

Colorado's 2012 School Discipline Bill
SB 12-046, amended to HB 12-1345



Legislative Declaration

- Zero tolerance policies resulted in unnecessary expulsions and law enforcement referrals
- Involvement in criminal justice system should be avoided for minor misconduct
- Laws must all school administrators more discretion in determining disciplinary response
- School districts are encouraged to create positive learning communities, keep students in school, be mindful of negative consequences of involvement in criminal justice system
- School discipline policies must apply equally to all children
- School discipline codes should delineate violations that require state and federal reporting, violations that may result in law enforcement referral, consider list of factors

School Codes of Conduct to Include by August 1, 2013

- Proportionate disciplinary interventions (including in-school suspension) designed to reduce the number of school expulsions and referrals to law enforcement
- Plans for appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to minimize student exposure to criminal justice system

Defined "Referral to Law Enforcement"

- Communication between school personnel and law enforcement
- Concerning student behavior that may constitute a school code violation or a criminal or delinquent offense and for which the school requests law enforcement investigation
- Does not include law enforcement contact for the purpose of education, prevention, or intervention regarding a student's behavior

Disruptive Students Behavioral Plan

- Code includes policies and procedures for removing disruptive students from class
- Principal must develop and implement behavioral plan after first or second removal
- Student and parent must be notified of each disruption counted toward habitually disruptive
- Upon third removal [habitual] teacher may remove disruptive student for remainder of term

Suspension, Expulsion, or Denial of Admission

- Eliminated mandatory expulsions in all categories but for federal gun law requirement
- Discretionary expulsion for habitually disruptive students (three or more times)
- Schools to consider: age, disciplinary history, disability, seriousness of the violation, threat to safety of student or staff, whether a lesser intervention would properly address violation
- Eliminated mandatory denial of admission
- Student has 10 days to appeal expulsion or denial of admission

School Resource Officers

- Peace Officers Standards and Training (POST) board to establish standards for training
- POST board to identify training curriculum by January 1, 2014
- SRO curriculum to incorporate suggestions of advocates and stakeholders
- Law enforcement agencies encouraged to ensure SRO's have completed training or will complete training within six months of school assignment
- By January 1, 2015, every municipal and county agency shall employ at least one person who has successfully completed SRO training
- SRO's shall be familiar with school conduct and discipline code
- SRO shall notify school principal within 24 hours of a student's arrest on school grounds
- SRO shall notify school principal within 10 days of issuing a summons or court ticket

Other Provisions

- Schools shall provide opportunity for suspended students to make up school work for full or partial academic credit to the extent possible
- Safe school plans should respond to data collected by the district
- School districts should ensure student familiarity with the code
- School district accountability committees to consider and provide input regarding codes

Reporting Requirements by August 1, 2013

- Schools report to Board of Education conduct and discipline code violations (most serious)
- Law enforcement agencies report to Division of Criminal Justice number of students investigated and type of offense, number of students arrested and type of offense, number of summons issued, and the age, gender, school, race, ethnicity of student
- District Attorneys report to Division of Criminal Justice the number of school cases, type of offense, disposition of the case, and the age, gender, school, race, ethnicity of student
- District attorney shall report to the extent practicable the number of cases referred by law enforcement that were not filed in court, and the number of cases and types of offenses referred to juvenile diversion program
- Division of Criminal Justice shall provide data collected to public upon request

Post-Enactment Review by August 1, 2016 and Report by February 1, 2017

- Legislative services shall complete review and report in four years
- Review shall include data reported to Division of Criminal Justice by law enforcement and district attorneys; legislators to consider continuation of reporting requirements
- Review shall be completed no later than 180 days after four year anniversary of the bill

Pertinent Dates

- August 1, 2012 effective date
- August 1, 2013 Requirements for School Codes of Conduct & Reporting Cases/Arrests
- January 1, 2014 POST training & SRO curriculum
- August 1, 2016 Post-enactment review (completed by February 1, 2017)