

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0271.01 Beth Braby

SENATE BILL 00-133

STATE OF COLORADO

BY SENATOR Arnold;
also REPRESENTATIVE Gotlieb.

PREAMENDED

A BILL FOR AN ACT

101 CONCERNING SAFE SCHOOLS, AND MAKING AN APPROPRIATION IN
102 CONNECTION THEREWITH.

Bill Summary

(Note: This summary applies to this bill as introduced and does
not necessarily reflect any amendments that may be subsequently
adopted.)

Sections 1-2: Open schools. Requires the state board of
education ("state board") to adopt the objective of open schools for the
state of Colorado. Requires each school district to adopt an open school
policy granting to parents and members of school district boards of
education reasonable access to classrooms upon reasonable notice to the
public school administrator's office.

Section 3: Teacher authority. Requires each school district
board of education to adopt a policy that grants any teacher in a public
school the authority to suspend any student from such teacher's class for
one day upon determining that the student has violated the conduct and
discipline code. Requires the policy to specify that after 3 such class
suspensions, the teacher may expel such student for the remainder of the
term of such class. Requires the teacher to document the reasons for the
class suspension or expulsion, and requires the public school to provide
notification of any class suspension or expulsion to the student's parent
or legal guardian and to request a conference with such parent or legal
guardian. Allows for removal of the student's class suspension based
upon the result of a parent-teacher conference and successful completion
of remedial actions by the student. Directs the principal of the school or
his or her designee to designate activities, including enrollment in another
class, to occupy the student during the class period for which such
student is suspended or expelled. Grants civil and criminal immunity to
any person acting in good faith in carrying out the authority of a teacher
to suspend or expel a student.

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.

SENATE
3rd Reading Unamended
April 11, 2000

SENATE
Amended 2nd Reading
April 10, 2000

**Sections 4-5: Powers and duties of local school districts and code of conduct.** Repeals and relocates, with amendments, the requirement that local school boards adopt a written conduct and discipline code. Specifies that the conduct and discipline code shall apply to all students uniformly, fairly, and consistently. Adds a requirement that the conduct and discipline codes adopted by local school boards shall prohibit dangerous weapons, drugs, tobacco products, or controlled substances on school property, including in automobiles located on school property. Specifies that each conduct and discipline code adopted shall include a reasonable dress code policy that may apply to teachers and school employees. Requires written policies for reporting criminal activity to the district attorney or a law enforcement agency. Repeals and relocates, with amendments, provisions granting immunity in connection with carrying out provisions of the code of conduct and discipline. Requires the principal of each public school in a school district to submit a written report to the board of education of such school district. Requires the report to specify the total enrollment for the school, the average daily attendance rate at the school, the dropout rate for grades 7-12, specific information concerning the number and type of conduct and discipline code violations, and the action taken with respect to such violations. Provides a sanction for failure of a school principal or school district to properly report such information. Instructs the school district board of education to compile the reports received from each school in the district and submit a compiled report to the department of education.

**Section 6: Release of school information.** Allows public schools and school districts to release information directly related to a student and maintained by a school or by a person acting for the school under conditions consistent with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA) and all federal regulations adopted thereto.

**Sections 7-10: Release of law enforcement information.** Allows the principal of a school or the principal's designee access without a court order to juvenile court records of a juvenile who is enrolled in such principal's school. Allows the principal of a school or the principal's designee access to a juvenile probation officer's records of a juvenile who is enrolled in such principal's school. Requires the prosecuting attorney to notify the principal of a juvenile's school when a petition is filed in juvenile court against a juvenile enrolled in the school and to disclose information contained in the arrest and criminal records information pertaining to that juvenile.

**Section 11: Teachers.** Allows a school district to disclose any pertinent performance or disciplinary records of a teacher to a requesting school district as reasonably necessary to ensure the protection and safety

of the school district or the school at which a teacher is applying for a position.

**Sections 12-21: Alternative charter schools.** Instructs the commissioner of education ("commissioner") to issue a request for proposals for applicants interested in operating a state alternative charter school. Creates a committee to review applications and report to the state board with recommendations regarding applicants. Authorizes the state board to contract with applicants for the operation of state alternative charter schools, free from specific limitations in the state procurement code. Specifies the requirements and procedures for obtaining approval of a state alternative charter school proposal. Specifies that the state board shall grant a total of 7 alternative state charters commencing July 1, 2001, but allows the state board to direct the commissioner to issue additional requests for proposals after such time period, if necessary to maintain operation of 7 state alternative schools. Specifies that a state alternative charter school operates as a public school of the state, is subject to direction of the state board, and is not a public school of a school district. Requires a state alternative charter school to be administered by a governing body in a manner agreed to by the state board. Requires certain minimum requirements for enrollment in a state alternative charter school. Allows a state alternative charter school to charge tuition when necessary to cover the costs of a residential program. Allows a state alternative charter school to operate free from specified state rules. Allows a state alternative charter school to contract with a school district, governing body of a state college or university, or any other party for the use of a building and grounds and for the provision of any activity that the state alternative school is required to perform. Allows a state alternative charter school to enter into an agreement with other state alternative charter schools to form a cooperative services unit for the provision of supporting, instructional, administrative, facility, community, or other services. For purposes of providing special education services, specifies that a state alternative school may contract with a school district or a board of cooperative services, or act as its own administrative unit.

States that a state alternative charter school may be approved for a period of not more than 3 academic years and allows for renewal of the a charter for a state alternative charter school.

Grants each state alternative charter school the authority to enter into agreements with a school district regarding teachers employed by such school district.

Directs that each state alternative charter school shall annually receive funding from the state in the amount of state average per pupil revenues multiplied by 11.5%, for each pupil included in the state

alternative charter school's pupil enrollment for the applicable budget year.

Creates the state alternative charter school fund and the state alternative charter school construction fund in the state treasury.

Makes conforming amendments.

**Sections 23-24: Disruptive students.** Allows teachers in public schools to utilize the school district's regular in-school disciplinary procedure to discipline a disruptive student, regardless of that student's individual education program or behavior plan. Makes no exception for a child with disabilities in declaring a student "habitually disruptive" for purposes of grounds for suspension and expulsion. Requires each student and parent, guardian, or legal custodian to be notified in writing of the definition of "habitually disruptive student" and the mandatory expulsion of such students.

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

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

4 **22-32-109.1. Board of education - specific powers and duties**  
5 **- safe schools. (1) Mission statement. EACH SCHOOL DISTRICT BOARD**  
6 **OF EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL**  
7 **DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY A PRIORITY**  
8 **IN EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT.**

9 **(2) Safe school plan. IN ORDER TO PROVIDE A LEARNING**  
10 **ENVIRONMENT THAT IS SAFE, CONDUCTIVE TO THE LEARNING PROCESS, AND**  
11 **FREE FROM UNNECESSARY DISRUPTION, FOLLOWING CONSULTATION WITH**  
12 **THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE AND SCHOOL**  
13 **ADVISORY COUNCILS, OR SCHOOL ACCOUNTABILITY COMMITTEE,**  
14 **WHICHEVER IS APPLICABLE, PARENTS, TEACHERS, ADMINISTRATORS,**  
15 **STUDENTS, AND, WHERE APPROPRIATE, THE COMMUNITY AT LARGE, EACH**  
16 **SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT AND IMPLEMENT A**

1 SAFE SCHOOL PLAN, OR REVIEW AND REVISE, IF NECESSARY, ANY EXISTING  
2 PLANS OR POLICIES ALREADY IN EFFECT, WHICH SHALL INCLUDE, BUT NOT  
3 BE LIMITED TO, THE FOLLOWING:

4 (a) **Conduct and discipline code.** A CONCISELY WRITTEN  
5 CONDUCT AND DISCIPLINE CODE THAT SHALL BE ENFORCED UNIFORMLY,  
6 FAIRLY, AND CONSISTENTLY FOR ALL STUDENTS. COPIES OF THE CODE  
7 SHALL BE PROVIDED TO EACH STUDENT UPON ENROLLMENT AT THE  
8 ELEMENTARY, MIDDLE, AND HIGH SCHOOL LEVELS AND SHALL BE POSTED  
9 OR KEPT ON FILE AT EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT. THE  
10 CODE SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

11 (I) GENERAL POLICIES ON STUDENT CONDUCT, SAFETY, AND  
12 WELFARE;

13 (II) GENERAL POLICIES AND PROCEDURES FOR DEALING WITH  
14 STUDENTS WHO CAUSE A DISRUPTION IN THE CLASSROOM, ON SCHOOL  
15 GROUND, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR  
16 SANCTIONED EVENTS, INCLUDING A SPECIFIC POLICY ALLOWING A  
17 TEACHER TO REMOVE A DISRUPTIVE STUDENT FROM HIS OR HER  
18 CLASSROOM AND, UPON THE THIRD SUCH REMOVAL FROM A TEACHER'S  
19 CLASS, TO REMOVE THE DISRUPTIVE STUDENT FROM SUCH TEACHER'S  
20 CLASS FOR THE REMAINDER OF THE TERM OF THE CLASS. THE GENERAL  
21 POLICIES AND PROCEDURES SHALL INCLUDE A DUE PROCESS PROCEDURE,  
22 WHICH AT A MINIMUM SHALL REQUIRE THAT, AS SOON AS POSSIBLE AFTER  
23 A REMOVAL, THE TEACHER OR THE SCHOOL PRINCIPAL SHALL CONTACT  
24 THE PARENT OR LEGAL GUARDIAN OF THE STUDENT TO REQUEST HIS OR  
25 HER ATTENDANCE AT A STUDENT-TEACHER CONFERENCE REGARDING THE  
26 REMOVAL. A BEHAVIOR PLAN OR CONTRACT INTENDED TO CORRECT THE

1 BEHAVIOR SHALL BE DEVELOPED AFTER THE FIRST SUCH REMOVAL FROM  
2 CLASS. ANY POLICY OR PROCEDURE ADOPTED SHALL COMPLY WITH  
3 APPLICABLE FEDERAL AND STATE LAWS REGARDING STUDENTS WITH  
4 DISABILITIES.

5 (III) PROVISIONS FOR THE INITIATION OF EXPULSION PROCEEDINGS  
6 FOR STUDENTS WHO QUALIFY AS HABITUALLY DISRUPTIVE BY CAUSING A  
7 DISRUPTION IN THE CLASSROOM, ON SCHOOL GROUNDS, IN SCHOOL  
8 VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS FOR A THIRD  
9 TIME DURING A SINGLE SCHOOL YEAR OR CALENDAR YEAR;

10 (IV) POLICIES AND PROCEDURES FOR THE USE OF ACTS OF  
11 REASONABLE AND APPROPRIATE PHYSICAL INTERVENTION OR FORCE IN  
12 DEALING WITH DISRUPTIVE STUDENTS; EXCEPT THAT NO BOARD SHALL  
13 ADOPT A DISCIPLINE CODE THAT INCLUDES PROVISIONS THAT ARE IN  
14 CONFLICT WITH THE DEFINITION OF CHILD ABUSE IN SECTION 18-6-401 (1),  
15 C.R.S., AND SECTION 19-1-103 (1), C.R.S.;

16 (V) GENERAL POLICIES AND PROCEDURES FOR DETERMINING THE  
17 CIRCUMSTANCES UNDER AND THE MANNER IN WHICH DISCIPLINARY  
18 ACTIONS, INCLUDING SUSPENSION AND EXPULSION, SHALL BE IMPOSED IN  
19 ACCORDANCE WITH THE PROVISIONS OF SECTIONS 22-33-105 AND  
20 22-33-106;

21 (VI) A SPECIFIC POLICY CONCERNING GANG-RELATED ACTIVITIES  
22 IN THE SCHOOL, ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT  
23 SCHOOL ACTIVITIES OR SANCTIONED EVENTS;

24 (VII) WRITTEN PROHIBITION, CONSISTENT WITH SECTION  
25 22-33-106, OF STUDENTS FROM BRINGING DANGEROUS WEAPONS, DRUGS,  
26 OR OTHER CONTROLLED SUBSTANCES TO SCHOOL, ON SCHOOL GROUNDS,

1 IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS  
2 AND FROM USING DRUGS, OTHER CONTROLLED SUBSTANCES, OR TOBACCO  
3 PRODUCTS ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL  
4 ACTIVITIES OR SANCTIONED EVENTS;

5 (VIII) A WRITTEN POLICY CONCERNING SEARCHES ON SCHOOL  
6 GROUNDS, INCLUDING STUDENT LOCKERS; AND

7 (IX) A DRESS CODE POLICY THAT DEFINES AND PROHIBITS  
8 STUDENTS FROM WEARING APPAREL THAT IS DEEMED DISRUPTIVE TO THE  
9 CLASSROOM ENVIRONMENT OR TO THE MAINTENANCE OF A SAFE AND  
10 ORDERLY SCHOOL. THE DRESS CODE POLICY MAY REQUIRE STUDENTS TO  
11 WEAR A SCHOOL UNIFORM OR MAY ESTABLISH MINIMUM STANDARDS OF  
12 DRESS.

13 (b) **Safe school reporting requirements.** A POLICY WHEREBY  
14 THE PRINCIPAL OF EACH PUBLIC SCHOOL IN A SCHOOL DISTRICT SHALL  
15 SUBMIT ANNUALLY, IN A MANNER AND BY A DATE SPECIFIED BY RULE OF  
16 THE STATE BOARD, A WRITTEN REPORT TO THE BOARD OF EDUCATION OF  
17 SUCH SCHOOL DISTRICT CONCERNING THE LEARNING ENVIRONMENT IN THE  
18 SCHOOL DURING THAT SCHOOL YEAR. THE BOARD OF EDUCATION OF THE  
19 SCHOOL DISTRICT ANNUALLY SHALL COMPILE THE REPORTS FROM EVERY  
20 SCHOOL IN THE DISTRICT AND SHALL SUBMIT THE COMPILED REPORT TO  
21 THE DEPARTMENT OF EDUCATION IN A FORMAT SPECIFIED BY RULE OF THE  
22 STATE BOARD. THE COMPILED REPORT SHALL BE MADE AVAILABLE TO THE  
23 GENERAL PUBLIC. SUCH REPORT SHALL INCLUDE, BUT NEED NOT  
24 BE LIMITED TO, THE FOLLOWING SPECIFIC INFORMATION FOR THE  
25 PRECEDING SCHOOL YEAR:

26 (I) THE TOTAL ENROLLMENT FOR THE SCHOOL;

- 1                   (II) THE AVERAGE DAILY ATTENDANCE RATE AT THE SCHOOL;  
2                   (III) DROPOUT RATES FOR GRADES SEVEN THROUGH TWELVE, IF  
3                   SUCH GRADES ARE TAUGHT AT THE SCHOOL; AND  
4                   (IV) THE NUMBER OF CONDUCT AND DISCIPLINE CODE VIOLATIONS,  
5                   INCLUDING BUT NOT LIMITED TO SPECIFIC INFORMATION ON THE NUMBER  
6                   OF AND THE ACTION TAKEN WITH RESPECT TO EACH OF THE FOLLOWING  
7                   TYPES OF VIOLATIONS:  
8                   (A) CARRYING, BRINGING, USING, OR POSSESSING A DANGEROUS  
9                   WEAPON ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL  
10                  ACTIVITIES OR SANCTIONED EVENTS WITHOUT THE AUTHORIZATION OF THE  
11                  SCHOOL OR THE SCHOOL DISTRICT;  
12                  (B) USE OR POSSESSION OF ALCOHOL ON SCHOOL GROUNDS, IN  
13                  SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS;  
14                  (C) USE, POSSESSION, OR SALE OF A DRUG OR CONTROLLED  
15                  SUBSTANCE ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL  
16                  ACTIVITIES OR SANCTIONED EVENTS;  
17                  (D) USE OR POSSESSION OF TOBACCO PRODUCTS ON SCHOOL  
18                  GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR  
19                  SANCTIONED EVENTS;  
20                  (E) BEING WILFULLY DISOBEDIENT OR OPENLY AND PERSISTENTLY  
21                  DEFIANT AND INTERFERING WITH THE ORDERLY FLOW OF INFORMATION IN  
22                  A CLASSROOM;  
23                  (F) COMMISSION OF AN ACT ON SCHOOL GROUNDS THAT, IF  
24                  COMMITTED BY AN ADULT, WOULD BE CONSIDERED CRIMINAL ASSAULT,  
25                  OTHER THAN THIRD DEGREE ASSAULT;  
26                  (G) BEHAVIOR ON OR OFF SCHOOL PROPERTY THAT IS



1 DETRIMENTAL TO THE WELFARE OR SAFETY OF OTHER STUDENTS OR OF  
2 SCHOOL PERSONNEL, INCLUDING BEHAVIOR THAT CREATES A THREAT OF  
3 PHYSICAL HARM TO THE STUDENT OR TO OTHER STUDENTS;

4 (H) WILLFUL DESTRUCTION OR DEFACEMENT OF SCHOOL  
5 PROPERTY;

6 (I) REPEATED INTERFERENCE WITH THE SCHOOL'S ABILITY TO  
7 PROVIDE EDUCATIONAL OPPORTUNITIES TO AND A SAFE ENVIRONMENT FOR  
8 OTHER STUDENTS;

9 (J) COMMISSION OF AN ACT ON SCHOOL GROUNDS THAT, IF  
10 COMMITTED BY AN ADULT, WOULD BE CONSIDERED ROBBERY; AND

11 (K) OTHER VIOLATIONS OF THE CODE OF CONDUCT AND DISCIPLINE  
12 THAT RESULTED IN DOCUMENTATION OF THE CONDUCT IN A STUDENT'S  
13 RECORD.

14 (V) FOR PURPOSES OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH  
15 (b), "ACTION TAKEN" MEANS THE SPECIFIC TYPE OF DISCIPLINE, INCLUDING  
16 BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF DISCIPLINE:

17 (A) IN-SCHOOL SUSPENSION;

18 (B) OUT-OF-SCHOOL SUSPENSION;

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

20 (D) EXPULSION;

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

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

24 (VI) THE CONDUCT AND DISCIPLINE CODE VIOLATIONS REQUIRED  
25 TO BE REPORTED PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH  
26 (b) SHALL SPECIFICALLY IDENTIFY EACH CONDUCT AND DISCIPLINE CODE

1 VIOLATION BY A STUDENT WITH A DISABILITY AND EACH ACTION TAKEN  
2 WITH RESPECT TO EACH VIOLATION BY A STUDENT WITH A DISABILITY.

3 (VII) THE AVERAGE CLASS SIZE FOR EACH PUBLIC ELEMENTARY,  
4 MIDDLE SCHOOL OR JUNIOR HIGH SCHOOL, AND SENIOR HIGH SCHOOL IN  
5 THE STATE CALCULATED AS THE TOTAL NUMBER OF STUDENTS ENROLLED  
6 IN THE SCHOOL DIVIDED BY THE NUMBER OF FULL-TIME TEACHERS IN THE  
7 SCHOOL. FOR PURPOSES OF THIS SUBPARAGRAPH (VI), "FULL-TIME  
8 TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5  
9 OF THIS TITLE OR AUTHORIZED BY A LETTER OF AUTHORIZATION ISSUED  
10 PURSUANT TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY  
11 ENGAGED IN TEACHING DURING A SUBSTANTIAL MAJORITY OF THE  
12 INSTRUCTIONAL MINUTES PER SCHOOL DAY.

13 (3) Agreements with state agencies. EACH BOARD OF  
14 EDUCATION SHALL COOPERATE AND, TO THE EXTENT POSSIBLE, DEVELOP  
15 WRITTEN AGREEMENTS WITH LAW ENFORCEMENT OFFICIALS, THE JUVENILE  
16 JUSTICE SYSTEM, AND SOCIAL SERVICES, AS ALLOWED UNDER STATE AND  
17 FEDERAL LAW, TO KEEP EACH SCHOOL ENVIRONMENT SAFE. EACH BOARD  
18 OF EDUCATION SHALL ADOPT A POLICY WHEREBY PROCEDURES WILL BE  
19 USED FOLLOWING INSTANCES OF ASSAULT UPON, DISORDERLY CONDUCT  
20 TOWARD, HARASSMENT OF, THE MAKING KNOWINGLY OF A FALSE  
21 ALLEGATION OF CHILD ABUSE AGAINST, OR ANY ALLEGED OFFENSE UNDER  
22 THE "COLORADO CRIMINAL CODE" DIRECTED TOWARD A SCHOOLTEACHER  
23 OR SCHOOL EMPLOYEE OR INSTANCES OF DAMAGE OCCURRING ON THE  
24 PREMISES TO THE PERSONAL PROPERTY OF A SCHOOLTEACHER OR SCHOOL  
25 EMPLOYEE BY A STUDENT. SUCH PROCEDURES SHALL INCLUDE, AT A  
26 MINIMUM, THE FOLLOWING PROVISIONS:

1 (a) SUCH SCHOOLTEACHER OR SCHOOL EMPLOYEE SHALL FILE A  
2 COMPLAINT WITH THE SCHOOL ADMINISTRATION AND THE BOARD OF  
3 EDUCATION.

4 (b) THE SCHOOL ADMINISTRATION SHALL, AFTER RECEIPT OF SUCH  
5 REPORT AND PROOF DEEMED ADEQUATE TO THE SCHOOL ADMINISTRATION,  
6 SUSPEND THE STUDENT FOR THREE DAYS, SUCH SUSPENSION TO BE IN  
7 ACCORDANCE WITH THE PROCEDURES ESTABLISHED THEREFOR, AND  
8 SHALL INITIATE PROCEDURES FOR THE FURTHER SUSPENSION OR  
9 EXPULSION OF THE STUDENT WHERE INJURY OR PROPERTY DAMAGE HAS  
10 OCCURRED.

11 (c) THE SCHOOL ADMINISTRATION SHALL REPORT THE INCIDENT TO  
12 THE DISTRICT ATTORNEY OR THE APPROPRIATE LOCAL LAW ENFORCEMENT  
13 AGENCY OR OFFICER, WHO SHALL, UPON RECEIVING SUCH REPORT,  
14 INVESTIGATE THE INCIDENT TO DETERMINE THE APPROPRIATENESS OF  
15 FILING CRIMINAL CHARGES OR INITIATING DELINQUENCY PROCEEDINGS.

16 (4) Crisis management policy. Each board of education shall establish a crisis management policy that, at a minimum, sets forth written procedures for taking action and communicating with local law enforcement agencies, community emergency services, parents, students, and the media in the event of a crisis. Each policy shall provide for school district employee crisis management training.

24 (5) **Safety and security policy.** EACH BOARD OF EDUCATION  
25 SHALL ADOPT A POLICY REQUIRING ANNUAL SCHOOL BUILDING  
26 INSPECTIONS TO ENSURE THE REMOVAL OF HAZARDS AND VANDALISM AND

1 TO ENSURE THE REMOVAL OF BARRIERS TO SAFETY AND SUPERVISION.

2 (6) Sharing information. NOTWITHSTANDING ANY PROVISION TO  
3 THE CONTRARY IN TITLE 24, C.R.S., EACH BOARD OF EDUCATION SHALL  
4 ESTABLISH POLICIES CONSISTENT WITH SECTION 24-72-204 (3), C.R.S.,  
5 AND WITH APPLICABLE PROVISIONS OF THE FEDERAL "FAMILY EDUCATION  
6 RIGHTS AND PRIVACY ACT OF 1974" (FERPA), 20 U.S.C. SEC. 1232g, AND  
7 ALL FEDERAL REGULATIONS AND APPLICABLE GUIDELINES ADOPTED  
8 THERE TO, TO SHARE AND RELEASE INFORMATION DIRECTLY RELATED TO  
9 A STUDENT AND MAINTAINED BY A PUBLIC SCHOOL OR BY A PERSON  
10 ACTING FOR THE PUBLIC SCHOOL IN THE INTEREST OF MAKING SCHOOLS  
11 SAFER.

12 (7) Open school policy. EACH BOARD OF EDUCATION SHALL  
13 ADOPT AN OPEN SCHOOL POLICY TO ALLOW PARENTS AND MEMBERS OF  
14 THE SCHOOL DISTRICT BOARD OF EDUCATION REASONABLE ACCESS TO  
15 OBSERVE CLASSES, ACTIVITIES, AND FUNCTIONS AT A PUBLIC SCHOOL  
16 UPON REASONABLE NOTICE TO THE SCHOOL ADMINISTRATOR'S OFFICE.

17 (8) Employee screenings. EACH BOARD OF EDUCATION SHALL  
18 ADOPT A POLICY OF MAKING INQUIRIES UPON GOOD CAUSE TO THE  
19 DEPARTMENT OF EDUCATION FOR THE PURPOSES OF SCREENING LICENSED  
20 EMPLOYEES AND NONLICENSED EMPLOYEES HIRED ON OR AFTER JANUARY  
21 1, 1991. LICENSED EMPLOYEES EMPLOYED BY SCHOOL DISTRICTS ON OR  
22 AFTER JANUARY 1, 1991, SHALL BE SCREENED UPON GOOD CAUSE TO  
23 CHECK FOR ANY NEW INSTANCES OF CRIMINAL ACTIVITY LISTED IN  
24 SECTION 22-32-109.9 (1) (a). NONLICENSED EMPLOYEES EMPLOYED BY A  
25 SCHOOL DISTRICT ON OR AFTER JANUARY 1, 1991, SHALL BE SCREENED  
26 UPON GOOD CAUSE TO CHECK FOR ANY NEW INSTANCES OF CRIMINAL

1 ACTIVITY LISTED IN SECTION 22-32-109.8 (2) (a).

2 (9) Immunity. (a) A SCHOOL DISTRICT BOARD OF EDUCATION OR  
3 ANY PERSON ACTING IN GOOD FAITH IN ACCORDANCE WITH THE  
4 PROVISIONS OF SUBSECTION (2) OF THIS SECTION IN CARRYING OUT THE  
5 POWERS OR DUTIES AUTHORIZED BY SAID SUBSECTION SHALL BE IMMUNE  
6 FROM CIVIL OR CRIMINAL LIABILITY FOR SUCH ACTIONS; EXCEPT THAT A  
7 PERSON ACTING WILLFULLY OR WANTONLY IN VIOLATION OF SAID  
8 SUBSECTION SHALL NOT BE IMMUNE FROM LIABILITY PURSUANT TO SAID  
9 SUBSECTION.

10 (b) A TEACHER OR ANY OTHER PERSON ACTING IN GOOD FAITH AND  
11 IN COMPLIANCE WITH THE CONDUCT AND DISCIPLINE CODE ADOPTED BY  
12 THE BOARD OF EDUCATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION  
13 (2) OF THIS SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY; EXCEPT  
14 THAT A PERSON ACTING WILLFULLY AND WANTONLY SHALL NOT BE  
15 IMMUNE FROM LIABILITY PURSUANT TO THIS PARAGRAPH (b). THE COURT  
16 SHALL DISMISS ANY CIVIL ACTION RESULTING FROM ACTIONS TAKEN BY A  
17 TEACHER OR ANY OTHER PERSON PURSUANT TO THE CONDUCT AND  
18 DISCIPLINE CODE ADOPTED BY THE BOARD OF EDUCATION PURSUANT TO  
19 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION UPON A FINDING BY  
20 THE COURT THAT THE PERSON ACTED IN GOOD FAITH AND IN COMPLIANCE  
21 WITH SUCH CONDUCT AND DISCIPLINE CODE AND WAS THEREFORE IMMUNE  
22 FROM CIVIL LIABILITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION  
23 (9). THE COURT SHALL AWARD COURT COSTS AND REASONABLE  
24 ATTORNEY FEES TO THE PREVAILING PARTY IN SUCH A CIVIL ACTION.

25 (c) IF A CRIMINAL ACTION IS BROUGHT AGAINST A TEACHER OR  
26 ANY OTHER PERSON FOR ACTIONS TAKEN PURSUANT TO THE CONDUCT AND

1 DISCIPLINE CODE ADOPTED BY THE BOARD OF EDUCATION PURSUANT TO  
2 PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, IT SHALL BE AN  
3 AFFIRMATIVE DEFENSE IN SUCH CRIMINAL ACTION THAT THE TEACHER OR  
4 SUCH OTHER PERSON WAS ACTING IN GOOD FAITH AND IN COMPLIANCE  
5 WITH THE CONDUCT AND DISCIPLINE CODE AND WAS NOT ACTING IN A  
6 WILLFUL OR WANTON MANNER IN VIOLATION OF THE CONDUCT AND  
7 DISCIPLINE CODE.

8 (d) AN ACT OF A TEACHER OR ANY OTHER PERSON SHALL NOT BE  
9 CONSIDERED CHILD ABUSE PURSUANT TO SECTIONS 18-6-401 (1) AND  
10 19-3-303 (1), C.R.S., IF:

11 (I) THE ACT WAS PERFORMED IN GOOD FAITH AND IN COMPLIANCE  
12 WITH THE CONDUCT AND DISCIPLINE CODE ADOPTED BY THE BOARD OF  
13 EDUCATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS  
14 SECTION; OR

15 (II) THE ACT WAS AN APPROPRIATE EXPRESSION OF AFFECTION OR  
16 EMOTIONAL SUPPORT, AS DEFINED BY THE BOARD OF EDUCATION.

17 (e) A TEACHER OR ANY OTHER PERSON WHO ACTS IN GOOD FAITH  
18 AND IN COMPLIANCE WITH THE CONDUCT AND DISCIPLINE CODE ADOPTED  
19 BY THE BOARD OF EDUCATION PURSUANT TO PARAGRAPH (a) OF  
20 SUBSECTION (2) OF THIS SECTION SHALL NOT HAVE HIS OR HER CONTRACT  
21 NONRENEWED OR BE SUBJECT TO ANY DISCIPLINARY PROCEEDINGS,  
22 INCLUDING DISMISSAL, AS A RESULT OF SUCH LAWFUL ACTIONS, NOR  
23 SHALL THE ACTIONS OF THE TEACHER OR OTHER PERSON BE REFLECTED IN  
24 ANY WRITTEN EVALUATION OR OTHER PERSONNEL RECORD CONCERNING  
25 SUCH TEACHER OR OTHER PERSON.

26 (10) Compliance with safe school reporting requirements.

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IF THE STATE BOARD DETERMINES THAT A SCHOOL DISTRICT OR ONE OR MORE OF THE PUBLIC SCHOOLS IN A SCHOOL DISTRICT IS IN WILLFUL NONCOMPLIANCE WITH THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE STATE’S SHARE OF THE SCHOOL DISTRICT’S TOTAL PROGRAM, AS DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE, MAY BE SUBJECT TO FORFEITURE UNTIL THE SCHOOL DISTRICT AND EACH SCHOOL IN THE DISTRICT ATTAINS COMPLIANCE WITH THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

SECTION 2. 22-32-109, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(cc) TO ADOPT A DRESS CODE POLICY FOR TEACHERS AND OTHER SCHOOL EMPLOYEES.

SECTION 3. Repeal. 22-32-109 (1) (w) and (1) (x), Colorado Revised Statutes, are repealed.

SECTION 4. Repeal. 22-32-110 (2), (3), (3.5), and (4), Colorado Revised Statutes, are repealed.

SECTION 5. 24-72-204 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (3) (e) (I) THE PROVISIONS OF THIS PARAGRAPH (e) SHALL APPLY TO ALL PUBLIC SCHOOLS AND SCHOOL DISTRICTS. NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF

1 PARAGRAPH (a) OF THIS SUBSECTION (3), UNDER POLICIES ADOPTED BY  
2 EACH LOCAL BOARD OF EDUCATION, CONSISTENT WITH APPLICABLE  
3 PROVISIONS OF THE FEDERAL "FAMILY EDUCATION RIGHTS AND PRIVACY  
4 ACT OF 1974" (FERPA), 20 U.S.C. SEC. 1232g, AND ALL FEDERAL  
5 REGULATIONS AND APPLICABLE GUIDELINES ADOPTED THERETO,  
6 INFORMATION DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY A  
7 PUBLIC SCHOOL OR BY A PERSON ACTING FOR THE PUBLIC SCHOOL SHALL  
8 BE AVAILABLE FOR RELEASE IF THE DISCLOSURE MEETS ONE OR MORE OF  
9 THE FOLLOWING CONDITIONS:

10 (A) THE DISCLOSURE IS TO OTHER SCHOOL OFFICIALS, INCLUDING  
11 TEACHERS, WORKING IN THE SCHOOL AT WHICH THE STUDENT IS ENROLLED  
12 WHO HAVE SPECIFIC AND LEGITIMATE EDUCATIONAL INTERESTS IN THE  
13 INFORMATION FOR USE IN FURTHERING THE STUDENT'S ACADEMIC  
14 ACHIEVEMENT OR MAINTAINING A SAFE AND ORDERLY LEARNING  
15 ENVIRONMENT;

16 (B) THE DISCLOSURE IS TO OFFICIALS OF A SCHOOL AT WHICH THE  
17 STUDENT SEEKS OR INTENDS TO ENROLL OR THE DISCLOSURE IS TO  
18 OFFICIALS AT A SCHOOL AT WHICH THE STUDENT IS CURRENTLY ENROLLED  
19 OR RECEIVING SERVICES, AFTER MAKING A REASONABLE ATTEMPT TO  
20 NOTIFY THE STUDENT'S PARENT OR LEGAL GUARDIAN OR THE STUDENT IF  
21 HE OR SHE IS AT LEAST EIGHTEEN YEARS OF AGE OR ATTENDING AN  
22 INSTITUTION OF POSTSECONDARY EDUCATION, AS PRESCRIBED BY FEDERAL  
23 REGULATION;

24 (C) THE DISCLOSURE IS TO STATE OR LOCAL OFFICIALS OR  
25 AUTHORITIES IF THE DISCLOSURE CONCERNS THE JUVENILE JUSTICE  
26 SYSTEM AND THE SYSTEM'S ABILITY TO SERVE EFFECTIVELY, PRIOR TO



1 ADJUDICATION, THE STUDENT WHOSE RECORDS ARE DISCLOSED AND IF THE  
2 OFFICIALS AND AUTHORITIES TO WHOM THE RECORDS ARE DISCLOSED  
3 CERTIFY IN WRITING THAT THE INFORMATION SHALL NOT BE DISCLOSED TO  
4 ANY OTHER PARTY, EXCEPT AS OTHERWISE PROVIDED BY LAW, WITHOUT  
5 THE PRIOR WRITTEN CONSENT OF THE STUDENT'S PARENT OR LEGAL  
6 GUARDIAN OR OF THE STUDENT IF HE OR SHE IS AT LEAST EIGHTEEN YEARS  
7 OF AGE OR IS ATTENDING AN INSTITUTION OF POSTSECONDARY  
8 EDUCATION;

9 (D) THE DISCLOSURE IS TO COMPLY WITH A JUDICIAL ORDER OR A  
10 LAWFULLY ISSUED SUBPOENA, IF A REASONABLE EFFORT IS MADE TO  
11 NOTIFY THE STUDENT'S PARENT OR LEGAL GUARDIAN OR THE STUDENT IF  
12 HE OR SHE IS AT LEAST EIGHTEEN YEARS OF AGE OR IS ATTENDING A  
13 POSTSECONDARY INSTITUTION ABOUT THE ORDER OR SUBPOENA IN  
14 ADVANCE OF COMPLIANCE, SO THAT SUCH PARENT, LEGAL GUARDIAN, OR  
15 STUDENT IS PROVIDED AN OPPORTUNITY TO SEEK PROTECTIVE ACTION,  
16 UNLESS THE DISCLOSURE IS IN COMPLIANCE WITH A FEDERAL GRAND JURY  
17 SUBPOENA OR ANY OTHER SUBPOENA ISSUED FOR A LAW ENFORCEMENT  
18 PURPOSE AND THE COURT OR THE ISSUING AGENCY HAS ORDERED THAT  
19 THE EXISTENCE OR CONTENTS OF THE SUBPOENA OR THE INFORMATION  
20 FURNISHED IN RESPONSE TO THE SUBPOENA NOT BE DISCLOSED;

21 (E) THE DISCLOSURE IS IN CONNECTION WITH AN EMERGENCY IF  
22 KNOWLEDGE OF THE INFORMATION IS NECESSARY TO PROTECT THE  
23 HEALTH OR SAFETY OF THE STUDENT OR OTHER INDIVIDUALS, AS  
24 SPECIFICALLY PRESCRIBED BY FEDERAL REGULATION.

25 (II) NOTHING IN THIS PARAGRAPH (e) SHALL PREVENT PUBLIC  
26 SCHOOL ADMINISTRATORS, TEACHERS, OR STAFF FROM DISCLOSING

1 INFORMATION DERIVED FROM PERSONAL KNOWLEDGE OR OBSERVATION  
2 AND NOT DERIVED FROM A STUDENT'S RECORD MAINTAINED BY A PUBLIC  
3 SCHOOL OR A PERSON ACTING FOR THE PUBLIC SCHOOL.

4 **SECTION 6.** 19-1-304 (1) (a), Colorado Revised Statutes, is  
5 amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

6 **19-1-304. Juvenile delinquency records.** (1) (a) **Court records**  
7 **- open.** Except as provided in paragraph (b.5) of this subsection (1),  
8 court records in juvenile delinquency proceedings or proceedings  
9 concerning a juvenile charged with the violation of any municipal  
10 ordinance except a traffic ordinance shall be open to inspection to the  
11 following persons without court order:

12 (XVI) THE PRINCIPAL, OR THE PRINCIPAL'S DESIGNEE, OF A  
13 SCHOOL IN WHICH THE JUVENILE IS OR WILL BE ENROLLED AS A STUDENT.

14 **SECTION 7.** The introductory portion to 19-1-304 (1) (c),  
15 Colorado Revised Statutes, is amended, and the said 19-1-304 (1) (c) is  
16 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,  
17 to read:

18 **19-1-304. Juvenile delinquency records.** (1) (c) **Probation**  
19 **records - limited access.** Except as otherwise authorized by section  
20 19-1-303, a juvenile probation officer's records, whether or not part of  
21 the court file, shall not be open to inspection except as provided in  
22 subparagraphs (I) to ~~(IX)~~ (X) of this paragraph (c):

23 (X) TO THE PRINCIPAL, OR THE PRINCIPAL'S DESIGNEE, OF A  
24 SCHOOL IN WHICH THE JUVENILE IS OR WILL BE ENROLLED AS A STUDENT.

25 **SECTION 8.** 19-1-304, Colorado Revised Statutes, is amended  
26 BY THE ADDITION OF A NEW SUBSECTION to read:

1           **19-1-304. Juvenile delinquency records.** (5.5) WHENEVER A  
2 PETITION IS FILED IN JUVENILE COURT, THE PROSECUTING ATTORNEY, ON  
3 OR BEFORE THE NEXT SCHOOL DAY, SHALL NOTIFY THE PRINCIPAL OF THE  
4 SCHOOL IN WHICH THE JUVENILE IS ENROLLED AND SHALL PROVIDE SUCH  
5 PRINCIPAL WITH THE ARREST AND CRIMINAL RECORDS INFORMATION, AS  
6 DEFINED IN SECTION 24-72-302 (1), C.R.S.

7           **SECTION 9.** 19-1-103, Colorado Revised Statutes, is amended  
8 BY THE ADDITION OF A NEW SUBSECTION to read:

9           **19-1-103. Definitions.** As used in this title or in the specified  
10 portion of this title, unless the context otherwise requires:

11           (94.3) "SCHOOL", AS USED IN SECTION 19-1-304, MEANS A PUBLIC  
12 OR PAROCHIAL OR OTHER NONPUBLIC SCHOOL THAT PROVIDES A BASIC  
13 ACADEMIC EDUCATION IN COMPLIANCE WITH SCHOOL ATTENDANCE LAWS  
14 FOR STUDENTS IN GRADES ONE TO TWELVE. "BASIC ACADEMIC  
15 EDUCATION" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-104  
16 (2) (b), C.R.S.

17           **SECTION 10.** 22-63-202 (4), Colorado Revised Statutes, is  
18 amended to read:

19           **22-63-202. Employment contracts - contracts to be in writing**  
20 **- duration - damage provision.** (4) (a) Notwithstanding the provisions  
21 of section 24-72-204 (3) (a), C.R.S., upon a request from a school district  
22 or a school concerning a person applying for a position as a teacher, a  
23 school district may disclose to the requesting school district or school the  
24 reason or reasons why a teacher left employment with the original school  
25 district. UPON THE SPECIFIC REQUEST OF A SCHOOL DISTRICT AT WHICH  
26 A TEACHER HAS APPLIED FOR EMPLOYMENT, A SCHOOL DISTRICT MAY

1 DISCLOSE ANY DISCIPLINARY RECORD OF A TEACHER THAT SPECIFICALLY  
2 RELATES TO ANY NEGLIGENT ACTION OF THE TEACHER THAT WAS FOUND  
3 TO HAVE ENDANGERED THE SAFETY AND SECURITY OF A STUDENT OR ANY  
4 DISCIPLINARY RECORD THAT RELATES TO BEHAVIOR BY THE TEACHER  
5 THAT WAS FOUND TO HAVE CONTRIBUTED TO A STUDENT'S VIOLATION OF  
6 THE SCHOOL DISTRICT'S CONDUCT AND DISCIPLINE CODE. The information  
7 disclosed pursuant to this paragraph (a) shall only be disclosed to  
8 personnel authorized to review the personnel file in the school district or  
9 school and to the person applying for a position as a teacher.

10 (b) No employment contract executed pursuant to this section  
11 shall contain a provision that restricts or prohibits a school district from  
12 disclosing to another school district or school the reason or reasons why  
13 a teacher left employment with the original school district OR FROM  
14 DISCLOSING TO ANOTHER SCHOOL DISTRICT ANY OF THE TEACHER'S  
15 DISCIPLINARY RECORDS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION  
16 (4).

17 **SECTION 11. Part 2 of article 33 of title 22, Colorado Revised**  
18 **Statutes, is amended to read:**

19 **PART 2**

20 **EXPULSION PREVENTION PROGRAMS**

21 **22-33-201. Legislative declaration. The general assembly hereby**  
22 **finds that EXCEPT WHEN A STUDENT'S BEHAVIOR WOULD CAUSE IMMINENT**  
23 **HARM TO OTHERS IN THE SCHOOL OR WHEN AN INCIDENT REQUIRES**  
24 **AUTOMATIC EXPULSION AS DEFINED BY STATE LAW OR A SCHOOL'S**  
25 **CONDUCT AND DISCIPLINE CODE, expulsion should be the last step taken**  
26 **after several attempts to deal with a student who has discipline problems.**

1 The general assembly further finds that school districts should work with  
2 the student's parent or guardian and with state agencies and  
3 community-based nonprofit organizations to develop alternatives to help  
4 students who are at risk of expulsion before expulsion becomes a  
5 necessary step and to support students who are unable to avoid  
6 mandatory expulsion.

7 **22-33-201.5. Definitions.** For purposes of this part 2, unless the  
8 context otherwise requires:

9 (1) "Educational services" means any of the following types of  
10 services to provide instruction in the academic areas of reading, writing,  
11 mathematics, science, and social studies:

- 12 (a) Tutoring services;
- 13 (b) Alternative educational programs;
- 14 (c) Vocational education programs.

15 **22-33-202. Identification of at-risk students.** (1) Each school  
16 district shall adopt policies to identify students who are at risk of  
17 suspension or expulsion from school. Students identified may include  
18 those who have been or are likely to be declared habitually truant or are  
19 likely to be declared habitually disruptive. The school district shall  
20 provide students who are identified as at risk of suspension or expulsion  
21 with A PLAN TO PROVIDE the necessary support services to help them  
22 avoid expulsion. The school district shall work with the student's parent  
23 or guardian in providing said services and may provide said services  
24 through agreements with appropriate local governmental agencies,  
25 appropriate state agencies, community-based organizations, and  
26 institutions of higher education entered into pursuant to section

1 22-33-204. The failure of the school district to identify a student for  
2 participation in an expulsion prevention program or the failure of such  
3 program to remediate a student’s behavior shall not be grounds to prevent  
4 school personnel from proceeding with appropriate disciplinary measures  
5 or used in any way as a defense in an expulsion proceeding.

6 (2) EACH SCHOOL DISTRICT MAY PROVIDE EDUCATIONAL SERVICES  
7 TO STUDENTS WHO ARE IDENTIFIED AS AT RISK OF SUSPENSION OR  
8 EXPULSION FROM SCHOOL. ANY SCHOOL DISTRICT THAT PROVIDES  
9 EDUCATIONAL SERVICES TO STUDENTS WHO ARE AT RISK OF SUSPENSION  
10 OR EXPULSION MAY APPLY FOR MONEYS THROUGH THE EXPELLED AND AT  
11 RISK STUDENT SERVICES GRANT PROGRAM ESTABLISHED IN SECTION  
12 22-33-205 TO ASSIST IN PROVIDING SUCH EDUCATIONAL SERVICES.

13 **22-33-203. Educational alternatives for expelled students.**

14 (1) Upon expelling a student, the school district shall provide  
15 information to the student’s parent or guardian concerning the educational  
16 alternatives available to the student during the period of expulsion. If the  
17 parent or guardian chooses to provide a home-based educational program  
18 for the student, the school district shall assist the parent in obtaining  
19 appropriate curricula for the student if requested by the parent or  
20 guardian.

21 (2) (a) Except as otherwise provided in paragraph (b) of this  
22 subsection (2), upon request of a student or the student’s parent or  
23 guardian, the school district shall provide, for any student who is  
24 expelled from the school district, any educational services that are  
25 deemed appropriate for the student by the school district. The  
26 educational services provided shall be designed to enable the student to

1 return to school or THE SCHOOL IN WHICH HE OR SHE WAS ENROLLED  
2 PRIOR TO EXPULSION, to successfully complete the GED, OR TO ENROLL  
3 IN A STATE-BOARD-ACCREDITED, NONPUBLIC, NONPAROCHIAL SCHOOL OR  
4 IN AN ALTERNATIVE SCHOOL, INCLUDING A CHARTER SCHOOL OR A  
5 PILOT SCHOOL ESTABLISHED PURSUANT TO ARTICLE 38 OF THIS TITLE. The  
6 expelling school district shall determine the amount of credit the student  
7 shall receive toward graduation for the educational services provided  
8 pursuant to this section.

9 (b) The educational services provided pursuant to this section are  
10 designed to provide a second chance for the student to succeed in  
11 achieving an education. While receiving educational services, a student  
12 may be suspended or expelled pursuant to the discipline code of the  
13 school district providing the educational services and the provisions of  
14 part 1 of this article. Except as required by federal law, the expelling  
15 school district is not required to provide educational services to any  
16 student who is suspended or expelled while receiving educational  
17 services pursuant to this section until the period of the suspension or  
18 expulsion is completed.

19 (c) (I) Educational services provided pursuant to this section shall  
20 be provided by the expelling school district; except that if the expelling  
21 school district expelled fewer than fifty students in the preceding school  
22 year, the expelling school district may provide educational services  
23 EITHER DIRECTLY OR in cooperation with one or more other school  
24 districts, boards of cooperative services, CHARTER SCHOOLS,  
25 STATE-BOARD-ACCREDITED, NONPUBLIC, NONPAROCHIAL SCHOOLS, or  
26 pilot schools established pursuant to article 38 of this title under contract

1 with the expelling school district.

2 (II) Educational services may be provided by the school district  
3 through agreements entered into pursuant to section 22-33-204. The  
4 expelling school district need not provide the educational services on  
5 school district property. Any expelled student receiving educational  
6 services shall be included in the expelling school district's pupil  
7 enrollment as defined in section 22-54-103 (10).

8 (d) If an expelled student is receiving educational services  
9 delivered by a school district other than the expelling school district, BY  
10 A CHARTER SCHOOL IN A SCHOOL DISTRICT OTHER THAN THE EXPELLING  
11 SCHOOL DISTRICT, by a board of cooperative services, BY A  
12 STATE-BOARD-ACCREDITED, NONPUBLIC, NONPAROCHIAL SCHOOL, or by  
13 a pilot school pursuant to an agreement entered into pursuant to  
14 subparagraph (I) of paragraph (c) of this subsection (2), the expelling  
15 school district shall transfer eighty NINETY-FIVE percent of the district per  
16 pupil operating revenues, AS DEFINED IN SECTION 22-30.5-112 (2) (a.5)  
17 (II) to the school district, CHARTER SCHOOL, STATE-BOARD-ACCREDITED,  
18 NONPUBLIC, NONPAROCHIAL SCHOOL, board of cooperative services, or  
19 pilot school that is providing educational services, reduced in proportion  
20 to the amount of time remaining in the school year at the time the student  
21 begins receiving educational services.

22 (e) Any school district, CHARTER SCHOOL,  
23 STATE-BOARD-ACCREDITED, NONPUBLIC, NONPAROCHIAL SCHOOL, BOARD  
24 OF COOPERATIVE SERVICES, OR PILOT SCHOOL that is providing  
25 educational services within the school district to expelled students  
26 pursuant to this subsection (2) may apply for moneys through the



1 expelled student services grant program established in section 22-33-205  
2 to assist in providing educational services.

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

13 (4) In addition to the educational services required under this  
14 section, a student who is at risk of suspension or expulsion or has been  
15 suspended or expelled, or the student's parent or guardian, may request  
16 any of the services provided by the school district through an agreement  
17 entered into pursuant to section 22-33-204, and the school district may  
18 provide such services.

19 **22-33-204. Services for at-risk students - agreements with**  
20 **state agencies and community organizations.** (1) Each school district,  
21 regardless of the number of students expelled by the district, may enter  
22 into agreements with appropriate local governmental agencies and, to the  
23 extent necessary, with the managing state agencies, including but not  
24 limited to the department of human services and the department of public  
25 health and environment, with community-based nonprofit AND  
26 FAITH-BASED organizations, WITH NONPUBLIC,

1 STATE-BOARD-ACCREDITED, NONPAROCHIAL SCHOOLS, with the  
2 department of military affairs, and with public and private institutions of  
3 higher education to work with the student's parent or guardian to provide  
4 services to any student who is identified as being at risk of suspension or  
5 expulsion or who has been suspended or expelled and to the student's  
6 family. Services provided through such agreements may include, but are  
7 not limited to:

8 (a) Educational services required to be provided under section  
9 22-33-203 (2) AND ANY EDUCATIONAL SERVICES PROVIDED TO AT-RISK  
10 STUDENTS IDENTIFIED PURSUANT TO SECTION 22-33-202;

11 (b) Counseling services;

12 (c) Drug or alcohol-addiction treatment programs;

13 (d) Family preservation services.

14 (e) and (f) (Deleted by amendment, L. 98, p. 570, § 3, effective  
15 April 30, 1998.)

16 (2) At a minimum, each agreement entered into pursuant to this  
17 section shall specify the services to be provided under the agreement, the  
18 entity that will coordinate and oversee provision of the services, and the  
19 responsibilities of each entity entering into the agreement. In addition,  
20 each agreement shall require each entity entering into the agreement to  
21 contribute the services or funds for the provision of the services specified  
22 in the agreement. The agreement shall specify the services or the amount  
23 and source of funds that each entity will provide and the mechanism for  
24 providing said services or funds.

25 (3) Each school district shall use a portion of its per pupil  
26 operating revenue received pursuant to article 54 of this title to provide

1 services under agreements entered into pursuant to this section for each  
2 student who is at risk of suspension or expulsion or who is suspended or  
3 expelled. In addition, the school district may use federal moneys,  
4 moneys received from any other state appropriation, and moneys  
5 received from any other public or private grant to provide said services.

6 **22-33-205. Services for expelled and at risk students - grants**  
7 **- criteria.** (1) (a) There is hereby established in the department of  
8 education the expelled AND AT RISK student services grant program,  
9 referred to in this section as the "program". The program shall provide  
10 grants to school districts, TO CHARTER SCHOOLS, TO ALTERNATIVE  
11 SCHOOLS WITHIN SCHOOL DISTRICTS, TO STATE-BOARD-ACCREDITED,  
12 NONPUBLIC, NONPAROCHIAL SCHOOLS, TO BOARDS OF COOPERATIVE  
13 SERVICES, and to pilot schools established pursuant to article 38 of this  
14 title to assist them in providing educational services to expelled students  
15 pursuant to section 22-33-203 (2) and to students at risk of expulsion.  
16 Any school district that provides educational services within the school  
17 district pursuant to section 22-33-203 (2) and any pilot school that  
18 provides educational services pursuant to an agreement entered into  
19 pursuant to section 22-33-203 (2) is eligible to participate in the grant  
20 program.

21 (b) In addition to school districts, CHARTER SCHOOLS,  
22 ALTERNATIVE SCHOOLS WITHIN SCHOOL  
23 DISTRICTS, STATE-BOARD-ACCREDITED, NONPUBLIC, NONPAROCHIAL  
24 SCHOOLS, BOARDS OF COOPERATIVE SERVICES, and pilot schools, the  
25 department of military affairs may apply for a grant pursuant to the  
26 provisions of this section to assist the department with a program to

1 provide educational services to expelled students. The department shall  
2 follow application procedures established by the department of education  
3 pursuant to subsection (2) of this section. The department of education  
4 shall determine whether to award a grant to the department of military  
5 affairs and the amount of the grant.

6 (c) Grants awarded pursuant to this section shall be paid for out  
7 of any moneys appropriated to the department of education for  
8 implementation of the program.

9 (2) (a) The state board by rule shall establish application  
10 procedures by which a school district, A CHARTER SCHOOL, AN  
11 ALTERNATIVE SCHOOL WITHIN A SCHOOL DISTRICT, A  
12 STATE-BOARD-ACCREDITED, NONPUBLIC, NONPAROCHIAL SCHOOL, A  
13 BOARD OF COOPERATIVE SERVICES, or a pilot school may annually apply  
14 for a grant under the program. At a minimum, the application shall  
15 include a plan for provision of educational services, including the type  
16 of educational services to be provided, and the estimated cost of  
17 providing such educational services, AND THE CRITERIA THAT WILL BE  
18 USED TO EVALUATE THE EFFECTIVENESS OF THE EDUCATIONAL SERVICES  
19 PROVIDED.

20 (b) The state board shall determine which of the applying school  
21 districts, CHARTER SCHOOLS, ALTERNATIVE SCHOOLS WITHIN SCHOOL  
22 DISTRICTS, STATE-BOARD-ACCREDITED, NONPUBLIC, NONPAROCHIAL  
23 SCHOOLS, BOARDS OF COOPERATIVE SERVICES, and pilot schools shall  
24 receive grants and the amount of each grant. In awarding grants, the state  
25 board shall consider the following criteria:

26 (I) The costs incurred by the applying school district APPLICANT

1 in providing educational services to expelled OR AT RISK students  
2 PURSUANT TO THE PROVISIONS OF THIS PART 2 during the school year  
3 preceding the school year for which the grant is requested;

4 (II) (Deleted by amendment, L. 98, p. 570, § 4, effective April  
5 30,1998.)

6 (III) The number of expelled OR AT RISK students WHO ARE  
7 receiving educational services through the applying pilot school  
8 APPLICANT under agreements entered into pursuant to section 22-33-203  
9 (2) THE PROVISIONS OF THIS PART 2 during the school year preceding the  
10 year for which the grant is requested;

11 (IV) The quality of educational services to be provided by the  
12 school district or pilot school APPLICANT under the plan;

13 (V) The cost-effectiveness of the educational services to be  
14 provided under the plan; and

15 (VI) The amount of funding received by the school district under  
16 article 54 of this title or by the pilot school APPLICANT in relation to the  
17 cost of the educational services provided under the plan; AND

18 (VII) IF THE APPLICANT IS SEEKING TO RENEW A GRANT OR HAS  
19 BEEN AWARDED A GRANT PURSUANT TO THIS SECTION IN THE PREVIOUS  
20 FIVE YEARS, THE DEMONSTRATED EFFECTIVENESS OF THE EDUCATIONAL  
21 SERVICES FUNDED BY THE PREVIOUS GRANT.

22 (3) THE STATE BOARD SHALL ANNUALLY AWARD AT LEAST  
23 FORTY-FIVE PERCENT OF ANY MONEYS APPROPRIATED FOR THIS GRANT  
24 PROGRAM TO APPLICANTS WHO PROVIDE EDUCATIONAL SERVICES TO  
25 STUDENTS FROM MORE THAN ONE SCHOOL DISTRICT. \_\_\_\_\_

26 **SECTION 12.** 22-33-106 (1) (c.5), Colorado Revised Statutes,

1 is amended to read:

2 **22-33-106. Grounds for suspension, expulsion, and denial of**  
3 **admission.** (1) The following shall be grounds for suspension or  
4 expulsion of a child from a public school during a school year:

5 (c.5) (I) Declaration as an habitually disruptive student pursuant  
6 to the provisions of this paragraph (c.5), which expulsion shall be  
7 mandatory.

8 (II) For purposes of this paragraph (c.5), "habitually disruptive  
9 student" means a child who has been suspended pursuant to paragraph  
10 (a), (b), (c), or (d) of this subsection (1) three times during the course of  
11 the school year for causing a material and substantial disruption in the  
12 classroom, on school grounds, on school vehicles, or at school activities  
13 or events, because of behavior that was initiated, willful, and overt on the  
14 part of the child. ANY STUDENT WHO IS ENROLLED IN A PUBLIC SCHOOL  
15 MAY BE SUBJECT TO BEING DECLARED AN HABITUALLY DISRUPTIVE  
16 STUDENT.

17 (III) The student and the parent, LEGAL guardian, or legal  
18 custodian shall have been notified in writing of each suspension counted  
19 toward declaring the student as habitually disruptive pursuant to this  
20 paragraph (c.5) AND THE STUDENT AND PARENT, LEGAL GUARDIAN, OR  
21 LEGAL CUSTODIAN SHALL HAVE BEEN NOTIFIED IN WRITING AND BY  
22 TELEPHONE OR OTHER MEANS AT THE HOME OR THE PLACE OF  
23 EMPLOYMENT OF THE PARENT OR LEGAL GUARDIAN OF THE DEFINITION OF  
24 "HABITUALLY DISRUPTIVE STUDENT" AND THE MANDATORY EXPULSION OF  
25 SUCH STUDENTS.

26 (IV) ~~No child shall be declared to be an habitually disruptive~~

1 student prior to the development of a remedial discipline plan for the  
2 child that shall address the child's disruptive behavior, his or her  
3 educational needs, and the goal of keeping the child in school. The  
4 remedial discipline plan shall be developed after the second suspension  
5 for a material and substantial disruption. The district shall encourage and  
6 solicit the full participation of the child's parent, guardian, or legal  
7 custodian in the development of the remedial discipline plan.

8 SECTION 13. 22-1-120 (3), Colorado Revised Statutes, is  
9 amended, and the said 22-1-120 is further amended BY THE ADDITION  
10 OF A NEW SUBSECTION, to read:

11 **22-1-120. Rights of free expression for public school students.**

12 (3) Nothing in this section shall be interpreted to authorize the  
13 publication or distribution IN ANY MEDIA by students of the following:

- 14 (a) Expression which THAT is obscene;
- 15 (b) Expression which THAT is libelous, slanderous, or defamatory  
16 under state law;
- 17 (c) Expression which THAT is false as to any person who is not a  
18 public figure or involved in a matter of public concern; or
- 19 (d) Expression which THAT creates a clear and present danger of  
20 the commission of unlawful acts, the violation of lawful school  
21 regulations, or the material and substantial disruption of the orderly  
22 operation of the school or which THAT violates the rights of others to  
23 privacy OR THAT THREATENS VIOLENCE TO PROPERTY OR PERSONS.

24 **SECTION 14. Appropriation.** In addition to any other  
25 appropriation, for the fiscal year beginning July 1, 2000, there is hereby  
26 appropriated, out of any moneys in the general fund not otherwise

1 appropriated, to the department of education, the sum of two million  
2 dollars, or so much thereof as may be necessary for implementation of  
3 part 2 of article 33 of title 22, Colorado Revised Statutes.

4           **SECTION 15. Safety clause.** The general assembly hereby  
5 finds, determines, and declares that this act is necessary for the  
6 immediate preservation of the public peace, health, and safety.