

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 1, 2012
Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

SB12-046 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

3 **"SECTION 1. Legislative declaration.** (1) The general assembly
4 hereby declares that:

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

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

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

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

21 (e) School discipline policies and practices must apply equally to
22 all students regardless of their economic status, race, gender, ethnicity,
23 religion, national origin, sexual orientation, or disability; and

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

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

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

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

12 (A) The age of a student;

13 (B) The disciplinary history of a student,

14 (C) Whether a student has a disability;

15 (D) The seriousness of a violation;

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

18 (F) Whether a lesser intervention would properly address a
19 violation.

20 (2) Now, therefore, the general assembly determines and declares
21 that:

22 (a) To ensure that the best interests of Colorado schools are being
23 served, in accordance with section 2-2-1201, Colorado Revised Statutes
24 (C.R.S.), the legislative service agencies of the general assembly shall
25 conduct a post-enactment review of this act and report their conclusions
26 to the education committees of the house of representatives and senate,
27 or any successor committees, and to the persons described in section
28 2-2-1201 (3), C.R.S.;

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

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

40 (d) The members of the education committees of the house of
41 representatives and senate, or any successor committees, are encouraged
42 to consider whether to:

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

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

5 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.1, **amend**
6 (1), (2) introductory portion, (2) (a), and (2) (b); and **add** (1.5) as follows:

7 **22-32-109.1. Board of education - specific powers and duties**
8 **- safe school plan - conduct and discipline code - safe school reporting**
9 **requirements.** (1) **Definitions.** Each school district board of education
10 shall adopt a mission statement for the school district, which statement
11 shall include making safety a priority in each public school of the school
12 district. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES:

14 (a) "ACTION TAKEN" MEANS A SPECIFIC TYPE OF DISCIPLINE,
15 INCLUDING BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF
16 DISCIPLINE:

17 (I) IN-SCHOOL SUSPENSION;

18 (II) OUT-OF-SCHOOL SUSPENSION;

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

20 (IV) EXPULSION;

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

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

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

37 (c) "DANGEROUS WEAPON" HAS THE SAME MEANING AS SET FORTH
38 IN SECTION 22-33-102 (4).

39 (d) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED
40 PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR IS AUTHORIZED PURSUANT
41 TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN

1 TEACHING DURING A MAJORITY OF THE INSTRUCTIONAL MINUTES PER
2 SCHOOL DAY.

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

5 (f) (I) "REFERRAL TO LAW ENFORCEMENT" MEANS A
6 COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR
7 OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT AGENCY, WHICH
8 COMMUNICATION:

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

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

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

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

22 (B) ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A
23 SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A
24 LAW ENFORCEMENT OFFICER.

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

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

29 (1.5) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF
30 EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL
31 DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY FOR ALL
32 STUDENTS AND STAFF A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL
33 DISTRICT.

34 (2) **Safe school plan.** In order to provide a learning environment
35 that is safe, conducive to the learning process, and free from unnecessary
36 disruption, following consultation with the school district accountability
37 committee and school accountability committees, parents, teachers,
38 administrators, students, student councils where available, and, where
39 appropriate, the community at large, each school district board of
40 education shall adopt and implement a safe school plan, or review and
41 revise, if AS necessary IN RESPONSE TO ANY RELEVANT DATA COLLECTED

1 BY THE SCHOOL DISTRICT, any existing plans or policies already in effect.
2 ~~which~~ IN ADDITION TO THE AFOREMENTIONED PARTIES, EACH SCHOOL
3 DISTRICT BOARD OF EDUCATION, IN ADOPTING AND IMPLEMENTING ITS
4 SAFE SCHOOL PLAN, MAY CONSULT WITH VICTIMS ADVOCACY
5 ORGANIZATIONS, SCHOOL PSYCHOLOGISTS, AND LOCAL LAW
6 ENFORCEMENT AGENCIES. THE PLAN, AT A MINIMUM, shall include ~~but not~~
7 ~~be limited to~~, the following:

8 (a) **Conduct and discipline code.** (I) A concisely written conduct
9 and discipline code that shall be enforced uniformly, fairly, and
10 consistently for all students. Copies of the code shall be provided to each
11 student upon enrollment at the elementary, middle, and high school levels
12 and shall be posted or kept on file at each public school in the school
13 district. THE SCHOOL DISTRICT SHALL TAKE REASONABLE MEASURES TO
14 ENSURE THAT EACH STUDENT OF EACH PUBLIC SCHOOL IN THE SCHOOL
15 DISTRICT IS FAMILIAR WITH THE CODE. The code shall include, but ~~shall~~
16 NEED not be limited to:

17 (A) General policies on student conduct, safety, and welfare;
18 (B) General policies and procedures for dealing with students
19 who cause a disruption ~~in the classroom~~, on school grounds, in A school
20 ~~vehicles as defined in section 42-1-102 (88.5), C.R.S.,~~ VEHICLE, or at A
21 school ~~activities~~ ACTIVITY or sanctioned ~~events~~ EVENT, including a
22 specific policy allowing a teacher to remove a disruptive student from his
23 or her classroom. ~~and~~, THE POLICY SHALL STATE THAT, upon the third
24 such removal from a teacher's class, ~~to~~ THE TEACHER MAY remove the
25 disruptive student from ~~such~~ THE teacher's class for the remainder of the
26 term of the class; EXCEPT THAT A DISRUPTIVE STUDENT SHALL NOT BE
27 REMOVED FROM A TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF
28 THE CLASS UNLESS THE PRINCIPAL OF THE STUDENT'S SCHOOL OR HIS OR
29 HER DESIGNEE HAS DEVELOPED AND IMPLEMENTED A BEHAVIOR PLAN FOR
30 THE STUDENT. A BEHAVIOR PLAN MAY BE DEVELOPED AFTER THE FIRST
31 SUCH REMOVAL FROM CLASS AND SHALL BE DEVELOPED AFTER THE
32 SECOND REMOVAL FROM CLASS. The general policies and procedures shall
33 include a due process procedure, which at a minimum shall require that,
34 as soon as possible after a removal, the teacher or the school principal
35 shall contact the parent or legal guardian of the student to request his or
36 her attendance at a student-teacher conference regarding the removal. ~~A~~
37 ~~behavior plan may be developed after the first such removal from class,~~
38 ~~and shall be developed after the second such removal from class.~~ Any
39 policy or procedure adopted shall comply with applicable federal and
40 state laws, including but not limited to laws regarding students with
41 disabilities.

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

6 ~~(IV)~~ (D) Policies and procedures for the use of acts of reasonable
7 and appropriate physical intervention or force in dealing with disruptive
8 students; except that no board shall adopt a discipline code that includes
9 provisions that are in conflict with the definition of child abuse in section
10 18-6-401 (1), C.R.S., and section 19-1-103 (1), C.R.S.;

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

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

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

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

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

30 ~~(IX)~~ (J) A dress code policy that ~~encourages school pride and~~
31 ~~unity, promotes uniformity of dress, and defines and~~ prohibits students
32 from wearing apparel that is deemed disruptive to the classroom
33 environment or to the maintenance of a safe and orderly school. The dress
34 code policy may require students to wear a school uniform or may
35 establish minimum standards of dress; ~~and~~

36 ~~(X)~~ ~~(A)~~ (K) On and after August 8, 2001, a specific policy
37 concerning bullying prevention and education. Each school district is
38 encouraged to ensure that its policy, at a minimum, incorporates the
39 biennial administration of surveys of students' impressions of the severity
40 of bullying in their schools, as described in section 22-93-104 (1) (c);
41 character building; and the designation of a team of persons at each

1 school of the school district who advise the school administration
2 concerning the severity and frequency of bullying incidents that occur in
3 the school, which team may include, but need not be limited to, law
4 enforcement officials, social workers, prosecutors, health professionals,
5 mental health professionals, SCHOOL PSYCHOLOGISTS, counselors,
6 teachers, administrators, parents, and students. Each school district's
7 policy shall set forth appropriate disciplinary consequences for students
8 who bully other students and for any person who takes any retaliatory
9 action against a student who reports in good faith an incident of bullying,
10 which consequences shall comply with all applicable state and federal
11 laws.

12 ~~(B) For purposes of this subparagraph (X), "bullying" means any~~
13 ~~written or verbal expression, or physical or electronic act or gesture, or a~~
14 ~~pattern thereof, that is intended to coerce, intimidate, or cause any~~
15 ~~physical, mental, or emotional harm to any student. Bullying is prohibited~~
16 ~~against any student for any reason, including but not limited to any such~~
17 ~~behavior that is directed toward a student on the basis of his or her~~
18 ~~academic performance or against whom federal and state laws prohibit~~
19 ~~discrimination upon any of the bases described in section 22-32-109 (1)~~
20 ~~(H) (I). This definition is not intended to infringe upon any right~~
21 ~~guaranteed to any person by the first amendment to the United States~~
22 ~~constitution or to prevent the expression of any religious, political, or~~
23 ~~philosophical views.~~

24 (II) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND
25 DISCIPLINE CODE PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH
26 (a), EACH SCHOOL DISTRICT BOARD OF EDUCATION, ON AND AFTER
27 AUGUST 1, 2013, SHALL:

28 (A) IMPOSE PROPORTIONATE DISCIPLINARY INTERVENTIONS AND
29 CONSEQUENCES, INCLUDING BUT NOT LIMITED TO IN-SCHOOL
30 SUSPENSIONS, IN RESPONSE TO STUDENT MISCONDUCT, WHICH
31 INTERVENTIONS AND CONSEQUENCES ARE DESIGNED TO REDUCE THE
32 NUMBER OF EXPULSIONS, OUT-OF-SCHOOL SUSPENSIONS, AND REFERRALS
33 TO LAW ENFORCEMENT, EXCEPT FOR SUCH REFERRALS TO LAW
34 ENFORCEMENT AS ARE REQUIRED BY STATE OR FEDERAL LAW;

35 (B) INCLUDE PLANS FOR THE APPROPRIATE USE OF PREVENTION,
36 INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING, OR
37 OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH
38 APPROACHES ARE DESIGNED TO MINIMIZE STUDENT EXPOSURE TO THE
39 CRIMINAL AND JUVENILE JUSTICE SYSTEM. THE PLANS SHALL STATE THAT
40 A SCHOOL ADMINISTRATION SHALL NOT ORDER A VICTIM'S PARTICIPATION
41 IN A RESTORATIVE JUSTICE PRACTICE OR PEER MEDIATION IF THE ALLEGED

1 VICTIM OF AN OFFENDING STUDENT'S MISCONDUCT ALLEGES THAT THE
2 MISCONDUCT CONSTITUTES UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN
3 SECTION 16-22-102 (9), C.R.S.; A CRIME IN WHICH THE UNDERLYING
4 FACTUAL BASIS INVOLVES DOMESTIC VIOLENCE, AS DEFINED IN SECTION
5 18-6-800.3 (1), C.R.S.; STALKING AS DEFINED IN SECTION 18-3-602,
6 C.R.S.; OR VIOLATION OF A PROTECTION ORDER, AS DEFINED IN SECTION
7 18-6-803.5, C.R.S.; AND

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

11 (b) **Safe school reporting requirements.** A policy whereby the
12 principal of each public school in a school district shall submit annually,
13 in a manner and by a date specified by rule of the state board, a written
14 report to the board of education of such school district concerning the
15 learning environment in the school during that school year. The board of
16 education of the school district annually shall compile the reports from
17 every school in the district and shall submit the compiled report to the
18 department of education in a format specified by rule of the state board.
19 The compiled report shall be made available to the general public. Such
20 report shall include, but need not be limited to, the following specific
21 information for the preceding school year:

- 22 (I) The total enrollment for the school;
- 23 (II) The average daily attendance rate at the school;
- 24 (III) Dropout rates for grades seven through twelve, if such grades
25 are taught at the school; ~~and~~
- 26 (IV) The number of conduct and discipline code violations, each
27 of which violations shall be reported only in the most serious category
28 that is applicable to that violation, including but not limited to specific
29 information ~~on~~ IDENTIFYING the number of, and the action taken with
30 respect to, each of the following types of violations:

31 (A) ~~Carrying, bringing, using, or Possessing~~ a dangerous weapon
32 on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~
33 ACTIVITY or sanctioned ~~events~~ EVENT without the authorization of the
34 school or the school district;

35 (B) Use or possession of alcohol on school grounds, in A school
36 ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY or sanctioned ~~events~~
37 EVENT;

38 (C) Use, possession, or sale of a drug or controlled substance on
39 school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~
40 ACTIVITY or sanctioned ~~events~~ EVENT;

- 1 (D) Use or possession of A tobacco ~~products~~ PRODUCT on school
2 grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY
3 or sanctioned ~~events~~ EVENT;
- 4 (E) Being willfully disobedient or openly and persistently defiant
5 or repeatedly interfering with the school's ability to provide educational
6 opportunities to, and a safe environment for, other students;
- 7 (F) Commission of an act on school grounds, IN A SCHOOL
8 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if
9 committed by an adult, would be considered first degree assault, as
10 described in section 18-3-202, C.R.S., second degree assault, as described
11 in section 18-3-203, C.R.S., or vehicular assault, as described in section
12 18-3-205, C.R.S.;
- 13 (G) Behavior on school ~~property~~ GROUNDS, IN A SCHOOL VEHICLE,
14 OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that is detrimental to
15 the welfare or safety of other students or of school personnel, including
16 but not limited to incidents of bullying ~~as described by subparagraph (X)~~
17 ~~of paragraph (a) of this subsection (2)~~; and other behavior that creates a
18 threat of physical harm to the student or to other students;
- 19 (H) Willful destruction or defacement of school property;
- 20 (I) Commission of an act on school grounds, IN A SCHOOL
21 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if
22 committed by an adult, would be considered third degree assault, as
23 described in section 18-3-204, C.R.S., or disorderly conduct, as described
24 in section 18-9-106 (1) (d), C.R.S., but not disorderly conduct involving
25 firearms or other deadly weapons, as described in section 18-9-106 (1) (e)
26 and (1) (f), C.R.S.;
- 27 (J) Commission of an act on school grounds IN A SCHOOL
28 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if
29 committed by an adult, would be considered robbery; and
- 30 (K) Other violations of the code of conduct and discipline that
31 resulted in documentation of the conduct in a student's record;
- 32 (V) ~~For purposes of subparagraph (IV) of this paragraph (b);~~
33 ~~"action taken" means the specific type of discipline, including but not~~
34 ~~limited to the following categories of discipline:~~
- 35 (A) ~~In-school suspension;~~
36 (B) ~~Out-of-school suspension;~~
37 (C) ~~Classroom removal in accordance with board policy;~~
38 (D) ~~Expulsion;~~
39 (E) ~~Referral to a law enforcement agency; or~~
40 (F) ~~Any other form of discipline, which shall be officially~~
41 identified as part of a board policy;

1 ~~(VI) The conduct and discipline code violations required to be~~
2 ~~reported pursuant to subparagraph (IV) of this paragraph (b) shall~~
3 ~~specifically identify each conduct and discipline code violation by a~~
4 ~~student with a disability and each action taken with respect to each~~
5 ~~violation by a student with a disability;~~

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

14 ~~(VIII) On and after August 8, 2001, The school's policy~~
15 ~~concerning bullying prevention and education, including information~~
16 ~~related to the development and implementation of any bullying prevention~~
17 ~~programs.~~

18 **SECTION 3.** In Colorado Revised Statutes, **add** 22-32-145 as
19 follows:

20 **22-32-145. School use of on-site peace officers as school**
21 **resource officers - notifications of arrests and notices issued -**
22 **reporting requirements.** (1) IF A SCHOOL RESOURCE OFFICER OR OTHER
23 LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON
24 SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
25 SANCTIONED EVENT ARRESTS A STUDENT OF THE SCHOOL, THE OFFICER
26 SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF
27 THE ARREST WITHIN TWENTY-FOUR HOURS AFTER THE ARREST.

28 (2) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT
29 OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS,
30 IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
31 ISSUES A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE
32 APPEARANCE OF A STUDENT OF THE SCHOOL IN COURT OR AT A POLICE
33 STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY
34 COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL
35 ACTIVITY OR SANCTIONED EVENT, THE OFFICER SHALL NOTIFY THE
36 PRINCIPAL OF THE SCHOOL OR HIS OR HER DESIGNEE OF THE ISSUANCE OF
37 THE SUMMONS, TICKET, OR OTHER NOTICE WITHIN TEN DAYS AFTER THE
38 ISSUANCE OF THE SUMMONS, TICKET, OR OTHER NOTICE.

39 (3) A SCHOOL RESOURCE OFFICER SHALL BE FAMILIAR WITH THE
40 PROVISIONS OF THE CONDUCT AND DISCIPLINE CODE OF THE SCHOOL TO
41 WHICH HE OR SHE IS ASSIGNED.

1 (4) COMMENCING AUGUST 1, 2013, AND CONTINUING EACH
2 AUGUST 1 THEREAFTER, EACH LAW ENFORCEMENT AGENCY EMPLOYING
3 OR CONTRACTING WITH ANY LAW ENFORCEMENT OFFICER WHO IS ACTING
4 OR HAS ACTED IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN
5 A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
6 SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION
7 24-33.5-502, C.R.S., IN AGGREGATE FORM WITHOUT PERSONAL
8 IDENTIFYING INFORMATION, DATA ABOUT THE CASES HANDLED BY THE
9 AGENCY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL
10 ACTIVITY OR SANCTIONED EVENT. EACH SUCH REPORT SHALL INCLUDE, AT
11 A MINIMUM, THE FOLLOWING INFORMATION RELATING TO THE PRECEDING
12 TWELVE MONTHS:

13 (a) THE NUMBER OF STUDENTS INVESTIGATED BY THE OFFICER FOR
14 DELINQUENT OFFENSES, INCLUDING THE NUMBER OF STUDENTS
15 INVESTIGATED FOR EACH TYPE OF DELINQUENT OFFENSE FOR WHICH THE
16 OFFICER INVESTIGATED AT LEAST ONE STUDENT;

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

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

21 (d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH
22 STUDENT WHOM THE OFFICER ARRESTED OR TO WHOM THE OFFICER ISSUED
23 A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF
24 THE STUDENT IN COURT OR AT A POLICE STATION FOR INVESTIGATION
25 RELATING TO AN OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS,
26 IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT.

27 (5) UPON THE REQUEST OF A LOCAL BOARD OF EDUCATION, THE
28 DIVISION OF CRIMINAL JUSTICE SHALL MAKE AVAILABLE TO THE LOCAL
29 BOARD THE INFORMATION DESCRIBED IN SUBSECTION (4) OF THIS SECTION
30 THAT RELATES TO THE SCHOOL DISTRICT OF THE LOCAL BOARD.

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

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

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

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

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

3 (4) "DANGEROUS WEAPON" MEANS:

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

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

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

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

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

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

17 ~~(4)~~(6) "Executive officer" means the superintendent of schools or
18 ~~that~~ THE head administrative officer designated by ~~the~~ A board of
19 education to execute its policy decisions.

20 ~~(4.5)~~ (7) "General educational development tests" or "GED"
21 means the battery of tests given at an authorized testing center, which
22 tests are designed and published by the GED testing service of the
23 American council on education to measure the major outcomes and
24 concepts generally associated with four years of high school education.
25 Each GED testing center must have a current contract with the American
26 council on education and be authorized by the commissioner of education.

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

29 ~~(4.7)~~ (9) "Informal hearing" means an opportunity for a child to
30 explain his or her position regarding a disruption ~~in the classroom~~ or an
31 incident ~~constituting~~ THAT OCCURRED ON SCHOOL GROUNDS, IN A SCHOOL
32 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND THAT
33 CONSTITUTED grounds for discipline.

34 ~~(5)~~ (10) "Parent" means the mother or father of a child or any
35 other person having custody of a child.

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

38 ~~(6)~~ (12) "State board" means the state board of education.

39 **SECTION 5.** In Colorado Revised Statutes, 22-33-105, **amend**
40 (2) (c),(3) (d) (III), and (6) as follows:

1 **22-33-105. Suspension, expulsion, and denial of admission.**

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

4 (c) Deny admission to, or expel for any period not extending
5 beyond one year, any child whom the board of education, in accordance
6 with the limitations imposed by this article, shall determine does not
7 qualify for admission to, or continued attendance at, the public schools of
8 the district. A board of education may delegate such powers to its
9 executive officer or to a designee who shall serve as a hearing officer. If
10 the hearing is conducted by a designee acting as a hearing officer, the
11 hearing officer shall forward findings of fact and recommendations to the
12 executive officer at the conclusion of the hearing. The executive officer
13 shall render a written opinion within five days after a hearing conducted
14 by the executive officer or by a hearing officer. The executive officer
15 shall report on each case acted upon at the next meeting of the board of
16 education, briefly describing the circumstances and the reasons for the
17 executive officer's action. ~~When delegated, an appeal may be taken from~~

18 IF THE HEARING CONCERNS THE POTENTIAL EXPULSION OR DENIAL OF
19 ADMISSION OF A CHILD WHO COMMITTED AN ALLEGED CRIMINAL OFFENSE
20 AGAINST A PERSON, AS DESCRIBED BY ANY PROVISION OF ARTICLE 3 OF
21 TITLE 18, C.R.S., THEN THE BOARD OF EDUCATION OR HEARING OFFICER
22 CONDUCTING THE HEARING SHALL ENSURE THAT THE PERSON AGAINST
23 WHOM THE ALLEGED OFFENSE WAS COMMITTED HAS THE OPPORTUNITY TO
24 SUBMIT A WRITTEN VICTIM IMPACT STATEMENT FOR THE CONSIDERATION
25 OF THE BOARD OF EDUCATION OR HEARING OFFICER PRIOR TO THE
26 HEARING. A CHILD WHO IS DENIED ADMISSION OR EXPELLED AS AN
27 OUTCOME OF THE HEARING SHALL HAVE TEN DAYS AFTER THE DENIAL OF
28 ADMISSION OR EXPULSION TO APPEAL the decision of the executive officer
29 to the board of education, AFTER WHICH TIME THE DECISION TO GRANT OR
30 DENY THE APPEAL SHALL BE AT THE DISCRETION OF THE BOARD OF
31 EDUCATION. The appeal shall consist of a review of the facts that were
32 presented and that were determined at the hearing conducted by the
33 executive officer or by a designee acting as a hearing officer, arguments
34 relating to the decision, and questions of clarification from the board of
35 education. No board of education shall deny admission to, or expel, any
36 child without a hearing, if one is requested by the parent, guardian, or
37 legal custodian of the child, at which evidence may be presented in the
38 child's behalf. If the child is denied admission or expelled, the child shall
39 be entitled to a review of the decision of the board of education in
40 accordance with section 22-33-108.

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

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

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

21 **22-33-106. Grounds for suspension, expulsion, and denial of**
22 **admission.** (1) The following ~~shall~~ MAY be grounds for suspension or
23 expulsion of a child from a public school during a school year:

24 (c.5)(I) Declaration as ~~an~~ A habitually disruptive student. ~~pursuant~~
25 ~~to the provisions of this paragraph (c.5).~~

26 (II) For purposes of this paragraph (c.5), "habitually disruptive
27 student" means a child who has ~~been suspended pursuant to paragraph~~
28 ~~(a), (b), (c), or (d) of this subsection (1) three times during the course of~~
29 ~~the school year for causing~~ CAUSED a material and substantial disruption
30 ~~in the classroom, on school grounds, or~~ IN a school vehicle, ~~as defined in~~
31 ~~section 42-1-102 (88.5), C.R.S., or at A school activities~~ ACTIVITY or
32 ~~events because of behavior that was initiated, willful, and overt on the~~
33 ~~part of the child~~ SANCTIONED EVENT THREE OR MORE TIMES DURING THE
34 COURSE OF A SCHOOL YEAR. Any student who is enrolled in a public
35 school may be subject to being declared ~~an~~ A habitually disruptive
36 student.

37 (III) The student and the parent, legal guardian, or legal custodian
38 shall have been notified in writing of each ~~suspension~~ DISRUPTION
39 counted toward declaring the student as habitually disruptive pursuant to
40 this paragraph (c.5) and the student and parent, legal guardian, or legal

1 custodian shall have been notified in writing and by telephone or other
2 means at the home or the place of employment of the parent or legal
3 guardian of the definition of "habitually disruptive student".

4 ~~(d) (F) Serious violations in a school building or in or on school~~
5 ~~property, which suspension or expulsion shall be mandatory; except that~~
6 ~~expulsion shall be mandatory for the following violations: Carrying,~~
7 ~~bringing, using, or possessing a dangerous weapon without the~~
8 ~~authorization of the school or the school district, the sale of a drug or~~
9 ~~controlled substance as defined in section 12-22-303, C.R.S.; or the~~
10 ~~commission of an act which if committed by an adult would be robbery~~
11 ~~pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to~~
12 ~~part 2 of article 3 of title 18, C.R.S., other than the commission of an act~~
13 ~~that would be third degree assault under section 18-3-204, C.R.S., if~~
14 ~~committed by an adult.~~

15 ~~(H) As used in this paragraph (d), "dangerous weapon" means:~~

16 ~~(A) A firearm, whether loaded or unloaded;~~

17 ~~(B) Any pellet or BB gun or other device, whether operational or~~
18 ~~not, designed to propel projectiles by spring action or compressed air;~~

19 ~~(C) A fixed blade knife with a blade that measures longer than~~
20 ~~three inches in length or a spring loaded knife or a pocket knife with a~~
21 ~~blade longer than three and one-half inches; or~~

22 ~~(D) Any object, device, instrument, material, or substance,~~
23 ~~whether animate or inanimate, used or intended to be used to inflict death~~
24 ~~or serious bodily injury.~~

25 ~~(H) Notwithstanding the provisions of subparagraph (F) of this~~
26 ~~paragraph (d), carrying, bringing, or possessing a dangerous weapon~~
27 ~~without the authorization of the school or the school district shall not~~
28 ~~require mandatory expulsion if, when the student discovers that he or she~~
29 ~~has carried, brought, or is in possession of a dangerous weapon, the~~
30 ~~student notifies a teacher, administrator, or other authorized person in the~~
31 ~~school district as soon as possible and delivers the dangerous weapon to~~
32 ~~the teacher, administrator, or other authorized person. Nothing in this~~
33 ~~subparagraph (H) shall be construed as prohibiting a school district from~~
34 ~~expelling a student under the circumstances specified in this subparagraph~~
35 ~~(H) if such expulsion would be in accordance with the school district's~~
36 ~~discipline code. COMMITTING ONE OF THE FOLLOWING OFFENSES ON~~
37 ~~SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR~~
38 ~~SANCTIONED EVENT:~~

39 ~~(I) POSSESSION OF A DANGEROUS WEAPON WITHOUT THE~~
40 ~~AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;~~

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

3 (III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN
4 ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE
5 18, C.R.S., OR ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18,
6 C.R.S., OTHER THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD
7 DEGREE ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN
8 ADULT.

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

13 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN
14 ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT
15 WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO
16 HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A
17 PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT
18 OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR
19 A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN
20 WRITING.

21 (2) Subject to the district's responsibilities under article 20 of this
22 title, the following ~~shall~~ MAY be grounds for expulsion from or denial of
23 admission to a public school, or diversion to an appropriate alternate
24 program:

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

27 (4) (a) Except as provided in paragraph (b) of this subsection (4),
28 a school district shall prohibit any student who is expelled from a public
29 school of the school district pursuant to paragraph (c) or (d) of subsection
30 (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION
31 from enrolling or reenrolling in the same school in which the victim of
32 the offense or member of a victim's immediate family is enrolled or
33 employed. If the school district has no actual knowledge of the name of
34 the victim of the offense for which the student was expelled, the
35 provisions of this subsection (4) shall be implemented only upon request
36 of the victim or a member of the victim's immediate family.

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

39 (I) Prohibit the student expelled from the school district pursuant
40 to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO

1 SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the
2 same school in which the victim of the offense or member of a victim's
3 immediate family is enrolled or employed; or

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

6 **22-11-302. School district accountability committees - powers**
7 **and duties.** (1) Each school district accountability committee shall have
8 the following powers and duties:

9 (e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school
10 accountability committee ~~for the principal's~~ OF EACH school ~~shall provide~~
11 ~~input and recommendations to the district accountability committee and~~
12 ~~the district administration concerning the principal's evaluation~~ OF THE
13 SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE
14 OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS
15 TITLE; AND

16 (f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING
17 THE CREATION AND ENFORCEMENT OF ITS SCHOOL CONDUCT AND
18 DISCIPLINE CODE.

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

21 **22-11-503. Performance reports - contents - rules.** (3) In
22 addition to any information specified by rule of the state board, each
23 school performance report shall include the following information
24 concerning the operations and environment of the public school that is the
25 subject of the report:

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

- 30 ~~(I) Substance abuse - drugs;~~
- 31 ~~(II) Substance abuse - alcohol;~~
- 32 ~~(III) Substance abuse - tobacco;~~
- 33 ~~(IV) Felony assaults;~~
- 34 ~~(V) Fights;~~
- 35 ~~(VI) Possession of dangerous weapons; and~~
- 36 ~~(VII) Other violations of the code of conduct at the public school;~~

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

39 **22-37-103. Definitions.** As used in this article, unless the context
40 otherwise requires:

1 (3) "In-school suspension" means a ~~suspension pursuant to section~~
2 ~~22-33-105~~ in PERIOD OF TIME DURING which, PURSUANT TO SECTION
3 22-33-105, the student is ~~suspended~~ PROHIBITED from ~~participation~~
4 PARTICIPATING in regular school activities but remains in the school
5 environment and ~~receives continuous~~ CONTINUES TO RECEIVE educational
6 instruction, supervision, and discipline.

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

9 **20-1-113. Reporting of criminal proceedings involving public**
10 **school students.** (1) ON OR BEFORE AUGUST 1, 2013, AND ON OR BEFORE
11 EACH AUGUST 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL
12 DISTRICT, OR HIS OR HER DESIGNEE, SHALL REPORT TO THE DIVISION OF
13 CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., THE
14 FOLLOWING INFORMATION ABOUT OFFENSES ALLEGED TO HAVE BEEN
15 COMMITTED BY A STUDENT THAT HAVE OCCURRED ON SCHOOL GROUNDS,
16 IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
17 WITHIN THE JUDICIAL DISTRICT DURING THE PRECEDING TWELVE MONTHS:

18 (a) THE NUMBER OF OFFENSES FILED IN COURT, INCLUDING THE
19 TOTAL NUMBER OF EACH TYPE OF SUCH OFFENSES;

20 (b) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE
21 DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT
22 FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH
23 OFFENSES;

24 (c) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY
25 REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER
26 ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE
27 OF SUCH OFFENSES; AND

28 (d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH
29 STUDENT THAT THE DISTRICT ATTORNEY PROSECUTED, DECLINED TO
30 PROSECUTE, OR REFERRED TO A JUVENILE DIVERSION PROGRAM OR OTHER
31 ALTERNATIVE PROGRAM.

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

34 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
35 P.O.S.T. board has the following duties:

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

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

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

3 **24-31-312. School resource officer training.** (1) ON OR BEFORE
4 JANUARY 1, 2014, THE P.O.S.T. BOARD SHALL PROVIDE A TRAINING
5 CURRICULUM TO PREPARE PEACE OFFICERS TO SERVE IN AN OFFICIAL
6 CAPACITY AS SCHOOL RESOURCE OFFICERS IN PUBLIC SCHOOLS PURSUANT
7 TO SECTION 22-32-145, C.R.S. IN PROVIDING THE TRAINING CURRICULUM,
8 THE P.O.S.T. BOARD MAY UTILIZE PART OR ALL OF ANY EXISTING
9 TRAINING CURRICULUM PROVIDED BY ONE OR MORE PUBLIC OR PRIVATE
10 ENTITIES THAT TRAIN SCHOOL RESOURCE OFFICERS.

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

15 (3) (a) IN ASSIGNING PEACE OFFICERS TO SERVE AS SCHOOL
16 RESOURCE OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., EACH LAW
17 ENFORCEMENT AGENCY IS ENCOURAGED TO ENSURE THAT SUCH PEACE
18 OFFICERS HAVE SUCCESSFULLY COMPLETED THE SCHOOL RESOURCE
19 OFFICER TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS
20 SECTION, OR WILL COMPLETE SAID TRAINING WITHIN SIX MONTHS AFTER
21 BEGINNING THE ASSIGNMENT.

22 (b) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND
23 EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL
24 EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY
25 COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF
26 THIS SECTION.

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

32 (5) IN PROVIDING THE TRAINING CURRICULUM DESCRIBED IN
33 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE
34 PROVISIONS TO ALLOW FOR THE AWARDED OF CREDIT TO A PEACE OFFICER
35 WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE OFFICER
36 CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE PUBLIC OR
37 PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE P.O.S.T.
38 BOARD.

39 (6) THE P.O.S.T. BOARD MAY CHARGE A FEE TO EACH PEACE
40 OFFICER WHO ENROLLS IN THE TRAINING CURRICULUM DESCRIBED IN
41 SUBSECTION (1) OF THIS SECTION. THE AMOUNT OF THE FEE SHALL NOT

1 EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE P.O.S.T.
2 BOARD IN PROVIDING THE CURRICULUM.

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

5 **24-33.5-503. Duties of division.** (1) The division has the
6 following duties:

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

9 (z) To provide training on the Colorado risk assessment scale and
10 the administrative release guideline instrument as required by section
11 17-22.5-404 (2) (c), C.R.S.; AND

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

20 **SECTION 14.** In Colorado Revised Statutes, 22-2-117, **amend**
21 (1.5) as follows:

22 **22-2-117. Additional power - state board - waiver of**
23 **requirements - rules.** (1.5) Notwithstanding any provision of this
24 section or any other provision of law, the state board shall not waive
25 requirements contained in article 11 of this title or ~~sections 22-7-409,~~
26 ~~22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and~~
27 ~~22-33-104(4)~~ SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND
28 (2), 22-32-109.1 (2) (a), 22-32-145, AND 22-33-104 (4).

29 **SECTION 15.** In Colorado Revised Statutes, 22-30.5-116,
30 **amend** (2) as follows:

31 **22-30.5-116. Charter schools - school bullying policies**
32 **required.** (2) For the purposes of this section, "bullying" shall have the
33 same meaning as set forth in ~~section 22-32-109.1(2)(a)(X)(B)~~ SECTION
34 22-32-109.1 (1) (b).

35 **SECTION 16.** In Colorado Revised Statutes, 22-30.5-502,
36 **amend** (2.5) as follows:

37 **22-30.5-502. Definitions.** As used in this part 5, unless the
38 context otherwise requires:

39 (2.5) "Bullying" shall have the same meaning as set forth in
40 ~~section 22-32-109.1(2)(a)(X)(B)~~ SECTION 22-32-109.1 (1) (b).

41 **SECTION 17.** In Colorado Revised Statutes, 18-1.3-204, **amend**
42 (2.3) (a) as follows:

1 **18-1.3-204. Conditions of probation.** (2.3) (a) When granting
2 probation, the court may, as a condition of probation, require any
3 defendant who is less than eighteen years of age at the time of sentencing
4 to attend school or an educational program or to work toward the
5 attainment of a high school diploma or a GED, as that term is defined in
6 section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the court shall not require
7 any such juvenile to attend a school from which he or she has been
8 expelled without the prior approval of that school's local board of
9 education.

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

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

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

29 **19-2-1002. Juvenile parole.** (1) **Juvenile parole board -**
30 **hearing panels authority.** (a) The juvenile parole board, referred to in
31 this part 10 as the "board", established pursuant to section 19-2-206 is
32 authorized to grant, deny, defer, suspend, revoke, or specify or modify the
33 conditions of any parole for any juvenile committed to the department of
34 human services as provided in sections 19-2-601 and 19-2-907. In
35 addition to any other conditions, the board may require, as a condition of
36 parole, any adjudicated juvenile to attend school or an educational
37 program or to work toward the attainment of a high school diploma or a
38 GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.;
39 except that the board shall not require any such juvenile to attend a school
40 from which he or she has been expelled without the prior approval of that
41 school's local board of education. The board may modify any of its
42 decisions, or those of the hearing panel, except an order of discharge.

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

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

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

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

18 **25-9-106.5. Education and experience - substitution allowed.**
19 Water and wastewater facility operator applicants must have a high
20 school diploma or have successfully completed the GED as defined in
21 section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that experience or relevant
22 training may be substituted for the high school diploma or GED.
23 Education, training as established under section 25-9-104 (2), and
24 cross-experience may be substituted for experience requirements for
25 certification as a water facility operator, as a water distribution system
26 operator, as a domestic wastewater facility operator, as a wastewater
27 collection system operator, as an industrial wastewater treatment facility
28 operator, or as a multiple facility operator; except that at least fifty
29 percent of any experience requirement shall be met by actual on-site
30 operating experience in a water facility or a wastewater facility, as the
31 case may be. For the lowest classification of operator in each category,
32 the board may establish rules allowing complete substitution of education
33 for experience for any applicant who passes the applicable examination.
34 For purposes of this section, "cross-experience" means that experience as
35 a wastewater treatment facility operator may be substituted for experience
36 requirements for certification as water treatment facility operator and vice
37 versa.

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

40 **22-33-203. Educational alternatives for expelled students.**
41 (2) (b) The educational services provided pursuant to this section are
42 designed to provide a second chance for the student to succeed in

1 achieving an education. While receiving educational services, a student
2 may be suspended or expelled pursuant to the CONDUCT AND discipline
3 code of the school district providing the educational services and the
4 provisions of part 1 of this article. Except as required by federal law, the
5 expelling school district is not required to provide educational services to
6 any student who is suspended or expelled while receiving educational
7 services pursuant to this section until the period of the suspension or
8 expulsion is completed.

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

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

21 **22-30.5-505. State charter school institute - institute board -**
22 **appointment - powers and duties - rules.** (9) The institute shall ensure
23 that each institute charter school addresses the expulsion, suspension, and
24 education of expelled or suspended students in a manner consistent with
25 the intents and purposes of ~~sections 22-33-106 and 22-33-203~~ SECTIONS
26 22-33-105, 22-33-106, AND 22-33-203.

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

29 **22-38-103. Definitions.** As used in this article, unless the context
30 otherwise requires:

31 (2) "Expelled student" means a student who ~~is in the sixth,~~
32 ~~seventh, eighth, or ninth grade, who is under seventeen years of age, and~~
33 ~~who~~ has been expelled from school pursuant to section 22-33-105. ~~for a~~
34 ~~period in excess of thirty days.~~

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

37 **22-93-101. Definitions.** As used in this article, unless the context
38 otherwise requires:

39 (1) "Bullying" shall have the same meaning as set forth in ~~section~~
40 ~~22-32-109.1(2)(a)(X)(B)~~ SECTION 22-32-109.1 (1) (b).

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

1 **2-2-1201. Accountability clauses - post-enactment review of**
2 **implementation of bills by legislative service agencies - definitions -**
3 **repeal.** (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
4 SECTION, IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE BILL
5 12-046, ENACTED IN 2012, THE LEGISLATIVE SERVICE AGENCIES SHALL
6 NOT BE SUBJECT TO:

7 (I) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION; OR
8 (II) THE REQUIREMENT IN SUBSECTION (3) OF THIS SECTION THAT
9 THE LEGISLATIVE SERVICE AGENCIES COMPLETE THE POST-ENACTMENT
10 REVIEW NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE
11 TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE
12 ENACTMENT OF SENATE BILL 12-046.

13 (b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE
14 BILL 12-046, THE LEGISLATIVE SERVICE AGENCIES SHALL SUBMIT TO THE
15 MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF
16 REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, ANY
17 INFORMATION REPORTED TO THE DIVISION OF CRIMINAL JUSTICE 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. THE COMMITTEE MEMBERS ARE
21 ENCOURAGED TO CONSIDER WHETHER TO:

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

25 (II) INTRODUCE LEGISLATION TO REPEAL SUCH REPORTING
26 REQUIREMENTS.

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

31 (d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1,
32 2016.

33 **SECTION 26. Accountability.** Four years after this act becomes
34 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
35 the legislative service agencies of the Colorado General Assembly shall
36 conduct a post-enactment review of the implementation of this act
37 utilizing the information contained in the legislative declaration set forth
38 in section 1 of this act, and report their conclusions to the education
39 committees of the House of Representatives and Senate, or any successor
40 committees.

41 **SECTION 27. Act subject to petition - effective date.** This act
42 takes effect at 12:01 a.m. on the day following the expiration of the

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

9 Page 1, line 101, strike "SCHOOLS." and substitute "SCHOOLS, AND IN
10 CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW OF
11 THE IMPLEMENTATION OF THIS ACT."

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