SECTION 22-32-145, C.R.S., THE
19 TRAINING CURRICULUM PROVIDED PURSUANT TO SUBSECTION (1) OF THIS
20 SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING
21 PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING
22 CURRICULUM.

23 (5) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN
24 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE
25 PROVISIONS TO ALLOW FOR THE AWARDING OF CREDIT TO A PEACE OFFICER
26 WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE OFFICER
27 CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE PUBLIC OR

1 PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE P.O.S.T.
2 BOARD.

3 (6) THE P.O.S.T. BOARD MAY CHARGE A FEE TO EACH PEACE
4 OFFICER WHO ENROLLS IN THE TRAINING CURRICULUM DESCRIBED IN
5 SUBSECTION (1) OF THIS SECTION. THE AMOUNT OF THE FEE SHALL NOT
6 EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE P.O.S.T.
7 BOARD IN PROVIDING THE CURRICULUM.

8 **SECTION 13.** In Colorado Revised Statutes, 24-33.5-503,
9 **amend** (1) (y) and (1) (z); and **add** (1) (aa) as follows:

10 **24-33.5-503. Duties of division.** (1) The division has the
11 following duties:

12 (y) To develop, in cooperation with the department of corrections
13 and the state board of parole, a parole board action form; and

14 (z) To provide training on the Colorado risk assessment scale and
15 the administrative release guideline instrument as required by section
16 17-22.5-404 (2) (c), C.R.S.; AND

17 (aa) TO RECEIVE THE INFORMATION REPORTED TO THE DIVISION BY
18 SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS
19 PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS
20 PURSUANT TO SECTION 20-1-113, C.R.S., AND PROVIDE THE INFORMATION
21 TO THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
22 CREATED IN SECTION 16-11.3-102, C.R.S., AND TO ANY MEMBER OF THE
23 PUBLIC UPON REQUEST, IN A MANNER THAT DOES NOT INCLUDE ANY
24 IDENTIFYING INFORMATION REGARDING ANY STUDENT.

25 **SECTION 14.** In Colorado Revised Statutes, 22-2-117, **amend**
26 **(1.5)** as follows:

27 **22-2-117. Additional power - state board - waiver of**

1 requirements - rules. (1.5) Notwithstanding any provision of this
2 section or any other provision of law, the state board shall not waive
3 requirements contained in article 11 of this title or sections 22-7-409,
4 22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and
5 22-33-104 (4) SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND
6 (2), 22-32-109.1 (2) (a), 22-32-145, AND 22-33-104 (4).

7 SECTION 15. In Colorado Revised Statutes, 22-30.5-116,
8 amend (2) as follows:

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 22-32-109.1 (1) (b).

13 SECTION 16. In Colorado Revised Statutes, 22-30.5-502,
14 amend (2.5) as follows:

15 22-30.5-502. Definitions. As used in this part 5, unless the
16 context otherwise requires:

17 (2.5) "Bullying" shall have the same meaning as set forth in
18 section 22-32-109.1 (2) (a) (X) (B) SECTION 22-32-109.1 (1) (b).

19 SECTION 17. In Colorado Revised Statutes, 18-1.3-204, amend
20 (2.3) (a) as follows:

21 18-1.3-204. Conditions of probation. (2.3) (a) When granting
22 probation, the court may, as a condition of probation, require any
23 defendant who is less than eighteen years of age at the time of sentencing
24 to attend school or an educational program or to work toward the
25 attainment of a high school diploma or a GED, as that term is defined in
26 section 22-33-102 (4.5) (7), C.R.S.; except that the court shall not require
27 any such juvenile to attend a school from which he or she has been

1 expelled without the prior approval of that school's local board of
2 education.

3 **SECTION 18.** In Colorado Revised Statutes, amend 19-2-207 as
4 follows:

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

20 **SECTION 19.** In Colorado Revised Statutes, 19-2-1002, amend
21 (1) (a), (3) (b) (I), and (9) (c) (I) as follows:

22 **19-2-1002. Juvenile parole. (1) Juvenile parole board -**
23 **hearing panels authority.** (a) The juvenile parole board, referred to in
24 this part 10 as the "board", established pursuant to section 19-2-206 is
25 authorized to grant, deny, defer, suspend, revoke, or specify or modify the
26 conditions of any parole for any juvenile committed to the department of
27 human services as provided in sections 19-2-601 and 19-2-907. In

1 addition to any other conditions, the board may require, as a condition of
2 parole, any adjudicated juvenile to attend school or an educational
3 program or to work toward the attainment of a high school diploma or a
4 GED, as that term is defined in section 22-33-102 (4.5) (7), C.R.S.;
5 except that the board shall not require any such juvenile to attend a school
6 from which he or she has been expelled without the prior approval of that
7 school's local board of education. The board may modify any of its
8 decisions, or those of the hearing panel, except an order of discharge.

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

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

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

24 **SECTION 20.** In Colorado Revised Statutes, **amend 25-9-106.5**
25 as follows:

26 **25-9-106.5. Education and experience - substitution allowed.**
27 Water and wastewater facility operator applicants must have a high

1 school diploma or have successfully completed the GED as defined in
2 section 22-33-102 (4.5) (7), C.R.S.; except that experience or relevant
3 training may be substituted for the high school diploma or GED.
4 Education, training as established under section 25-9-104 (2), and
5 cross-experience may be substituted for experience requirements for
6 certification as a water facility operator, as a water distribution system
7 operator, as a domestic wastewater facility operator, as a wastewater
8 collection system operator, as an industrial wastewater treatment facility
9 operator, or as a multiple facility operator; except that at least fifty
10 percent of any experience requirement shall be met by actual on-site
11 operating experience in a water facility or a wastewater facility, as the
12 case may be. For the lowest classification of operator in each category,
13 the board may establish rules allowing complete substitution of education
14 for experience for any applicant who passes the applicable examination.
15 For purposes of this section, "cross-experience" means that experience as
16 a wastewater treatment facility operator may be substituted for experience
17 requirements for certification as water treatment facility operator and vice
18 versa.

19 **SECTION 21. In Colorado Revised Statutes, 22-33-203, amend**
20 **(2) (b) and (3) as follows:**

21 **22-33-203. Educational alternatives for expelled students.**

22 (2) (b) The educational services provided pursuant to this section are
23 designed to provide a second chance for the student to succeed in
24 achieving an education. While receiving educational services, a student
25 may be suspended or expelled pursuant to the CONDUCT AND discipline
26 code of the school district providing the educational services and the
27 provisions of part 1 of this article. Except as required by federal law, the

1 expelling school district is not required to provide educational services to
2 any student who is suspended or expelled while receiving educational
3 services pursuant to this section until the period of the suspension or
4 expulsion is completed.

5 (3) If a student is expelled for the remainder of the school year
6 and the student is not receiving educational services pursuant to this
7 section, the school district shall contact the expelled student's parent or
8 guardian at least once every sixty days until the beginning of the next
9 school year to determine whether the student is receiving educational
10 services from some other source; except that the school district need not
11 contact a student's parent or guardian after the student is enrolled in
12 another school district or in an independent or parochial school or if the
13 student is committed to the department of human services or is sentenced
14 pursuant to article 2 of title 19, C.R.S.

15 **SECTION 22.** In Colorado Revised Statutes, 22-30.5-505,
16 **amend** (9) as follows:

17 **22-30.5-505. State charter school institute - institute board -**
18 **appointment - powers and duties - rules.** (9) The institute shall ensure
19 that each institute charter school addresses the expulsion, suspension, and
20 education of expelled or suspended students in a manner consistent with
21 the intents and purposes of sections 22-33-106 and 22-33-203 SECTIONS
22 22-33-105, 22-33-106, AND 22-33-203.

23 **SECTION 23.** In Colorado Revised Statutes, 22-38-103, **amend**
24 (2) as follows:

25 **22-38-103. Definitions.** As used in this article, unless the context
26 otherwise requires:

27 (2) "Expelled student" means a student who is in the sixth,

1 seventh, eighth, or ninth grade, who is under seventeen years of age, and
2 who has been expelled from school pursuant to section 22-33-105. for a
3 period in excess of thirty days.

4 **SECTION 24.** In Colorado Revised Statutes, 22-93-101, **amend**
5 **(1) as follows:**

6 **22-93-101. Definitions.** As used in this article, unless the context
7 otherwise requires:

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

10 **SECTION 25.** In Colorado Revised Statutes, 2-2-1201, **add (8)**
11 **as follows:**

12 **2-2-1201. Accountability clauses - post-enactment review of**
13 **implementation of bills by legislative service agencies - definitions -**
14 **repeal.** (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
15 SECTION, IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE BILL
16 12-046, ENACTED IN 2012, THE LEGISLATIVE SERVICE AGENCIES SHALL
17 NOT BE SUBJECT TO:

18 (I) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION; OR

19 (II) THE REQUIREMENT IN SUBSECTION (3) OF THIS SECTION THAT
20 THE LEGISLATIVE SERVICE AGENCIES COMPLETE THE POST-ENACTMENT
21 REVIEW NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE
22 TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE
23 ENACTMENT OF SENATE BILL 12-046.

24 (b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE
25 BILL 12-046, THE LEGISLATIVE SERVICE AGENCIES SHALL SUBMIT TO THE
26 MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF
27 REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, ANY

1 INFORMATION REPORTED TO THE DIVISION OF CRIMINAL JUSTICE BY
2 SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS
3 PURSUANT TO SECTION 22-32-145, C.R.S., AND BY DISTRICT ATTORNEYS
4 PURSUANT TO SECTION 20-1-113, C.R.S. THE COMMITTEE MEMBERS ARE
5 ENCOURAGED TO CONSIDER WHETHER TO:

6 (I) CONTINUE TO REQUIRE SCHOOL RESOURCE OFFICERS AND
7 OTHER LAW ENFORCEMENT OFFICERS AND DISTRICT ATTORNEYS TO
8 REPORT SUCH INFORMATION TO THE DIVISION OF CRIMINAL JUSTICE; OR

9 (II) INTRODUCE LEGISLATION TO REPEAL SUCH REPORTING
10 REQUIREMENTS.

11 (c) THE LEGISLATIVE SERVICE AGENCIES SHALL COMPLETE THE
12 POST-ENACTMENT REVIEW OF SENATE BILL 12-046 NO LATER THAN ONE
13 HUNDRED EIGHTY DAYS AFTER THE FOUR-YEAR ANNIVERSARY OF THE
14 ENACTMENT OF THE BILL.

15 (d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1,
16 2016.

17 **SECTION 26. Accountability.** Four years after this act becomes
18 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
19 the legislative service agencies of the Colorado General Assembly shall
20 conduct a post-enactment review of the implementation of this act
21 utilizing the information contained in the legislative declaration set forth
22 in section 1 of this act, and report their conclusions to the education
23 committees of the House of Representatives and Senate, or any successor
24 committees.

25 **SECTION 27. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2012 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.