

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0200.01 Richard Sweetman x4333

SENATE BILL 12-046

SENATE SPONSORSHIP

Newell and Hudak,

HOUSE SPONSORSHIP

Nikkel and Levy, Szabo

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING DISCIPLINARY MEASURES IN PUBLIC SCHOOLS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Legislative Task Force to Study School Discipline. The bill amends the statutory grounds for suspension or expulsion of a student to increase the discretion of school administrators and school district boards of education (local boards). The only circumstances under which expulsion remains mandatory are those that involve a student who is determined to have brought a firearm to school or possessed a firearm at school. The bill defines the terms "suspension", "in-school suspension",

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.

"out-of-school suspension", and "expulsion".

The bill relocates, with substantive amendments, certain statutory provisions concerning school conduct and discipline codes (codes) and safe school reporting requirements.

Each code shall include criteria distinguishing minor code violations from behavior that will result in the referral of an offending student to a law enforcement agency. Each code shall include a specific policy concerning the prevention of sexual assault and domestic violence.

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

In creating and enforcing a code, each local board shall:

- ! Ensure that the code is designed to protect students from harm, provide opportunities for students to learn from their mistakes, foster a positive learning community, keep students in school, and implement a graduated set of age-appropriate responses to misconduct that are fair and proportionate in relation to each student's individual conduct;
- ! To the extent practicable, limit the use of out-of-school suspensions and expulsions to incidents that involve conduct that poses a serious and credible threat to the safety of pupils and staff; and
- ! To the extent practicable, use prevention, intervention, restorative justice, peer mediation, counseling, and other approaches to address student misconduct.

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

To the extent practicable, each local board shall assist teachers and other school employees, as may be appropriate, in obtaining training in conflict resolution in and out of the classroom, disciplinary alternatives, and restorative justice for the purpose of preventing violations of the school district's code.

If a student is suspended from school, the suspending authority shall provide an opportunity for the student to make up school work during the period of suspension for full academic credit.

The report of code violations that is required of each school principal as part of the safe school reporting requirements shall specifically identify each violation that resulted in referral to a law enforcement agency.

On and after October 1, 2012, the peace officer standards and training (P.O.S.T.) board shall create and provide a training curriculum to prepare peace officers to serve as school resource officers. In creating the training curriculum, the P.O.S.T. board shall solicit and, to the extent

practicable, implement the suggestions of relevant stakeholders.

On and after October 1, 2013, neither a school administrator nor a local board shall accept the assignment of a peace officer acting in his or her official capacity as school resource officer in a public school unless the peace officer has successfully completed the school resource officer training program.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds that a safe school is one that has a conduct and discipline
4 code that:

5 (a) Defines and helps to create a learning environment that
6 students respect;

7 (b) Defines acceptable norms of behavior for students;

8 (c) Recognizes that a disruptive student infringes on the rights of
9 other students in the school to receive a free and appropriate education;

10 (d) Protects students from the violence and intimidation of
11 bullying by setting forth clear and strict consequences for that type of
12 behavior;

13 (e) Establishes policies and procedures to address behavior that
14 poses a threat to the safety of the students or employees of the school;

15 (f) Establishes a system of consequences for misconduct, which
16 system helps define the culture of the school; and

17 (g) Makes these consequences known by making them easily
18 available and visible to all students.

19 (2) The general assembly further finds that it is important that
20 children of school age recognize that:

21 (a) A safe school enhances student achievement;

22 (b) Respect of law and policies is an important part of a civil

1 society;

2 (c) School administrators and law enforcement officers are their
3 friends, and the laws and policies these persons enforce provide students
4 the opportunity to get a quality education; and

5 (d) They live in a country and a state that ensure them due process
6 for a fair administration of justice in their schools.

7 (3) Finally, the general assembly finds that:

8 (a) Proportionate disciplinary interventions and consequences,
9 including but not limited to in-school suspensions, provide an adequate
10 response to most conduct and discipline code violations;

11 (b) Public schools and school district boards of education should
12 use out-of-school suspensions and expulsions as disciplinary responses
13 to only the most serious offenses; and

14 (c) If a school administrator or a school district board of education
15 deems it necessary to suspend or expel a student from school, the school
16 administrator or board must consider the safety of the other students if
17 and when the student returns to the school.

18 (4) Now, therefore, the general assembly hereby declares that, in
19 creating and enforcing a school conduct and discipline code, each school
20 district board of education shall:

21 (a) Ensure that the code is designed to:

22 (I) Protect students from harm;

23 (II) Provide opportunities for students to learn from their
24 mistakes;

25 (III) Foster a positive learning community;

26 (IV) Keep students in school; and

27 (V) Implement a graduated set of age-appropriate responses to

1 misconduct that are fair and proportionate in relation to each student's
2 individual conduct;

3 (b) To the extent practicable:

4 (I) Impose proportionate disciplinary interventions and
5 consequences, including but not limited to in-school suspensions, in
6 response to student misconduct; and

7 (II) Limit the use of out-of-school suspensions and expulsions to
8 incidents that involve conduct that poses a serious and credible threat to
9 the safety of pupils and staff;

10 (c) To the extent practicable, use prevention, intervention,
11 restorative justice, peer mediation, counseling, and other approaches to
12 address student misconduct; and

13 (d) Ensure the code complies with all state and federal laws
14 concerning the education of students with disabilities, as defined in
15 section 22-20-103 (5), Colorado Revised Statutes.

16 **SECTION 2.** In Colorado Revised Statutes, 22-32-109.1, **amend**
17 (2) (a), (2) (b), and (10) as follows:

18 **22-32-109.1. Board of education - specific powers and duties**
19 **- safe schools. (2) Safe school plan.** In order to provide a learning
20 environment that is safe, conducive to the learning process, and free from
21 unnecessary disruption, following consultation with the school district
22 accountability committee and school accountability committees, parents,
23 teachers, administrators, students, student councils where available, and,
24 where appropriate, the community at large, each school district board of
25 education shall adopt and implement a safe school plan, or review and
26 revise, if necessary, any existing plans or policies already in effect, which
27 shall include, but not be limited to, the following:

1 (a) **Conduct and discipline code.** A concisely written conduct
2 and discipline code that shall be enforced uniformly, fairly, and
3 consistently for all students IN ACCORDANCE WITH THE PROVISIONS OF
4 SECTION 22-32-145 AND ALL OTHER APPLICABLE STATE AND FEDERAL
5 LAWS. Copies of the code shall be provided to each student upon
6 enrollment at the elementary, middle, JUNIOR HIGH, and high school levels
7 and shall be posted or kept on file at each public school in OF the school
8 district. ~~The code shall include, but shall not be limited to:~~
9 ADDITIONALLY, EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT SHALL
10 REQUIRE EACH STUDENT ENROLLED IN THE PUBLIC SCHOOL TO BE FAMILIAR
11 WITH THE PROVISIONS OF THE CODE.

12 ~~(I) General policies on student conduct, safety, and welfare;~~
13 ~~(H) General policies and procedures for dealing with students who~~
14 ~~cause a disruption in the classroom, on school grounds, in school~~
15 ~~vehicles, as defined in section 42-1-102 (88.5), C.R.S., or at school~~
16 ~~activities or sanctioned events, including a specific policy allowing a~~
17 ~~teacher to remove a disruptive student from his or her classroom and,~~
18 ~~upon the third such removal from a teacher's class, to remove the~~
19 ~~disruptive student from such teacher's class for the remainder of the term~~
20 ~~of the class. The general policies and procedures shall include a due~~
21 ~~process procedure, which at a minimum shall require that, as soon as~~
22 ~~possible after a removal, the teacher or the school principal shall contact~~
23 ~~the parent or legal guardian of the student to request his or her attendance~~
24 ~~at a student-teacher conference regarding the removal. A behavior plan~~
25 ~~may be developed after the first such removal from class, and shall be~~
26 ~~developed after the second such removal from class. Any policy or~~
27 ~~procedure adopted shall comply with applicable federal and state laws,~~

1 including, but not limited to laws regarding students with disabilities.

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

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

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

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

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

25 ~~(VIII) A written policy concerning searches on school grounds,~~
26 ~~including student lockers;~~

27 ~~(IX) A dress code policy that encourages school pride and unity;~~

1 promotes uniformity of dress, and defines and prohibits students from
2 wearing apparel that is deemed disruptive to the classroom environment
3 or to the maintenance of a safe and orderly school. The dress code policy
4 may require students to wear a school uniform or may establish minimum
5 standards of dress; and

6 ~~(X) (A) On and after August 8, 2001, a specific policy concerning~~
7 ~~bullying prevention and education. Each school district is encouraged to~~
8 ~~ensure that its policy, at a minimum, incorporates the biennial~~
9 ~~administration of surveys of students' impressions of the severity of~~
10 ~~bullying in their schools, as described in section 22-93-104 (1) (c);~~
11 ~~character building; and the designation of a team of persons at each~~
12 ~~school of the school district who advise the school administration~~
13 ~~concerning the severity and frequency of bullying incidents that occur in~~
14 ~~the school, which team may include, but need not be limited to, law~~
15 ~~enforcement officials, social workers, prosecutors, health professionals,~~
16 ~~mental health professionals, counselors, teachers, administrators, parents,~~
17 ~~and students. Each school district's policy shall set forth appropriate~~
18 ~~disciplinary consequences for students who bully other students and for~~
19 ~~any person who takes any retaliatory action against a student who reports~~
20 ~~in good faith an incident of bullying, which consequences shall comply~~
21 ~~with all applicable state and federal laws.~~

22 ~~(B) For purposes of this subparagraph (X), "bullying" means any~~
23 ~~written or verbal expression, or physical or electronic act or gesture, or a~~
24 ~~pattern thereof, that is intended to coerce, intimidate, or cause any~~
25 ~~physical, mental, or emotional harm to any student. Bullying is prohibited~~
26 ~~against any student for any reason, including but not limited to any such~~
27 ~~behavior that is directed toward a student on the basis of his or her~~

1 ~~academic performance or against whom federal and state laws prohibit~~
2 ~~discrimination upon any of the bases described in section 22-32-109 (1)~~
3 ~~(II) (I). This definition is not intended to infringe upon any right~~
4 ~~guaranteed to any person by the first amendment to the United States~~
5 ~~constitution or to prevent the expression of any religious, political, or~~
6 ~~philosophical views.~~

7 (b) **Safe school reporting requirements.** A policy whereby the
8 principal of each public school ~~in~~ OF a school district shall submit
9 annually, in a manner and by a date specified by THE PROVISIONS OF
10 SECTION 22-32-146 AND BY rule of the state board, a written report to the
11 board of education of such school district concerning the learning
12 environment in the school during that school year. The board of education
13 of the school district annually shall compile the reports from every school
14 ~~in~~ OF the district and shall submit the compiled report to the department
15 of education in a format specified by rule of the state board. The compiled
16 report shall be made available to the general public. ~~Such report shall~~
17 ~~include, but need not be limited to, the following specific information for~~
18 ~~the preceding school year:~~

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

1 ~~(A) Carrying, bringing, using, or possessing a dangerous weapon~~
2 ~~on school grounds, in school vehicles, or at school activities or sanctioned~~
3 ~~events without the authorization of the school or the school district;~~

4 ~~(B) Use or possession of alcohol on school grounds, in school~~
5 ~~vehicles, or at school activities or sanctioned events;~~

6 ~~(C) Use, possession, or sale of a drug or controlled substance on~~
7 ~~school grounds, in school vehicles, or at school activities or sanctioned~~
8 ~~events;~~

9 ~~(D) Use or possession of tobacco products on school grounds, in~~
10 ~~school vehicles, or at school activities or sanctioned events;~~

11 ~~(E) Being willfully disobedient or openly and persistently defiant~~
12 ~~or repeatedly interfering with the school's ability to provide educational~~
13 ~~opportunities to and a safe environment for other students;~~

14 ~~(F) Commission of an act on school grounds that, if committed by~~
15 ~~an adult, would be considered first degree assault, as described in section~~
16 ~~18-3-202, C.R.S., second degree assault, as described in section 18-3-203,~~
17 ~~C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;~~

18 ~~(G) Behavior on school property that is detrimental to the welfare~~
19 ~~or safety of other students or of school personnel, including but not~~
20 ~~limited to incidents of bullying, as described by subparagraph (X) of~~
21 ~~paragraph (a) of this subsection (2), and other behavior that creates a~~
22 ~~threat of physical harm to the student or to other students;~~

23 ~~(H) Willful destruction or defacement of school property;~~

24 ~~(I) Commission of an act on school grounds that, if committed by~~
25 ~~an adult, would be considered third degree assault, as described in section~~
26 ~~18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106~~
27 ~~(1) (d), C.R.S., but not disorderly conduct involving firearms or other~~

1 ~~deadly weapons, as described in section 18-9-106 (1) (e) and (1) (f),~~
2 ~~C.R.S.;~~

3 ~~(J) Commission of an act on school grounds that, if committed by~~
4 ~~an adult, would be considered robbery; and~~

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

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

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

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

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

13 ~~(D) Expulsion;~~

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

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

17 ~~(VI) The conduct and discipline code violations required to be~~
18 ~~reported pursuant to subparagraph (IV) of this paragraph (b) shall~~
19 ~~specifically identify each conduct and discipline code violation by a~~
20 ~~student with a disability and each action taken with respect to each~~
21 ~~violation by a student with a disability;~~

22 ~~(VII) The average class size for each public elementary school,~~
23 ~~middle school or junior high school, and senior high school in the state~~
24 ~~calculated as the total number of students enrolled in the school divided~~
25 ~~by the number of full-time teachers in the school. For purposes of this~~
26 ~~subparagraph (VII), "full-time teacher" means a person who is licensed~~
27 ~~pursuant to article 60.5 of this title or is authorized pursuant to section~~

1 ~~22-60.5-111 to teach, and is primarily engaged in teaching during a~~
2 ~~substantial majority of the instructional minutes per school day.~~

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

6 (10) **Compliance with safe school reporting requirements.** If
7 the state board determines that a school district or one or more of the
8 public schools in a school district is in willful noncompliance with the
9 provisions of paragraph (b) of subsection (2) of this section OR OF
10 SECTION 22-32-146, the state's share of the school district's total program,
11 as determined pursuant to article 54 of this title, may be subject to
12 forfeiture until the school district and each school in the district attains
13 compliance with the provisions of paragraph (b) of subsection (2) of this
14 section.

15 **SECTION 3.** In Colorado Revised Statutes, **add** 22-32-145,
16 22-32-146, and 22-32-147 as follows:

17 **22-32-145. School conduct and discipline codes - training -**
18 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
19 OTHERWISE REQUIRES:

20 (a) "BULLYING" MEANS ANY WRITTEN OR VERBAL EXPRESSION, OR
21 PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT
22 IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL,
23 OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED
24 AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO
25 ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS
26 OF HIS OR HER ACADEMIC PERFORMANCE OR AGAINST WHOM FEDERAL AND
27 STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES

1 DESCRIBED IN SECTION 22-32-109 (1) (II) (I). THIS DEFINITION IS NOT
2 INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY
3 THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO
4 PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR
5 PHILOSOPHICAL VIEWS.

6 (b) "DANGEROUS WEAPON" SHALL HAVE THE SAME MEANING AS
7 SET FORTH IN SECTION 22-33-102 (4).

8 (c) "EXPULSION" SHALL HAVE THE SAME MEANING AS SET FORTH
9 IN SECTION 22-33-102 (7).

10 (d) "HABITUALLY DISRUPTIVE STUDENT" SHALL HAVE THE SAME
11 MEANING AS SET FORTH IN SECTION 22-33-112 (1).

12 (e) "IN-SCHOOL SUSPENSION" SHALL HAVE THE SAME MEANING AS
13 SET FORTH IN SECTION 22-33-102 (10).

14 (f) "OUT-OF-SCHOOL SUSPENSION" SHALL HAVE THE SAME
15 MEANING AS SET FORTH IN SECTION 22-33-102 (12).

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

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

20 (i) "SUSPENSION" SHALL HAVE THE SAME MEANING AS SET FORTH
21 IN SECTION 22-33-102 (15).

22 (2) PURSUANT TO SECTION 22-32-109.1 (2) (a), EACH SCHOOL
23 DISTRICT BOARD OF EDUCATION SHALL INCLUDE WITHIN ITS SAFE SCHOOL
24 PLAN A CONDUCT AND DISCIPLINE CODE THAT SHALL INCLUDE, BUT NEED
25 NOT BE LIMITED TO:

26 (a) GENERAL POLICIES ON STUDENT CONDUCT, SAFETY, AND
27 WELFARE;

1 (b) GENERAL POLICIES AND PROCEDURES FOR DEALING WITH
2 STUDENTS WHO CAUSE A DISRUPTION IN THE CLASSROOM, ON SCHOOL
3 GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
4 SANCTIONED EVENT, WHICH POLICIES AND PROCEDURES MAY INCLUDE A
5 SPECIFIC POLICY ALLOWING A TEACHER TO REMOVE A DISRUPTIVE
6 STUDENT FROM HIS OR HER CLASSROOM AND, UPON THE THIRD SUCH
7 REMOVAL FROM THE TEACHER'S CLASS, TO REMOVE THE DISRUPTIVE
8 STUDENT FROM THE TEACHER'S CLASS FOR THE REMAINDER OF THE TERM
9 OF THE CLASS. THE GENERAL POLICIES AND PROCEDURES SHALL INCLUDE
10 A DUE PROCESS PROCEDURE, WHICH AT A MINIMUM SHALL REQUIRE THAT,
11 AS SOON AS POSSIBLE AFTER A REMOVAL, THE TEACHER OR THE SCHOOL
12 PRINCIPAL SHALL CONTACT THE PARENT OR LEGAL GUARDIAN OF THE
13 STUDENT TO REQUEST HIS OR HER ATTENDANCE AT A STUDENT-TEACHER
14 CONFERENCE REGARDING THE REMOVAL. A BEHAVIOR PLAN MAY BE
15 DEVELOPED AFTER THE FIRST REMOVAL FROM CLASS AND SHALL BE
16 DEVELOPED AFTER THE SECOND REMOVAL FROM CLASS. ANY POLICY OR
17 PROCEDURE ADOPTED SHALL COMPLY WITH APPLICABLE FEDERAL AND
18 STATE LAWS, INCLUDING BUT NOT LIMITED TO LAWS REGARDING
19 STUDENTS WITH DISABILITIES.

20 (c) PROVISIONS ADDRESSING HABITUALLY DISRUPTIVE STUDENTS,
21 INCLUDING BUT NOT LIMITED TO SUSPENSION AND EXPULSION
22 PROCEEDINGS FOR HABITUALLY DISRUPTIVE STUDENTS;

23 (d) POLICIES AND PROCEDURES FOR THE USE OF ACTS OF
24 REASONABLE AND APPROPRIATE PHYSICAL INTERVENTION OR FORCE IN
25 DEALING WITH DISRUPTIVE STUDENTS; EXCEPT THAT A DISTRICT BOARD
26 SHALL NOT ADOPT A CONDUCT AND DISCIPLINE CODE THAT INCLUDES
27 PROVISIONS THAT CONFLICT WITH THE DESCRIPTIONS OF CHILD ABUSE IN

1 SECTION 18-6-401 (1), C.R.S., AND SECTION 19-1-103 (1), C.R.S., OR THE
2 PROVISIONS CONCERNING THE USE OF RESTRAINT IN THE "PROTECTION OF
3 PERSONS FROM RESTRAINT ACT", ARTICLE 20 OF TITLE 26, C.R.S.;

4 (e) GENERAL POLICIES AND PROCEDURES FOR DETERMINING THE
5 CIRCUMSTANCES UNDER AND THE MANNER IN WHICH DISCIPLINARY
6 ACTIONS, INCLUDING SUSPENSION, EXPULSION, AND DENIAL OF ADMISSION,
7 SHALL BE IMPOSED IN ACCORDANCE WITH THE PROVISIONS OF THIS
8 SECTION AND SECTIONS 22-33-105 AND 22-33-106;

9 (f) PROCEDURES TO:

10 (I) INFORM EACH STUDENT AND THE STUDENT'S PARENT OR
11 GUARDIAN WHEN DISCIPLINARY INFORMATION IS COMMUNICATED;

12 (II) PROVIDE A COPY OF THE DISCIPLINARY INFORMATION TO THE
13 STUDENT AND THE STUDENT'S PARENT OR GUARDIAN; AND

14 (III) ALLOW A STUDENT AND THE STUDENT'S PARENT OR
15 GUARDIAN TO CHALLENGE THE ACCURACY OF THE DISCIPLINARY
16 INFORMATION;

17 (g) A SPECIFIC POLICY CONCERNING GANG-RELATED ACTIVITIES IN
18 THE SCHOOL, ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL
19 ACTIVITIES OR SANCTIONED EVENTS;

20 (h) WRITTEN PROHIBITION, CONSISTENT WITH SECTION 22-33-106,
21 OF STUDENT POSSESSION OF DANGEROUS WEAPONS, DRUGS, OR OTHER
22 CONTROLLED SUBSTANCES ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE,
23 OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT AND OF USING DRUGS
24 OR OTHER CONTROLLED SUBSTANCES ON SCHOOL GROUNDS, IN A SCHOOL
25 VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;

26 (i) WRITTEN PROHIBITION OF STUDENT POSSESSION OR USE OF
27 TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT

1 A SCHOOL ACTIVITY OR SANCTIONED EVENT;

2 (j) A WRITTEN POLICY CONCERNING SEARCHES ON SCHOOL
3 GROUNDS, INCLUDING SEARCHES OF STUDENT LOCKERS;

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

9 (l) A SPECIFIC POLICY CONCERNING BULLYING PREVENTION AND
10 EDUCATION. EACH SCHOOL DISTRICT IS ENCOURAGED TO ENSURE THAT ITS
11 POLICY, AT A MINIMUM, INCORPORATES THE BIENNIAL ADMINISTRATION OF
12 SURVEYS OF STUDENTS' IMPRESSIONS OF THE SEVERITY OF BULLYING IN
13 THEIR SCHOOLS, AS DESCRIBED IN SECTION 22-93-104 (1) (c); CHARACTER
14 BUILDING; AND THE DESIGNATION OF A TEAM OF PERSONS AT EACH
15 SCHOOL OF THE SCHOOL DISTRICT WHO ADVISE THE SCHOOL
16 ADMINISTRATION CONCERNING THE SEVERITY AND FREQUENCY OF
17 BULLYING INCIDENTS THAT OCCUR IN THE SCHOOL, WHICH TEAM MAY
18 INCLUDE, BUT NEED NOT BE LIMITED TO, LAW ENFORCEMENT OFFICIALS,
19 SOCIAL WORKERS, PROSECUTORS, HEALTH PROFESSIONALS, MENTAL
20 HEALTH PROFESSIONALS, COUNSELORS, TEACHERS, ADMINISTRATORS,
21 PARENTS, AND STUDENTS. EACH SCHOOL DISTRICT'S POLICY SHALL SET
22 FORTH APPROPRIATE DISCIPLINARY CONSEQUENCES FOR STUDENTS WHO
23 BULLY OTHER STUDENTS AND FOR ANY PERSON WHO TAKES ANY
24 RETALIATORY ACTION AGAINST A STUDENT WHO REPORTS IN GOOD FAITH
25 AN INCIDENT OF BULLYING, WHICH CONSEQUENCES SHALL COMPLY WITH
26 ALL APPLICABLE STATE AND FEDERAL LAWS.

27 (m) CRITERIA DISTINGUISHING MINOR VIOLATIONS OF THE

1 CONDUCT AND DISCIPLINE CODE FROM BEHAVIOR THAT WILL RESULT IN
2 THE REFERRAL OF AN OFFENDING STUDENT TO A LAW ENFORCEMENT
3 AGENCY; AND

4 (n) A SPECIFIC POLICY CONCERNING THE PREVENTION OF SEXUAL
5 ASSAULT AND DOMESTIC VIOLENCE.

6 (3) IN CREATING AND ENFORCING A SCHOOL CONDUCT AND
7 DISCIPLINE CODE PURSUANT TO SUBSECTION (2) OF THIS SECTION, EACH
8 SCHOOL DISTRICT BOARD OF EDUCATION SHALL:

9 (a) ENSURE THAT THE CODE IS DESIGNED TO:

10 (I) PROTECT STUDENTS FROM HARM;

11 (II) PROVIDE OPPORTUNITIES FOR STUDENTS TO LEARN FROM THEIR
12 MISTAKES;

13 (III) FOSTER A POSITIVE LEARNING COMMUNITY;

14 (IV) KEEP STUDENTS IN SCHOOL; AND

15 (V) IMPLEMENT A GRADUATED SET OF AGE-APPROPRIATE
16 RESPONSES TO STUDENT MISCONDUCT THAT ARE FAIR AND
17 PROPORTIONATE IN RELATION TO EACH STUDENT'S INDIVIDUAL CONDUCT;

18 (b) TO THE EXTENT PRACTICABLE, IMPOSE PROPORTIONATE
19 DISCIPLINARY INTERVENTIONS AND CONSEQUENCES, INCLUDING BUT NOT
20 LIMITED TO IN-SCHOOL SUSPENSIONS, AS RESPONSES TO STUDENT
21 MISCONDUCT AND LIMIT THE USE OF OUT-OF-SCHOOL SUSPENSIONS AND
22 EXPULSIONS TO INCIDENTS THAT INVOLVE CONDUCT THAT IS DESCRIBED
23 IN SECTION 22-33-106 (1) OR (1.5);

24 (c) TO THE EXTENT PRACTICABLE, USE PREVENTION,
25 INTERVENTION, RESTORATIVE JUSTICE, PEER MEDIATION, COUNSELING,
26 AND OTHER APPROACHES TO ADDRESS STUDENT MISCONDUCT, WHICH
27 APPROACHES DO NOT INCLUDE THE ARREST OF, OR SUMMONSES ISSUED TO,

1 STUDENTS; AND

2 (d) ENSURE THE CODE COMPLIES WITH ALL STATE AND FEDERAL
3 LAWS CONCERNING THE EDUCATION OF STUDENTS WITH DISABILITIES, AS
4 DEFINED IN SECTION 22-20-103 (5).

5 (4) IN CREATING OR AMENDING A SCHOOL DISCIPLINE CODE, EACH
6 SCHOOL DISTRICT BOARD OF EDUCATION SHALL SOLICIT AND CONSIDER, AT
7 A MINIMUM, INPUT FROM:

8 (a) THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE OF THE
9 SCHOOL DISTRICT; AND

10 (b) A LOCAL OR STATEWIDE LAW ENFORCEMENT AGENCY.

11 (5) TO THE EXTENT PRACTICABLE, EACH SCHOOL DISTRICT BOARD
12 OF EDUCATION SHALL ASSIST TEACHERS AND OTHER SCHOOL EMPLOYEES,
13 AS MAY BE APPROPRIATE, IN OBTAINING TRAINING IN CONFLICT
14 RESOLUTION IN AND OUT OF THE CLASSROOM, DISCIPLINARY
15 ALTERNATIVES, AND RESTORATIVE JUSTICE FOR THE PURPOSE OF
16 PREVENTING VIOLATIONS OF THE SCHOOL DISTRICT'S CONDUCT AND
17 DISCIPLINE CODE AND CREATING A POSITIVE SCHOOL CULTURE.

18 (6) EACH SCHOOL DISTRICT BOARD OF EDUCATION IS ENCOURAGED
19 TO UTILIZE THE RESOURCES OF A STATEWIDE ORGANIZATION THAT OFFERS
20 TRAINING AND SUPPORT PROGRAMS FOR PARENTS OF PUBLIC SCHOOL
21 STUDENTS AND TO REFER PARENTS TO SUCH RESOURCES.

22 **22-32-146. Safe school reporting requirements - definitions.**

23 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
24 REQUIRES:

25 (a) "ACTION TAKEN" MEANS THE SPECIFIC TYPE OF DISCIPLINE
26 EMPLOYED BY A SCHOOL OR SCHOOL DISTRICT, INCLUDING BUT NOT
27 LIMITED TO THE FOLLOWING CATEGORIES OF DISCIPLINE:

- 1 (I) RESTORATIVE JUSTICE;
2 (II) IN-SCHOOL SUSPENSION;
3 (III) OUT-OF-SCHOOL SUSPENSION;
4 (IV) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;
5 (V) EXPULSION;
6 (VI) A REFERRAL TO A LAW ENFORCEMENT AGENCY; AND
7 (VII) ANY OTHER FORM OF DISCIPLINE THAT IS OFFICIALLY
8 IDENTIFIED AS PART OF A BOARD POLICY.

9 (b) "BULLYING" SHALL HAVE THE SAME MEANING AS SET FORTH IN
10 SECTION 22-32-145 (1).

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

13 (d) "EXPULSION" SHALL HAVE THE SAME MEANING AS SET FORTH
14 IN SECTION 22-33-102 (7).

15 (e) "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED
16 PURSUANT TO ARTICLE 60.5 OF THIS TITLE OR IS AUTHORIZED PURSUANT
17 TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN
18 TEACHING DURING A SUBSTANTIAL MAJORITY OF THE INSTRUCTIONAL
19 MINUTES PER SCHOOL DAY.

20 (f) "IN-SCHOOL SUSPENSION" SHALL HAVE THE SAME MEANING AS
21 SET FORTH IN SECTION 22-33-102 (10).

22 (g) "OUT-OF-SCHOOL SUSPENSION" SHALL HAVE THE SAME
23 MEANING AS SET FORTH IN SECTION 22-33-102 (12).

24 (h) (I) "REFERRAL TO A LAW ENFORCEMENT AGENCY" MEANS A
25 COMMUNICATION BETWEEN A SCHOOL ADMINISTRATOR, TEACHER, OR
26 OTHER SCHOOL EMPLOYEE AND A LAW ENFORCEMENT AGENCY, WHICH
27 COMMUNICATION:

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

3 (B) CONCERNS BEHAVIOR BY A STUDENT THAT THE SCHOOL
4 ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE BELIEVES MAY
5 CONSTITUTE A CRIMINAL OFFENSE.

6 (II) "REFERRAL TO A LAW ENFORCEMENT AGENCY" DOES NOT
7 MEAN ROUTINE OR INCIDENTAL COMMUNICATION BETWEEN A SCHOOL
8 ADMINISTRATOR, TEACHER, OR OTHER SCHOOL EMPLOYEE AND A LAW
9 ENFORCEMENT OFFICER WHO, AS PART OF HIS OR HER PROFESSIONAL
10 DUTIES, SERVES FULL-TIME OR PART-TIME AS AN ON-SITE RESOURCE
11 OFFICER AT A SCHOOL.

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

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

16 (k) "SUSPENSION" SHALL HAVE THE SAME MEANING AS SET FORTH
17 IN SECTION 22-32-102 (15).

18 (2) PURSUANT TO SECTION 22-32-109.1 (2) (b), EACH SCHOOL
19 DISTRICT BOARD OF EDUCATION SHALL INCLUDE WITHIN ITS SAFE SCHOOL
20 PLAN A POLICY WHEREBY THE PRINCIPAL OF EACH PUBLIC SCHOOL OF THE
21 SCHOOL DISTRICT SHALL SUBMIT ANNUALLY, IN A MANNER AND BY A DATE
22 SPECIFIED BY THE PROVISIONS OF THIS SECTION AND BY RULE OF THE
23 STATE BOARD, A WRITTEN REPORT TO THE BOARD OF EDUCATION OF THE
24 SCHOOL DISTRICT CONCERNING THE LEARNING ENVIRONMENT IN THE
25 SCHOOL DURING THAT SCHOOL YEAR. THE REPORT SHALL INCLUDE, BUT
26 NEED NOT BE LIMITED TO, THE FOLLOWING SPECIFIC INFORMATION FOR THE
27 PRECEDING SCHOOL YEAR:

- 1 (a) THE TOTAL ENROLLMENT FOR THE SCHOOL;
- 2 (b) THE AVERAGE DAILY ATTENDANCE RATE AT THE SCHOOL;
- 3 (c) DROPOUT RATES FOR GRADES SEVEN THROUGH TWELVE, IF
4 SUCH GRADES ARE TAUGHT AT THE SCHOOL;
- 5 (d) THE AVERAGE CLASS SIZE FOR EACH PUBLIC ELEMENTARY
6 SCHOOL, MIDDLE SCHOOL OR JUNIOR HIGH SCHOOL, AND SENIOR HIGH
7 SCHOOL IN THE STATE, CALCULATED AS THE TOTAL NUMBER OF STUDENTS
8 ENROLLED IN THE SCHOOL DIVIDED BY THE NUMBER OF FULL-TIME
9 TEACHERS IN THE SCHOOL;
- 10 (e) THE SCHOOL'S POLICY CONCERNING BULLYING PREVENTION
11 AND EDUCATION, INCLUDING INFORMATION RELATED TO THE
12 DEVELOPMENT AND IMPLEMENTATION OF ANY BULLYING-PREVENTION
13 PROGRAMS;
- 14 (f) THE NUMBER OF CONDUCT AND DISCIPLINE CODE VIOLATIONS,
15 EACH OF WHICH VIOLATIONS SHALL BE REPORTED ONLY IN THE MOST
16 SERIOUS CATEGORY THAT IS APPLICABLE TO THAT VIOLATION, INCLUDING
17 BUT NOT LIMITED TO THE NUMBER OF AND THE ACTION TAKEN WITH
18 RESPECT TO EACH OF THE FOLLOWING TYPES OF VIOLATIONS:
- 19 (I) POSSESSING A DANGEROUS WEAPON ON SCHOOL GROUNDS, IN
20 A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
21 WITHOUT THE AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;
- 22 (II) USE OR POSSESSION OF ALCOHOL ON SCHOOL GROUNDS, IN A
23 SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT;
- 24 (III) USE, POSSESSION, OR SALE OF A DRUG OR CONTROLLED
25 SUBSTANCE ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL
26 ACTIVITY OR SANCTIONED EVENT;
- 27 (IV) USE OR POSSESSION OF TOBACCO PRODUCTS ON SCHOOL

1 GROUND, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
2 SANCTIONED EVENT;

3 (V) BEING WILLFULLY DISOBEDIENT OR OPENLY AND
4 PERSISTENTLY DEFIANT OR REPEATEDLY INTERFERING WITH THE SCHOOL'S
5 ABILITY TO PROVIDE EDUCATIONAL OPPORTUNITIES TO AND A SAFE
6 ENVIRONMENT FOR OTHER STUDENTS;

7 (VI) COMMISSION OF AN ACT ON SCHOOL PROPERTY THAT, IF
8 COMMITTED BY AN ADULT, WOULD BE CONSIDERED FIRST DEGREE
9 ASSAULT, AS DESCRIBED IN SECTION 18-3-202, C.R.S., SECOND DEGREE
10 ASSAULT, AS DESCRIBED IN SECTION 18-3-203, C.R.S., OR VEHICULAR
11 ASSAULT, AS DESCRIBED IN SECTION 18-3-205, C.R.S.;

12 (VII) COMMISSION OF AN ACT ON SCHOOL PROPERTY THAT, IF
13 COMMITTED BY AN ADULT, WOULD BE CONSIDERED SEXUAL ASSAULT, AS
14 DESCRIBED IN SECTION 18-3-402, C.R.S.;

15 (VIII) COMMISSION OF AN ACT ON SCHOOL PROPERTY THAT, IF
16 COMMITTED BY AN ADULT, WOULD BE CONSIDERED DOMESTIC VIOLENCE,
17 AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.;

18 (IX) BEHAVIOR ON SCHOOL PROPERTY THAT IS DETRIMENTAL TO
19 THE WELFARE OR SAFETY OF OTHER STUDENTS OR OF SCHOOL PERSONNEL,
20 INCLUDING BUT NOT LIMITED TO INCIDENTS OF BULLYING AND OTHER
21 BEHAVIOR THAT CREATES A THREAT OF PHYSICAL HARM TO THE STUDENT
22 OR TO OTHER STUDENTS;

23 (X) WILLFUL DESTRUCTION OR DEFACEMENT OF SCHOOL
24 PROPERTY;

25 (XI) COMMISSION OF AN ACT ON SCHOOL PROPERTY THAT, IF
26 COMMITTED BY AN ADULT, WOULD BE CONSIDERED THIRD DEGREE
27 ASSAULT, AS DESCRIBED IN SECTION 18-3-204, C.R.S., OR DISORDERLY

1 CONDUCT, AS DESCRIBED IN SECTION 18-9-106 (1) (d), C.R.S., BUT NOT
2 DISORDERLY CONDUCT INVOLVING FIREARMS OR OTHER DEADLY
3 WEAPONS, AS DESCRIBED IN SECTION 18-9-106 (1) (e) AND (1) (f), C.R.S.;

4 (XII) COMMISSION OF AN ACT ON SCHOOL PROPERTY THAT, IF
5 COMMITTED BY AN ADULT, WOULD BE CONSIDERED ROBBERY; AND

6 (XIII) OTHER VIOLATIONS OF THE CONDUCT AND DISCIPLINE CODE
7 THAT RESULTED IN DOCUMENTATION OF THE CONDUCT IN A STUDENT'S
8 RECORD;

9 (g) THE SCHOOL'S POLICY CONCERNING THE PREVENTION OF
10 SEXUAL ASSAULT AND DOMESTIC VIOLENCE.

11 (3) THE REPORT OF THE CONDUCT AND DISCIPLINE CODE
12 VIOLATIONS THAT IS REQUIRED PURSUANT TO PARAGRAPH (f) OF
13 SUBSECTION (2) OF THIS SECTION SHALL SPECIFICALLY IDENTIFY:

14 (a) EACH CONDUCT AND DISCIPLINE CODE VIOLATION BY A
15 STUDENT WITH A DISABILITY AND EACH ACTION TAKEN WITH RESPECT TO
16 EACH VIOLATION BY A STUDENT WITH A DISABILITY; AND

17 (b) EACH VIOLATION THAT RESULTED IN A REFERRAL TO A LAW
18 ENFORCEMENT AGENCY.

19 **22-32-147. School use of on-site peace officers - employment**
20 **- notification of arrest or summons.** (1) ON AND AFTER OCTOBER 1,
21 2013, NEITHER A SCHOOL ADMINISTRATOR NOR A SCHOOL DISTRICT BOARD
22 OF EDUCATION SHALL ACCEPT THE ASSIGNMENT OF A PEACE OFFICER, AS
23 DEFINED IN SECTION 24-31-301 (5), C.R.S., ACTING IN HIS OR HER OFFICIAL
24 CAPACITY AS A SCHOOL RESOURCE OFFICER IN A PUBLIC SCHOOL UNLESS
25 THE PEACE OFFICER HAS SUCCESSFULLY COMPLETED THE SCHOOL
26 RESOURCE OFFICER TRAINING CURRICULUM DESCRIBED IN SECTION
27 24-31-311, C.R.S. THIS PROVISION DOES NOT APPLY TO PEACE OFFICERS

1 WHO ARE NOT SCHOOL RESOURCE OFFICERS.

2 (2) IF A SCHOOL RESOURCE OFFICER ARRESTS OR ISSUES A
3 SUMMONS TO A STUDENT OF A SCHOOL, THE SCHOOL RESOURCE OFFICER
4 SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL OF THE ARREST OR ISSUANCE
5 OF THE SUMMONS NOT LESS THAN THIRTY DAYS AFTER THE ARREST OR
6 ISSUANCE OF THE SUMMONS.

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

9 **22-33-102. Definitions.** As used in this article, unless the context
10 otherwise requires:

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

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

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

20 (4) "DANGEROUS WEAPON" MEANS:

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

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

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

27 (d) A SPRING-LOADED KNIFE OR A POCKET KNIFE WITH A BLADE

1 EXCEEDING THREE AND ONE-HALF INCHES IN LENGTH; OR

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

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

7 ~~(4)~~(6) "Executive officer" means the superintendent of schools or
8 ~~that~~ THE head administrative officer designated by the board of education
9 to execute its policy decisions.

10 (7) "EXPULSION" MEANS THE PROHIBITION OF A STUDENT BY A
11 SCHOOL ADMINISTRATION OR BY A LOCAL BOARD OF EDUCATION FROM
12 BEING PRESENT ON SCHOOL GROUNDS FOR THE REMAINDER OF THE
13 ACADEMIC TERM IN WHICH THE OFFENSE OCCURRED, FOR THE REMAINDER
14 OF THE ACADEMIC YEAR, OR FOR THE DURATION OF THE ACADEMIC TERM
15 IMMEDIATELY FOLLOWING THE ACADEMIC TERM IN WHICH THE OFFENSE
16 OCCURRED.

17 ~~(4.5)~~ (8) "General educational development tests" or "GED"
18 means the battery of tests given at an authorized testing center, which
19 tests are designed and published by the GED testing service of the
20 American council on education to measure the major outcomes and
21 concepts generally associated with four years of high school education.
22 Each GED testing center must have a current contract with the American
23 council on education and be authorized by the commissioner of education.

24 (9) "HABITUALLY DISRUPTIVE STUDENT" SHALL HAVE THE SAME
25 MEANING AS SET FORTH IN SECTION 22-33-112 (1).

26 (10) "IN-SCHOOL SUSPENSION" MEANS A PERIOD OF TIME DURING
27 WHICH A STUDENT IS PROHIBITED FROM PARTICIPATING IN REGULAR

1 SCHOOL ACTIVITIES BUT REMAINS IN THE SCHOOL ENVIRONMENT AND
2 CONTINUES TO RECEIVE EDUCATIONAL INSTRUCTION, SUPERVISION, AND
3 DISCIPLINE.

4 ~~(4.7)~~ (11) "Informal hearing" means an opportunity for a child to
5 explain his or her position regarding a disruption in the classroom or an
6 incident constituting grounds for discipline.

7 (12) "OUT-OF-SCHOOL SUSPENSION" MEANS A PERIOD OF TIME
8 DURING WHICH A STUDENT IS PROHIBITED BY A SCHOOL ADMINISTRATION
9 OR BY A LOCAL BOARD OF EDUCATION FROM BEING PRESENT ON SCHOOL
10 GROUNDS.

11 ~~(5)~~ (13) "Parent" means the mother or father of a child or any
12 other person having custody of a child.

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

15 (15) "SUSPENSION" MEANS EITHER AN IN-SCHOOL SUSPENSION OR
16 AN OUT-OF-SCHOOL SUSPENSION.

17 ~~(6)~~ (16) "State board" means the state board of education.

18 **SECTION 5.** In Colorado Revised Statutes, 22-33-105, **amend**
19 (2) (c), (2.5), (3) (d) introductory portion, (3) (d) (III), and (6) as follows:

20 **22-33-105. Suspension, expulsion, and denial of admission.**

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

23 (c) Deny admission to, or expel for any period not extending
24 beyond one year, any child whom the board of education, in accordance
25 with the limitations imposed by this article, ~~shall determine~~ DETERMINES
26 does not qualify for admission to, or continued attendance at, the public
27 schools of the district; EXCEPT THAT A BOARD OF EDUCATION SHALL NOT

1 DENY ADMISSION TO OR EXPEL ANY CHILD UNTIL A HEARING HAS BEEN
2 CONDUCTED, AT WHICH HEARING THE CHILD OR THE CHILD'S PARENT,
3 GUARDIAN, OR LEGAL CUSTODIAN MAY PRESENT EVIDENCE AND
4 TESTIMONY ON THE CHILD'S BEHALF; BRING FORTH INTERESTED PERSONS
5 TO TESTIFY ON THE CHILD'S BEHALF; ASK QUESTIONS OF ANY SCHOOL
6 ADMINISTRATORS, SCHOOL EMPLOYEES, OR MEMBERS OF THE LOCAL
7 BOARD OF EDUCATION WHO ARE PRESENT AT THE HEARING; AND BE
8 REPRESENTED BY AN ATTORNEY. A board of education may delegate ~~such~~
9 THE powers DESCRIBED IN THIS PARAGRAPH (c) to its executive officer or
10 to a HIS OR HER designee who shall serve as a hearing officer. ~~If the~~
11 ~~hearing is conducted by a designee acting as a hearing officer,~~ AFTER THE
12 CONCLUSION OF THE HEARING:

13 (I) IF THE HEARING HAS BEEN CONDUCTED BY A DESIGNEE OF THE
14 EXECUTIVE OFFICER SERVING AS A HEARING OFFICER, the hearing officer
15 shall forward findings of fact and recommendations to the executive
16 officer at the conclusion of the hearing.

17 (II) NOT MORE THAN FIVE DAYS AFTER THE CONCLUSION OF THE
18 HEARING, the executive officer shall render a written opinion ~~within five~~
19 ~~days after a hearing conducted by the executive officer or by a hearing~~
20 ~~officer~~ AND A DECISION REGARDING THE DENIAL OF ADMISSION TO, OR THE
21 EXPULSION OF, THE CHILD.

22 (III) The executive officer shall report ~~on each case acted upon~~
23 THE OUTCOME OF THE HEARING at the next meeting of the board of
24 education, briefly describing the circumstances and the reasons for the
25 executive officer's action.

26 (IV) ~~When delegated, an~~ A CHILD WHO HAS BEEN DENIED
27 ADMISSION OR EXPELLED AS AN OUTCOME OF THE HEARING SHALL HAVE

1 TEN DAYS AFTER THE DENIAL OF ADMISSION OR EXPULSION IN WHICH TO
2 appeal ~~may be taken from~~ the decision of the executive officer to the
3 board of education, AFTER WHICH TIME THE DECISION TO GRANT OR DENY
4 SUCH APPEAL SHALL BE AT THE DISCRETION OF THE BOARD OF EDUCATION.
5 The appeal shall consist of a review of the facts that were presented and
6 ~~that were determined~~ CONSIDERED at the hearing, ~~conducted by the~~
7 ~~executive officer or by a designee acting as a hearing officer,~~ arguments
8 relating to the decision, and questions of clarification from the board of
9 education. ~~No board of education shall deny admission to, or expel, any~~
10 ~~child without a hearing, if one is requested by the parent, guardian, or~~
11 ~~legal custodian of the child, at which evidence may be presented in the~~
12 ~~child's behalf.~~

13 (V) ~~If the child is denied admission or expelled,~~ A BOARD OF
14 EDUCATION OR AN EXECUTIVE OFFICER DENIES ADMISSION TO, OR EXPELS,
15 A CHILD, the child ~~shall be entitled to~~ MAY SEEK a review of the decision
16 of the board of education in accordance with section 22-33-108.

17 (2.5) Each board of education shall annually report to the state
18 board the number of students expelled from schools within the district
19 pursuant to this section, PURSUANT TO SECTION 22-33-106, and pursuant
20 to section 25-4-907, C.R.S. Any ~~pupil~~ STUDENT who is expelled pursuant
21 to this section shall not be included in calculating the dropout rate for the
22 school from which ~~such~~ THE student is expelled or in calculating the
23 dropout rate for the school district in which ~~such pupil~~ THE STUDENT was
24 enrolled prior to being expelled.

25 (3) (d) IF A STUDENT IS SUSPENDED PURSUANT TO SUBSECTION (2)
26 OF THIS SECTION, the suspending authority shall:

27 (III) Provide an opportunity for a ~~pupil~~ THE STUDENT to make up

1 school work during the period of suspension FOR FULL ACADEMIC CREDIT.
2 The intent of this provision is to provide an opportunity for the pupil
3 STUDENT to reintegrate into the educational program of the district
4 following the period of suspension, which the school district should take
5 into consideration when determining the amount of credit a student will
6 receive for this makeup work.

7 (6) When a pupil is expelled by a school district, ~~for the remainder~~
8 ~~of the school year~~, the parent, guardian, or legal custodian is responsible
9 for seeing that the compulsory school attendance statute is complied with
10 during the period of expulsion from such school district.

11 **SECTION 6.** In Colorado Revised Statutes, 22-33-106, **amend**
12 (1) introductory portion, (1) (c.5) (I), (1) (d), (3) introductory portion, (4)
13 (a), and (4) (b) (I); **repeal** (1) (c.5) (II) and (1) (c.5) (III); and **add** (1) (g)
14 and (1.5) as follows:

15 **22-33-106. Grounds for suspension, expulsion, and denial of**
16 **admission.** (1) The following ~~shall~~ MAY be grounds for suspension or
17 expulsion of a child from a public school during a school year:

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

20 (II) ~~For purposes of this paragraph (c.5), "habitually disruptive~~
21 ~~student" means a child who has been suspended pursuant to paragraph~~
22 ~~(a), (b), (c), or (d) of this subsection (1) three times during the course of~~
23 ~~the school year for causing a material and substantial disruption in the~~
24 ~~classroom, on school grounds, on a school vehicle, as defined in section~~
25 ~~42-1-102 (88.5), C.R.S., or at school activities or events, because of~~
26 ~~behavior that was initiated, willful, and overt on the part of the child. Any~~
27 ~~student who is enrolled in a public school may be subject to being~~

1 ~~declared an habitually disruptive student.~~

2 (III) ~~The student and the parent, legal guardian, or legal custodian~~
3 ~~shall have been notified in writing of each suspension counted toward~~
4 ~~declaring the student as habitually disruptive pursuant to this paragraph~~
5 ~~(c.5) and the student and parent, legal guardian, or legal custodian shall~~
6 ~~have been notified in writing and by telephone or other means at the home~~
7 ~~or the place of employment of the parent or legal guardian of the~~
8 ~~definition of "habitually disruptive student".~~

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

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

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

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

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

27 (D) ~~Any object, device, instrument, material, or substance;~~

1 whether animate or inanimate, used or intended to be used to inflict death
2 or serious bodily injury.

3 ~~(HH) Notwithstanding the provisions of subparagraph (I) of this~~
4 ~~paragraph (d), carrying, bringing, or possessing a dangerous weapon~~
5 ~~without the authorization of the school or the school district shall not~~
6 ~~require mandatory expulsion if, when the student discovers that he or she~~
7 ~~has carried, brought, or is in possession of a dangerous weapon, the~~
8 ~~student notifies a teacher, administrator, or other authorized person in the~~
9 ~~school district as soon as possible and delivers the dangerous weapon to~~
10 ~~the teacher, administrator, or other authorized person. Nothing in this~~
11 ~~subparagraph (HH) shall be construed as prohibiting a school district from~~
12 ~~expelling a student under the circumstances specified in this subparagraph~~
13 ~~(HH) if such expulsion would be in accordance with the school district's~~
14 ~~discipline code.~~ COMMITTING ONE OF THE FOLLOWING OFFENSES ON
15 SCHOOL GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR
16 SANCTIONED EVENT:

17 (I) POSSESSION OF A DANGEROUS WEAPON WITHOUT THE
18 AUTHORIZATION OF THE SCHOOL OR THE SCHOOL DISTRICT;

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

21 (III) THE COMMISSION OF AN ACT THAT, IF COMMITTED BY AN
22 ADULT, WOULD BE ROBBERY PURSUANT TO PART 3 OF ARTICLE 4 OF TITLE
23 18, C.R.S.; SEXUAL ASSAULT, AS DESCRIBED IN SECTION 18-3-402, C.R.S.;
24 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3 (1), C.R.S.; OR
25 ASSAULT PURSUANT TO PART 2 OF ARTICLE 3 OF TITLE 18, C.R.S., OTHER
26 THAN THE COMMISSION OF AN ACT THAT WOULD BE THIRD DEGREE
27 ASSAULT UNDER SECTION 18-3-204, C.R.S., IF COMMITTED BY AN ADULT.

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

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

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

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

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

27 (I) Prohibit the student expelled from the school district pursuant

1 to paragraph (c) or (d) of subsection (1) of this section OR PURSUANT TO
2 SUBSECTION (1.5) OF THIS SECTION from enrolling or reenrolling in the
3 same school in which the victim of the offense or member of a victim's
4 immediate family is enrolled or employed; or

5 **SECTION 7.** In Colorado Revised Statutes, **add** 22-33-112 as
6 follows:

7 **22-33-112. Habitually disruptive students - designation -**
8 **notice - definition.** (1) FOR PURPOSES OF THIS SECTION, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES, "HABITUALLY DISRUPTIVE STUDENT"
10 MEANS A STUDENT WHO HAS BEEN SUSPENDED PURSUANT TO SECTION
11 22-33-106 (1) (a), (1) (b), (1) (c), OR (1) (d) THREE TIMES DURING THE
12 COURSE OF THE SCHOOL YEAR FOR CAUSING A MATERIAL AND
13 SUBSTANTIAL DISRUPTION IN THE CLASSROOM, ON SCHOOL GROUNDS, IN
14 A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT
15 BECAUSE OF BEHAVIOR THAT WAS INITIATED, WILLFUL, AND OVERT ON THE
16 PART OF THE CHILD.

17 (2) (a) EXCEPT AS DESCRIBED IN PARAGRAPH (b) OF THIS
18 SUBSECTION (2), A STUDENT WHO IS ENROLLED IN A PUBLIC SCHOOL MAY
19 BE DECLARED A HABITUALLY DISRUPTIVE STUDENT BY THE
20 ADMINISTRATION OF THE STUDENT'S SCHOOL IF THE STUDENT SATISFIES
21 THE DEFINITION PROVIDED IN SUBSECTION (1) OF THIS SECTION.

22 (b) A SCHOOL ADMINISTRATOR SHALL NOT DECLARE A STUDENT TO
23 BE A HABITUALLY DISRUPTIVE STUDENT UNTIL THE SCHOOL HAS
24 DEVELOPED AN ASSESSMENT OF, AND A REMEDIAL DISCIPLINE PLAN FOR,
25 THE STUDENT, WHICH ADDRESSES THE STUDENT'S DISRUPTIVE BEHAVIOR,
26 HIS OR HER EDUCATIONAL NEEDS, AND THE GOAL OF KEEPING THE
27 STUDENT IN SCHOOL. A SCHOOL SHALL DEVELOP SUCH AN ASSESSMENT

1 AFTER THE SECOND SUSPENSION OF A STUDENT FOR A MATERIAL AND
2 SUBSTANTIAL DISRUPTION. THE SCHOOL ADMINISTRATION SHALL
3 ENCOURAGE AND SOLICIT THE FULL PARTICIPATION OF THE STUDENT'S
4 PARENT, GUARDIAN, OR LEGAL CUSTODIAN IN THE DEVELOPMENT OF SUCH
5 AN ASSESSMENT.

6 (3) IF THE ADMINISTRATION OF A SCHOOL DECLARES A STUDENT TO
7 BE A HABITUALLY DISRUPTIVE STUDENT PURSUANT TO SUBSECTION (1) OF
8 THIS SECTION, AN ADMINISTRATOR OF THE SCHOOL SHALL IMMEDIATELY
9 NOTIFY THE STUDENT'S PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN
10 IN WRITING OF SUCH DESIGNATION. THIS NOTIFICATION SHALL INCLUDE:

11 (a) A BRIEF DESCRIPTION OF EACH SUSPENSION THAT THE SCHOOL
12 ADMINISTRATION COUNTED IN DECLARING THE STUDENT HABITUALLY
13 DISRUPTIVE; AND

14 (b) THE DEFINITION OF "HABITUALLY DISRUPTIVE STUDENT" SET
15 FORTH IN SUBSECTION (1) OF THIS SECTION.

16 **SECTION 8.** In Colorado Revised Statutes, 18-9-109, **add** (7) as
17 follows:

18 **18-9-109. Interference with staff, faculty, or students of**
19 **educational institutions.** (7) THE OFFENSES DESCRIBED IN THIS SECTION
20 ARE NOT INTENDED TO BE USED TO CHARGE OR PROSECUTE A STUDENT,
21 SCHOOL OFFICIAL, EMPLOYEE, OR INVITEE WHO IS LEGALLY PRESENT ON
22 THE PREMISES OR FACILITIES OF AN EDUCATIONAL INSTITUTION.

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

25 **24-31-303. Duties - powers of the P.O.S.T. board.** (1) The
26 P.O.S.T. board has the following duties:

27 (i) To promulgate rules and regulations that establish the criteria

1 that shall be applied in determining whether to recommend peace officer
2 status for a group or specific position as provided in section 16-2.5-201
3 (4), C.R.S.; AND

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

6 **SECTION 10.** In Colorado Revised Statutes, **add** 24-31-312 as
7 follows:

8 **24-31-312. School resource officer training.** (1) ON OR BEFORE
9 OCTOBER 1, 2012, THE P.O.S.T. BOARD SHALL CREATE, AND SHALL
10 THEREAFTER PROVIDE, A TRAINING CURRICULUM TO PREPARE PEACE
11 OFFICERS TO SERVE IN THEIR OFFICIAL CAPACITY AS SCHOOL RESOURCE
12 OFFICERS IN PUBLIC SCHOOLS PURSUANT TO SECTION 22-32-147, C.R.S.

13 (2) IN CREATING THE TRAINING CURRICULUM DESCRIBED IN
14 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD SHALL SOLICIT
15 AND, TO THE EXTENT PRACTICABLE, IMPLEMENT THE SUGGESTIONS OF
16 RELEVANT STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO:

17 (a) THE DEPARTMENT OF EDUCATION CREATED IN SECTION
18 24-1-115;

19 (b) THE SCHOOL SAFETY RESOURCE CENTER CREATED IN SECTION
20 24-33.5-1803;

21 (c) A STATEWIDE ASSOCIATION OF LOCAL SCHOOL DISTRICT
22 BOARDS OF EDUCATION;

23 (d) A STATEWIDE ORGANIZATION OF SCHOOL RESOURCE OFFICERS;

24 (e) A STATEWIDE ASSOCIATION OF SCHOOL EXECUTIVES;

25 (f) A STATEWIDE ASSOCIATION OF TEACHERS;

26 (g) A STATEWIDE ASSOCIATION THAT ADVOCATES ON BEHALF OF
27 CHILDREN WITH DISABILITIES;

- 1 (h) A STATEWIDE ASSOCIATION OF PARENTS;
- 2 (i) THE COLORADO COMMISSION ON CRIMINAL AND JUVENILE
- 3 JUSTICE CREATED IN SECTION 16-11.3-102, C.R.S.; AND
- 4 (j) THE RESTORATIVE JUSTICE COORDINATING COUNCIL CREATED
- 5 IN SECTION 19-2-213, C.R.S.

6 (3) FOR THE PURPOSES OF SECTION 22-32-147, C.R.S., THE

7 TRAINING CURRICULUM CREATED PURSUANT TO SUBSECTION (1) OF THIS

8 SECTION SHALL INCLUDE A MEANS OF RECOGNIZING AND IDENTIFYING

9 PEACE OFFICERS WHO SUCCESSFULLY COMPLETE THE TRAINING

10 CURRICULUM.

11 (4) IN CREATING THE TRAINING CURRICULUM DESCRIBED IN

12 SUBSECTION (1) OF THIS SECTION, THE P.O.S.T. BOARD MAY INCLUDE

13 PROVISIONS TO ALLOW FOR THE AWARDING OF CREDIT TO A PEACE OFFICER

14 WHO HAS SUCCESSFULLY COMPLETED A SCHOOL RESOURCE OFFICER

15 CERTIFICATION CURRICULUM OFFERED BY ONE OR MORE PUBLIC OR

16 PRIVATE ENTITIES, WHICH ENTITIES SHALL BE IDENTIFIED BY THE P.O.S.T.

17 BOARD.

18 **SECTION 11.** In Colorado Revised Statutes, 22-11-302, **amend**

19 (1) (e); and **add** (1) (f) as follows:

20 **22-11-302. School district accountability committees - powers**

21 **and duties.** (1) Each school district accountability committee shall have

22 the following powers and duties:

23 (e) TO CONSIDER INPUT AND RECOMMENDATIONS FROM the school

24 accountability committee ~~for the principal's~~ OF EACH school ~~shall provide~~

25 ~~input and recommendations to the district accountability committee and~~

26 ~~the district administration concerning the principal's evaluation~~ OF THE

27 SCHOOL DISTRICT TO FACILITATE THE EVALUATION OF THE PERFORMANCE

1 OF THE SCHOOL'S PRINCIPAL FOR THE PURPOSES OF ARTICLE 9 OF THIS
2 TITLE; AND

3 (f) TO PROVIDE INPUT TO THE LOCAL SCHOOL BOARD CONCERNING
4 THE CLIMATE AND ENVIRONMENT OF EACH SCHOOL OF THE SCHOOL
5 DISTRICT AND THE CREATION AND ENFORCEMENT OF A SCHOOL CONDUCT
6 AND DISCIPLINE CODE.

7 **SECTION 12.** 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 22-32-146 (2) (f),
16 expressed as a number and as a percentage of the total occurrences of all
17 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 13.** In Colorado Revised Statutes, 22-2-117, **amend**
26 (1.5) as follows:

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

1 **requirements - rules.** (1.5) Notwithstanding any provision of this
2 section or any other provision of law, the state board shall not waive
3 requirements contained in article 11 of this title or ~~sections 22-7-409,~~
4 ~~22-32-105, 22-32-109 (1) (bb) (I) and (2), 22-32-109.1 (2) (a), and~~
5 ~~22-33-104 (4)~~ SECTIONS 22-7-409, 22-32-105, 22-32-109 (1) (bb) (I) AND
6 (2), 22-32-109.1 (2) (a), 22-32-145, 22-32-146, 22-32-147, AND 22-33-104
7 (4).

8 **SECTION 14.** In Colorado Revised Statutes, 22-30.5-116,
9 **amend** (2) as follows:

10 **22-30.5-116. Charter schools - school bullying policies**
11 **required.** (2) For the purposes of this section, "bullying" shall have the
12 same meaning as set forth in ~~section 22-32-109.1 (2) (a) (X) (B)~~ SECTION
13 22-32-145 (1).

14 **SECTION 15.** In Colorado Revised Statutes, 22-30.5-502,
15 **amend** (2.5) as follows:

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

18 (2.5) "Bullying" shall have the same meaning as set forth in
19 ~~section 22-32-109.1 (2) (a) (X) (B)~~ SECTION 22-32-145 (1).

20 **SECTION 16.** In Colorado Revised Statutes, 18-1.3-204, **amend**
21 (2.3) (a) as follows:

22 **18-1.3-204. Conditions of probation.** (2.3) (a) When granting
23 probation, the court may, as a condition of probation, require any
24 defendant who is less than eighteen years of age at the time of sentencing
25 to attend school or an educational program or to work toward the
26 attainment of a high school diploma or a GED, as that term is defined in
27 section 22-33-102 ~~(4.5)~~ (8), C.R.S.; except that the court shall not require

1 any such juvenile to attend a school from which he or she has been
2 expelled without the prior approval of that school's local board of
3 education.

4 **SECTION 17.** In Colorado Revised Statutes, **amend** 19-2-207 as
5 follows:

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

21 **SECTION 18.** In Colorado Revised Statutes, 19-2-1002, **amend**
22 (1) (a), (3) (b) (I), and (9) (c) (I) as follows:

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

1 human services as provided in sections 19-2-601 and 19-2-907. In
2 addition to any other conditions, the board may require, as a condition of
3 parole, any adjudicated juvenile to attend school or an educational
4 program or to work toward the attainment of a high school diploma or a
5 GED, as that term is defined in section 22-33-102 ~~(4.5)~~ (8), C.R.S.;

6 except that the board shall not require any such juvenile to attend a school
7 from which he or she has been expelled without the prior approval of that
8 school's local board of education. The board may modify any of its
9 decisions, or those of the hearing panel, except an order of discharge.

10 (3) (b) (I) In addition to any other conditions, the hearing panel
11 may require, as a condition of parole, any adjudicated juvenile to attend
12 school or an educational program or to work toward the attainment of a
13 high school diploma or a GED, as that term is defined in section
14 22-33-102 ~~(4.5)~~ (8), C.R.S.; except that the hearing panel shall not require
15 any such juvenile to attend a school from which he or she has been
16 expelled without the prior approval of that school's local board of
17 education.

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

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

25 **SECTION 19.** In Colorado Revised Statutes, **amend** 25-9-106.5
26 as follows:

27 **25-9-106.5. Education and experience - substitution allowed.**

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

20 **SECTION 20.** In Colorado Revised Statutes, 22-37-103, **amend**
21 (2) and (3) as follows:

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

24 (2) "In-home suspension" means a ~~suspension pursuant to section~~
25 ~~22-33-105 in~~ PERIOD OF TIME DURING which, PURSUANT TO SECTION
26 22-33-105, the student is ~~suspended~~ PROHIBITED from ~~participation~~
27 PARTICIPATING in regular school activities but ~~receives continuous~~

1 CONTINUES TO RECEIVE educational instruction, supervision, and
2 discipline in a home environment.

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

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

11 **22-33-203. Educational alternatives for expelled students.**

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

22 (3) If a student is expelled ~~for the remainder of the school year~~
23 and the student is not receiving educational services pursuant to this
24 section, the school district shall contact the expelled student's parent or
25 guardian at least once every sixty days until the beginning of the next
26 school year to determine whether the student is receiving educational
27 services from some other source; except that the school district need not

1 contact a student's parent or guardian after the student is enrolled in
2 another school district or in an independent or parochial school or if the
3 student is committed to the department of human services or is sentenced
4 pursuant to article 2 of title 19, C.R.S.

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

7 **22-30.5-505. State charter school institute - institute board -**
8 **appointment - powers and duties - rules.** (9) The institute shall ensure
9 that each institute charter school addresses the expulsion, suspension, and
10 education of expelled or suspended students in a manner consistent with
11 the intents and purposes of ~~sections 22-33-106 and 22-33-203~~ SECTIONS
12 22-33-105, 22-33-106, AND 22-33-203.

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

15 **22-38-103. Definitions.** As used in this article, unless the context
16 otherwise requires:

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

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

23 **22-93-101. Definitions.** As used in this article, unless the context
24 otherwise requires:

25 (1) "Bullying" shall have the same meaning as set forth in ~~section~~
26 ~~22-32-109.1(2)(a)(X)(B)~~ SECTION 22-32-145 (1) (a).

27 **SECTION 25. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly (August
3 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
4 referendum petition is filed pursuant to section 1 (3) of article V of the
5 state constitution against this act or an item, section, or part of this act
6 within such period, then the act, item, section, or part will not take effect
7 unless approved by the people at the general election to be held in
8 November 2012 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.