

SB046_L.006

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.SB12-046 be amended as follows:

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

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

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

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

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

35 (A) The age of a student;

36 (B) The disciplinary history of a student,

37 (C) Whether a student has a disability;



- 1 (D) The seriousness of a violation;
2 (E) Whether a violation threatened the safety of any student or
3 staff member; and
4 (F) Whether a lesser intervention would properly address a
5 violation.

6 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.1, **amend**
7 (1), (2) introductory portion, (2) (a), and (2) (b); and **add** (1.5) as follows:

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

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

- 18 (I) IN-SCHOOL SUSPENSION;
19 (II) OUT-OF-SCHOOL SUSPENSION;
20 (III) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;
21 (IV) EXPULSION;
22 (V) REFERRAL TO A LAW ENFORCEMENT AGENCY; OR
23 (VI) ANY OTHER FORM OF DISCIPLINE, WHICH SHALL BE
24 OFFICIALLY IDENTIFIED AS PART OF A BOARD POLICY;

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

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

40 (d) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED
41 PURSUANT TO ARTICLE 60.5 OF THIS TITLE, OR IS AUTHORIZED PURSUANT

1 TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN
2 TEACHING DURING A MAJORITY OF THE INSTRUCTIONAL MINUTES PER
3 SCHOOL DAY.

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

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

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

12 (B) CONCERNS BEHAVIOR BY A STUDENT THAT THE SCHOOL
13 ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE SUSPECTS MAY
14 CONSTITUTE A DELINQUENT OFFENSE.

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

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

19 (B) ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A
20 SCHOOL ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A
21 LAW ENFORCEMENT OFFICER.

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

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

26 (1.5) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF
27 EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL
28 DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY FOR ALL
29 STUDENTS AND STAFF A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL
30 DISTRICT.

31 (2) **Safe school plan.** In order to provide a learning environment
32 that is safe, conducive to the learning process, and free from unnecessary
33 disruption, following consultation with the school district accountability
34 committee and school accountability committees, parents, teachers,
35 administrators, students, student councils where available, and, where
36 appropriate, the community at large, each school district board of
37 education shall adopt and implement a safe school plan, or review and
38 revise, if AS necessary IN RESPONSE TO ANY RELEVANT DATA COLLECTED
39 BY THE SCHOOL DISTRICT, any existing plans or policies already in effect.
40 ~~which~~ IN ADDITION TO THE AFOREMENTIONED PARTIES, EACH SCHOOL
41 DISTRICT BOARD OF EDUCATION, IN ADOPTING AND IMPLEMENTING ITS

1 SAFE SCHOOL PLAN, MAY CONSULT WITH VICTIMS ADVOCACY
2 ORGANIZATIONS, SCHOOL PSYCHOLOGISTS, AND LOCAL LAW
3 ENFORCEMENT AGENCIES. THE PLAN, AT A MINIMUM, shall include ~~but not~~
4 ~~be limited to~~, the following:

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

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

39 (⦿) (C) Provisions for the initiation of suspension or expulsion
40 proceedings for students who qualify as habitually disruptive ~~by causing~~
41 ~~a disruption in the classroom, on school grounds, in school vehicles, or~~

1 ~~at school activities or sanctioned events for a third time during a single~~
2 ~~school year or calendar year~~ STUDENTS;

3 (IV) (D) Policies and procedures for the use of acts of reasonable
4 and appropriate physical intervention or force in dealing with disruptive
5 students; except that no board shall adopt a discipline code that includes
6 provisions that are in conflict with the definition of child abuse in section
7 18-6-401 (1), C.R.S., ~~and THE DEFINITION OF "ABUSE" IN section 19-1-103~~
8 (1), C.R.S., OR THE PROVISIONS CONCERNING THE USE OF RESTRAINTS IN
9 THE "PROTECTION OF PERSONS FROM RESTRAINT ACT", ARTICLE 20 OF
10 TITLE 26, 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; AND

40 (C) ENSURE THAT THE IMPLEMENTATION OF THE CODE COMPLIES
41 WITH ALL STATE AND FEDERAL LAWS CONCERNING THE EDUCATION OF

1 STUDENTS WITH DISABILITIES, AS DEFINED IN SECTION 22-20-103 (5).

2 (b) **Safe school reporting requirements.** A policy whereby the
3 principal of each public school in a school district shall submit annually,
4 in a manner and by a date specified by rule of the state board, a written
5 report to the board of education of such school district concerning the
6 learning environment in the school during that school year. The board of
7 education of the school district annually shall compile the reports from
8 every school in the district and shall submit the compiled report to the
9 department of education in a format specified by rule of the state board.
10 The compiled report shall be made available to the general public. Such
11 report shall include, but need not be limited to, the following specific
12 information for the preceding school year:

13 (I) The total enrollment for the school;

14 (II) The average daily attendance rate at the school;

15 (III) Dropout rates for grades seven through twelve, if such grades
16 are taught at the school; and

17 (IV) The number of conduct and discipline code violations, each
18 of which violations shall be reported only in the most serious category
19 that is applicable to that violation, including but not limited to specific
20 information ~~on~~ IDENTIFYING the number of, and the action taken with
21 respect to, each of the following types of violations:

22 (A) ~~Carrying, bringing, using, or Possessing~~ a dangerous weapon
23 on school grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~
24 ACTIVITY or sanctioned ~~events~~ EVENT without the authorization of the
25 school or the school district;

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

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

32 (D) Use or possession of A tobacco ~~products~~ PRODUCT on school
33 grounds, in A school ~~vehicles~~ VEHICLE, or at A school ~~activities~~ ACTIVITY
34 or sanctioned ~~events~~ EVENT;

35 (E) Being willfully disobedient or openly and persistently defiant
36 or repeatedly interfering with the school's ability to provide educational
37 opportunities to, and a safe environment for, other students;

38 (F) Commission of an act on school grounds, IN A SCHOOL
39 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if
40 committed by an adult, would be considered first degree assault, as
41 described in section 18-3-202, C.R.S., second degree assault, as described

1 in section 18-3-203, C.R.S., or vehicular assault, as described in section
2 18-3-205, C.R.S.;

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

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

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

17 (J) Commission of an act on school grounds IN A SCHOOL
18 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT that, if
19 committed by an adult, would be considered robbery; and

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

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

25 ~~(A) In-school suspension;~~

26 ~~(B) Out-of-school suspension;~~

27 ~~(C) Classroom removal in accordance with board policy;~~

28 ~~(D) Expulsion;~~

29 ~~(E) Referral to a law enforcement agency; or~~

30 ~~(F) Any other form of discipline, which shall be officially~~
31 ~~identified as part of a board policy;~~

32 ~~(VI) The conduct and discipline code violations required to be~~
33 ~~reported pursuant to subparagraph (IV) of this paragraph (b) shall~~
34 ~~specifically identify each conduct and discipline code violation by a~~
35 ~~student with a disability and each action taken with respect to each~~
36 ~~violation by a student with a disability;~~

37 (VII) The average class size for each public elementary school,
38 middle school or junior high school, and senior high school in the state
39 calculated as the total number of students enrolled in the school divided
40 by the number of full-time teachers in the school; ~~For purposes of this~~
41 ~~subparagraph (VII), "full-time teacher" means a person who is licensed~~

1 pursuant to article 60.5 of this title or is authorized pursuant to section
2 22-60.5-111 to teach, and is primarily engaged in teaching during a
3 substantial majority of the instructional minutes per school day: AND

4 (VIII) ~~On and after August 8, 2001,~~ The school's policy
5 concerning bullying prevention and education, including information
6 related to the development and implementation of any bullying prevention
7 programs.

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

10 **22-32-145. School use of on-site peace officers as school**
11 **resource officers - notifications of arrests and notices issued -**
12 **reporting requirements.** (1) IF A SCHOOL RESOURCE OFFICER OR OTHER
13 LAW ENFORCEMENT OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON
14 SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
15 SANCTIONED EVENT ARRESTS A STUDENT OF THE SCHOOL, THE OFFICER
16 SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OF THE ARREST WITHIN
17 TWENTY-FOUR HOURS AFTER THE ARREST.

18 (2) IF A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT
19 OFFICER ACTING IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS,
20 IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
21 ISSUES A SUMMONS, TICKET, OR OTHER NOTICE REQUIRING THE
22 APPEARANCE OF A STUDENT OF THE SCHOOL IN COURT OR AT A POLICE
23 STATION FOR INVESTIGATION RELATING TO AN OFFENSE ALLEGEDLY
24 COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL
25 ACTIVITY OR SANCTIONED EVENT, THE OFFICER SHALL NOTIFY THE
26 PRINCIPAL OF THE SCHOOL OF THE ISSUANCE OF THE SUMMONS, TICKET, OR
27 OTHER NOTICE WITHIN TEN DAYS AFTER THE ISSUANCE OF THE SUMMONS,
28 TICKET, OR OTHER NOTICE.

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

32 (4) COMMENCING AUGUST 1, 2013, AND CONTINUING EACH
33 AUGUST 1 THEREAFTER, EACH LAW ENFORCEMENT AGENCY EMPLOYING
34 OR CONTRACTING WITH ANY LAW ENFORCEMENT OFFICER WHO IS ACTING
35 OR HAS ACTED IN HIS OR HER OFFICIAL CAPACITY ON SCHOOL GROUNDS, IN
36 A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
37 SHALL REPORT TO THE DIVISION OF CRIMINAL JUSTICE CREATED IN SECTION
38 24-33.5-502, C.R.S., IN AGGREGATE FORM WITHOUT PERSONAL
39 IDENTIFYING INFORMATION, DATA ABOUT THE CASES HANDLED BY THE
40 AGENCY ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL
41 ACTIVITY OR SANCTIONED EVENT. EACH SUCH REPORT SHALL INCLUDE, AT

1 A MINIMUM, THE FOLLOWING INFORMATION RELATING TO THE PRECEDING
2 TWELVE MONTHS:

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

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

9 (c) THE NUMBER OF SUMMONSES OR TICKETS ISSUED BY THE
10 OFFICER TO STUDENTS;

11 (d) THE NUMBER OF NOTICES ISSUED BY THE OFFICER TO
12 STUDENTS, WHICH NOTICES REQUIRED THE APPEARANCE OF A STUDENT IN
13 COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN
14 OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL
15 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;

16 (e) THE NUMBER OF REFERRALS MADE BY THE OFFICER TO A
17 DISTRICT ATTORNEY OR OTHER PROSECUTING ATTORNEY FOR THE
18 POSSIBLE FILING OF CRIMINAL CHARGES AGAINST A STUDENT, INCLUDING:

19 (I) THE TOTAL NUMBER OF SUCH REFERRALS FOR EACH TYPE OF
20 OFFENSE FOR WHICH AT LEAST ONE SUCH REFERRAL WAS MADE; AND

21 (II) IF KNOWN, FOR EACH SUCH REFERRAL, AN INDICATION AS TO
22 WHETHER ANY CHARGES WERE EVENTUALLY FILED; AND

23 (f) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH
24 STUDENT WHOM THE OFFICER :

25 (I) ARRESTED OR TO WHOM THE OFFICER ISSUED A SUMMONS,
26 TICKET, OR OTHER NOTICE REQUIRING THE APPEARANCE OF THE STUDENT
27 IN COURT OR AT A POLICE STATION FOR INVESTIGATION RELATING TO AN
28 OFFENSE ALLEGEDLY COMMITTED ON SCHOOL GROUNDS, IN A SCHOOL
29 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT; OR

30 (II) REFERRED TO THE DISTRICT ATTORNEY FOR POSSIBLE FILING OF
31 CRIMINAL CHARGES AGAINST THE STUDENT.

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

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

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

41 (2) "Adult" means a person who has reached the age of

1 twenty-one years.

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

4 (4) "DANGEROUS WEAPON" MEANS:

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

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

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

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

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

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

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

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

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

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

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

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

39 ~~(6)~~ (12) "State board" means the state board of education.

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

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

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

41 (III) TO THE EXTENT POSSIBLE, provide an opportunity for a pupil

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

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

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

19 **22-33-106. Grounds for suspension, expulsion, and denial of**
20 **admission.** (1) The following ~~shall~~ MAY be grounds for suspension or
21 expulsion of a child from a public school during a school year:

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

24 (II) For purposes of this paragraph (c.5), "habitually disruptive
25 student" means a child who has ~~been suspended pursuant to paragraph~~
26 ~~(a), (b), (c), or (d) of this subsection (1) three times during the course of~~
27 ~~the school year for causing~~ CAUSED a material and substantial disruption
28 ~~in the classroom, on school grounds, on~~ IN a school vehicle, ~~as defined in~~
29 ~~section 42-1-102 (88.5), C.R.S., or at A school activities~~ ACTIVITY or
30 ~~events because of behavior that was initiated, willful, and overt on the~~
31 ~~part of the child~~ SANCTIONED EVENT THREE OR MORE TIMES DURING THE
32 COURSE OF A SCHOOL YEAR, AS DESCRIBED IN SECTION 22-32-109.1 (2) (a)
33 (I) (B). Any student who is enrolled in a public school may be subject to
34 being declared ~~an~~ A habitually disruptive student.

35 (d) ~~(I) Serious violations in a school building or in or on school~~
36 ~~property, which suspension or expulsion shall be mandatory; except that~~
37 ~~expulsion shall be mandatory for the following violations: Carrying,~~
38 ~~bringing, using, or possessing a dangerous weapon without the~~
39 ~~authorization of the school or the school district; the sale of a drug or~~
40 ~~controlled substance as defined in section 12-22-303, C.R.S., or the~~
41 ~~commission of an act which if committed by an adult would be robbery~~

1 pursuant to part 3 of article 4 of title 18, C.R.S., or assault pursuant to
2 part 2 of article 3 of title 18, C.R.S., other than the commission of an act
3 that would be third degree assault under section 18-3-204, C.R.S., if
4 committed by an adult.

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

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

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

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

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

15 (HH) ~~Notwithstanding the provisions of subparagraph (f) of this~~
16 ~~paragraph (d), carrying, bringing, or possessing a dangerous weapon~~
17 ~~without the authorization of the school or the school district shall not~~
18 ~~require mandatory expulsion if, when the student discovers that he or she~~
19 ~~has carried, brought, or is in possession of a dangerous weapon, the~~
20 ~~student notifies a teacher, administrator, or other authorized person in the~~
21 ~~school district as soon as possible and delivers the dangerous weapon to~~
22 ~~the teacher, administrator, or other authorized person. Nothing in this~~
23 ~~subparagraph (HH) shall be construed as prohibiting a school district from~~
24 ~~expelling a student under the circumstances specified in this subparagraph~~
25 ~~(HH) if such expulsion would be in accordance with the school district's~~
26 ~~discipline code. COMMITTING ONE OF THE FOLLOWING OFFENSES ON~~
27 ~~SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR~~
28 ~~SANCTIONED EVENT:~~

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

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

33 (III) ~~THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN~~
34 ~~ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE~~
35 ~~18, C.R.S., OR ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18,~~
36 ~~C.R.S., OTHER THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD~~
37 ~~DEGREE ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN~~
38 ~~ADULT.~~

39 (g) ~~PURSUANT TO SECTION 22-12-105 (3), MAKING A FALSE~~
40 ~~ACCUSATION OF CRIMINAL ACTIVITY AGAINST AN EMPLOYEE OF AN~~
41 ~~EDUCATIONAL ENTITY TO LAW ENFORCEMENT AUTHORITIES OR SCHOOL~~

1 DISTRICT OFFICIALS OR PERSONNEL.

2 (1.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN
3 ACCORDANCE WITH THE PROVISIONS OF 20 U.S.C. SEC. 7151, A STUDENT
4 WHO IS DETERMINED TO HAVE BROUGHT A FIREARM TO A SCHOOL, OR TO
5 HAVE POSSESSED A FIREARM AT A SCHOOL, SHALL BE EXPELLED FOR A
6 PERIOD OF NOT LESS THAN ONE YEAR; EXCEPT THAT THE SUPERINTENDENT
7 OF THE STUDENT'S SCHOOL DISTRICT MAY MODIFY THIS REQUIREMENT FOR
8 A STUDENT ON A CASE-BY-CASE BASIS IF SUCH MODIFICATION IS IN
9 WRITING.

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

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

16 (4) (a) Except as provided in paragraph (b) of this subsection (4),
17 a school district shall prohibit any student who is expelled from a public
18 school of the school district pursuant to paragraph (c) or (d) of subsection
19 (1) of this section OR PURSUANT TO SUBSECTION (1.5) OF THIS SECTION
20 from enrolling or reenrolling in the same school in which the victim of
21 the offense or member of a victim's immediate family is enrolled or
22 employed. If the school district has no actual knowledge of the name of
23 the victim of the offense for which the student was expelled, the
24 provisions of this subsection (4) shall be implemented only upon request
25 of the victim or a member of the victim's immediate family.

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

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

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

35 **22-11-302. School district accountability committees - powers**
36 **and duties.** (1) Each school district accountability committee shall have
37 the following powers and duties:

38 (e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school
39 accountability committee ~~for the principal's~~ OF EACH school ~~shall provide~~
40 ~~input and recommendations to the district accountability committee and~~
41 ~~the district administration concerning the principal's evaluation~~ OF THE

1 SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE
2 OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS
3 TITLE; AND

4 (f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING
5 THE CREATION AND ENFORCEMENT OF ITS SCHOOL CONDUCT AND
6 DISCIPLINE CODE.

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

9 **22-11-503. Performance reports - contents - rules.** (3) In
10 addition to any information specified by rule of the state board, each
11 school performance report shall include the following information
12 concerning the operations and environment of the public school that is the
13 subject of the report:

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

18 ~~(I) Substance abuse - drugs;~~

19 ~~(II) Substance abuse - alcohol;~~

20 ~~(III) Substance abuse - tobacco;~~

21 ~~(IV) Felony assaults;~~

22 ~~(V) Fights;~~

23 ~~(VI) Possession of dangerous weapons; and~~

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

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

27 **22-37-103. Definitions.** As used in this article, unless the context
28 otherwise requires:

29 (3) "In-school suspension" means a suspension pursuant to section
30 ~~22-33-105~~ in PERIOD OF TIME DURING which, PURSUANT TO SECTION
31 22-33-105, the student is ~~suspended~~ PROHIBITED from participation
32 PARTICIPATING in regular school activities but remains in the school
33 environment and ~~receives continuous~~ CONTINUES TO RECEIVE educational
34 instruction, supervision, and discipline.

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

37 **20-1-113. Reporting of criminal proceedings involving public**
38 **school students.** (1) ON OR BEFORE AUGUST 1, 2013, AND ON OR BEFORE
39 EACH AUGUST 1 THEREAFTER, THE DISTRICT ATTORNEY OF EACH JUDICIAL
40 DISTRICT, OR HIS OR HER DESIGNEE, SHALL REPORT TO THE DIVISION OF
41 CRIMINAL JUSTICE CREATED IN SECTION 24-33.5-502, C.R.S., THE

1 FOLLOWING INFORMATION ABOUT OFFENSES ALLEGED TO HAVE OCCURRED
2 ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY
3 OR SANCTIONED EVENT WITHIN THE JUDICIAL DISTRICT DURING THE
4 PRECEDING TWELVE MONTHS:

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

7 (b) THE NUMBER OF OFFENSES THAT WERE REFERRED TO THE
8 DISTRICT ATTORNEY BY A LAW ENFORCEMENT AGENCY AND WERE NOT
9 FILED IN COURT, INCLUDING THE TOTAL NUMBER OF EACH TYPE OF SUCH
10 OFFENSES;

11 (c) THE NUMBER OF OFFENSES FOR WHICH THE DISTRICT ATTORNEY
12 REFERRED AN OFFENDER TO A JUVENILE DIVERSION PROGRAM OR OTHER
13 ALTERNATIVE PROGRAM, INCLUDING THE TOTAL NUMBER OF EACH TYPE
14 OF SUCH OFFENSES; AND

15 (d) THE AGE, GENDER, SCHOOL, AND RACE OR ETHNICITY OF EACH
16 STUDENT THAT THE DISTRICT ATTORNEY PROSECUTED, DECLINED TO
17 PROSECUTE, OR REFERRED TO A JUVENILE DIVERSION PROGRAM OR OTHER
18 ALTERNATIVE PROGRAM.

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

21 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
22 P.O.S.T. board has the following duties:

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

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

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

31 **24-31-312. School resource officer training.** (1) ON OR BEFORE
32 JANUARY 1, 2014, THE P.O.S.T. BOARD SHALL CREATE, AND SHALL
33 THEREAFTER PROVIDE, A TRAINING CURRICULUM TO PREPARE PEACE
34 OFFICERS TO SERVE IN AN OFFICIAL CAPACITY AS SCHOOL RESOURCE
35 OFFICERS IN PUBLIC SCHOOLS PURSUANT TO SECTION 22-32-145, C.R.S.

36 (2) IN CREATING THE TRAINING CURRICULUM DESCRIBED IN
37 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD SHALL SOLICIT
38 AND, TO THE EXTENT PRACTICABLE, IMPLEMENT THE SUGGESTIONS OF
39 RELEVANT STAKEHOLDERS AND ADVOCATES.

40 (3) (a) IN ASSIGNING PEACE OFFICERS TO SERVE AS SCHOOL
41 RESOURCE OFFICERS PURSUANT TO SECTION 22-32-145, C.R.S., EACH LAW

1 ENFORCEMENT AGENCY IS ENCOURAGED TO ENSURE THAT SUCH PEACE
2 OFFICERS HAVE SUCCESSFULLY COMPLETED THE SCHOOL RESOURCE
3 OFFICER TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF THIS
4 SECTION, OR WILL COMPLETE SAID TRAINING WITHIN SIX MONTHS AFTER
5 BEGINNING THE ASSIGNMENT.

6 (b) ON AND AFTER JANUARY 1, 2015, EACH COUNTY SHERIFF AND
7 EACH MUNICIPAL LAW ENFORCEMENT AGENCY OF THE STATE SHALL
8 EMPLOY AT LEAST ONE PEACE OFFICER WHO HAS SUCCESSFULLY
9 COMPLETED THE TRAINING CURRICULUM DESCRIBED IN SUBSECTION (1) OF
10 THIS SECTION.

11 (4) FOR THE PURPOSES OF SECTION 22-32-145, C.R.S., THE
12 TRAINING CURRICULUM CREATED PURSUANT TO SUBSECTION (1) OF THIS
13 SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING
14 PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING
15 CURRICULUM.

16 (5) IN CREATING THE TRAINING CURRICULUM DESCRIBED IN
17 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE
18 PROVISIONS TO ALLOW FOR THE AWARDING OF CREDIT TO A PEACE OFFICER
19 WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE OFFICER
20 CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE PUBLIC OR
21 PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE P.O.S.T.
22 BOARD.

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

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

30 **24-33.5-503. Duties of division.** (1) The division has the
31 following duties:

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

34 (z) To provide training on the Colorado risk assessment scale and
35 the administrative release guideline instrument as required by section
36 17-22.5-404 (2) (c), C.R.S.; AND

37 (aa) TO COLLECT THE INFORMATION REPORTED TO THE DIVISION BY
38 SCHOOL RESOURCE OFFICERS AND OTHER LAW ENFORCEMENT OFFICERS
39 PURSUANT TO SECTION 22-32-145 (4), C.R.S., AND BY DISTRICT
40 ATTORNEYS PURSUANT TO SECTION 20-1-113, C.R.S., AND:

41 (I) REPORT THE INFORMATION TO THE COLORADO COMMISSION ON

1 CRIMINAL AND JUVENILE JUSTICE CREATED IN SECTION 16-11.3-102,
2 C.R.S., IN A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING
3 INFORMATION REGARDING ANY STUDENT; AND

4 (II) MAKE THE INFORMATION AVAILABLE TO THE PUBLIC UPON
5 REQUEST IN A MANNER THAT DOES NOT INCLUDE ANY IDENTIFYING
6 INFORMATION REGARDING ANY STUDENT.

7 **SECTION 14.** In Colorado Revised Statutes, 22-2-117, **amend**
8 (1.5) as follows:

9 **22-2-117. Additional power - state board - waiver of**
10 **requirements - rules.** (1.5) Notwithstanding any provision of this
11 section or any other provision of law, the state board shall not waive
12 requirements contained in article 11 of this title or ~~sections 22-7-409,~~
13 ~~22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and~~
14 ~~22-33-104(4)~~ **SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND**
15 **(2), 22-32-109.1 (2) (a), 22-32-145, AND 22-33-104 (4).**

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

18 **22-30.5-116. Charter schools - school bullying policies**
19 **required.** (2) For the purposes of this section, "bullying" shall have the
20 same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ **SECTION**
21 **22-32-109.1 (1) (b).**

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

24 **22-30.5-502. Definitions.** As used in this part 5, unless the
25 context otherwise requires:

26 (2.5) "Bullying" shall have the same meaning as set forth in
27 ~~section 22-32-109.1 (2) (a) (X) (B)~~ **SECTION 22-32-109.1 (1) (b).**

28 **SECTION 17.** In Colorado Revised Statutes, 18-1.3-204, **amend**
29 (2.3) (a) as follows:

30 **18-1.3-204. Conditions of probation.** (2.3) (a) When granting
31 probation, the court may, as a condition of probation, require any
32 defendant who is less than eighteen years of age at the time of sentencing
33 to attend school or an educational program or to work toward the
34 attainment of a high school diploma or a GED, as that term is defined in
35 section 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the court shall not require
36 any such juvenile to attend a school from which he or she has been
37 expelled without the prior approval of that school's local board of
38 education.

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

41 **19-2-207. Juvenile parole board - authority.** The board shall

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

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

17 **19-2-1002. Juvenile parole.** (1) **Juvenile parole board -**
18 **hearing panels authority.** (a) The juvenile parole board, referred to in
19 this part 10 as the "board", established pursuant to section 19-2-206 is
20 authorized to grant, deny, defer, suspend, revoke, or specify or modify the
21 conditions of any parole for any juvenile committed to the department of
22 human services as provided in sections 19-2-601 and 19-2-907. In
23 addition to any other conditions, the board may require, as a condition of
24 parole, any adjudicated juvenile to attend school or an educational
25 program or to work toward the attainment of a high school diploma or a
26 GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (7), C.R.S.;
27 except that the board shall not require any such juvenile to attend a school
28 from which he or she has been expelled without the prior approval of that
29 school's local board of education. The board may modify any of its
30 decisions, or those of the hearing panel, except an order of discharge.

31 (3) (b) (I) In addition to any other conditions, the hearing panel
32 may require, as a condition of parole, any adjudicated juvenile to attend
33 school or an educational program or to work toward the attainment of a
34 high school diploma or a GED, as that term is defined in section
35 22-33-102 ~~(4.5)~~ (7), C.R.S.; except that the hearing panel shall not require
36 any such juvenile to attend a school from which he or she has been
37 expelled without the prior approval of that school's local board of
38 education.

39 (9) **Parole discharge.** (c) The board may discharge a juvenile
40 from parole before completion of the mandatory six-month parole period
41 when the board finds that the juvenile meets, at a minimum, all of the

1 following conditions of special achievement:

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

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

7 **25-9-106.5. Education and experience - substitution allowed.**

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

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

29 **22-33-203. Educational alternatives for expelled students.**

30 (2) (b) The educational services provided pursuant to this section are
31 designed to provide a second chance for the student to succeed in
32 achieving an education. While receiving educational services, a student
33 may be suspended or expelled pursuant to the CONDUCT AND discipline
34 code of the school district providing the educational services and the
35 provisions of part 1 of this article. Except as required by federal law, the
36 expelling school district is not required to provide educational services to
37 any student who is suspended or expelled while receiving educational
38 services pursuant to this section until the period of the suspension or
39 expulsion is completed.

40 (3) If a student is expelled ~~for the remainder of the school year~~
41 and the student is not receiving educational services pursuant to this

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

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

11 **22-30.5-505. State charter school institute - institute board -**
12 **appointment - powers and duties - rules.** (9) The institute shall ensure
13 that each institute charter school addresses the expulsion, suspension, and
14 education of expelled or suspended students in a manner consistent with
15 the intents and purposes of ~~sections 22-33-106 and 22-33-203~~ SECTIONS
16 22-33-105, 22-33-106, AND 22-33-203.

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

19 **22-38-103. Definitions.** As used in this article, unless the context
20 otherwise requires:

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

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

27 **22-93-101. Definitions.** As used in this article, unless the context
28 otherwise requires:

29 (1) "Bullying" shall have the same meaning as set forth in ~~section~~
30 ~~22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-109.1 (1) (b).

31 **SECTION 25. Act subject to petition - effective date.** This act
32 takes effect at 12:01 a.m. on the day following the expiration of the
33 ninety-day period after final adjournment of the general assembly (August
34 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
35 referendum petition is filed pursuant to section 1 (3) of article V of the
36 state constitution against this act or an item, section, or part of this act
37 within such period, then the act, item, section, or part will not take effect
38 unless approved by the people at the general election to be held in
39 November 2012 and, in such case, will take effect on the date of the
40 official declaration of the vote thereon by the governor."

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