

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0739.01 Alana Rosen x2606

**SENATE BILL 21-182**

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**SENATE SPONSORSHIP**

**Buckner**, Coleman, Bridges, Fields, Lee, Pettersen, Story, Winter, Zenzinger

**HOUSE SPONSORSHIP**

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**A BILL FOR AN ACT**

101      **CONCERNING SCHOOL DISCIPLINE, AND, IN CONNECTION THEREWITH,**  
102               **ADDRESSING DISPROPORTIONATE DISCIPLINARY PRACTICES AND**  
103               **CHRONIC ABSENTEEISM AND SUPPORTING STUDENTS AT RISK OF**  
104               **DROPPING OUT OF SCHOOL.**

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**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://leg.colorado.gov>.)*

The bill requires the state board of education to promulgate rules to standardize the reporting method for school districts and charter schools to report disproportionate discipline data to the department of

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

education (department) and the federal department of education's biennial survey.

The bill requires each school district and institute charter school to disaggregate reports of conduct and discipline violations by race, ethnicity, gender, status as a student with a disability, and socioeconomic status to the maximum extent possible in compliance with the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g. The bill also requires each school district and institute charter school to report the specific action taken in response to each discipline violation.

The bill prohibits law enforcement officers from arresting students, or issuing a summons, ticket, or notice requiring the appearance of a student in court or at a police station for certain offenses and conduct. The bill also prohibits a school resource officer or law enforcement officer acting in their official capacity from handcuffing an elementary school student.

The bill requires school districts and institute charter schools to adopt policies for selecting school resource officers if the school district or institute charter school elects to contract for one or more school resource officers. The bill requires each school district or institute charter school and the employing law enforcement agency to jointly create an evaluation process for school resource officers. Each school district or institute charter school and employing law enforcement agency shall enter into a memorandum of understanding to address issues such as strategies, procedures, and practices that minimize student exposure to the criminal and juvenile justice system; prioritization of strategies for enhancing student learning, safety, and well-being; and creation of a sustainable and successful balance between education and protecting students, teachers, and the school.

The bill requires each school district board of education and each institute charter school to adopt a policy to report and address disproportionate disciplinary practices in public schools. Each school district and institute charter school shall develop, implement, and annually review improvement plans to address disproportionate discipline practices by race, ethnicity, gender, status as a student with a disability, and socioeconomic status based on the policy and disciplinary data reported to the department under the safe school reporting requirements. In implementing an improvement plan to address disproportionate discipline practices, each school district and institute charter school shall provide to the parents of the students enrolled in the school written notice of the improvement plan and issues identified by the department as giving rise to the need for the plan. The written notice must include the timeline for developing and adopting the improvement plan and the dates, times, and locations of the public meeting and a public hearing.

The bill requires school districts and institute charter schools to

address chronic absenteeism and disproportionate disciplinary practices in order to provide support to students who are identified as at risk of chronic absenteeism and disciplinary actions, including classroom removal, suspension, and expulsion. The bill amends the expelled and at-risk student services grant program to focus on services for students identified as at risk of dropping out of school due to chronic absenteeism and disciplinary actions.

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

2           **SECTION 1.** In Colorado Revised Statutes, **add** 22-32-146.2 as  
3 follows:

4           **22-32-146.2. Addressing disproportionate discipline - policy**  
5 **- communications - legislative declaration.** (1) (a) THE GENERAL  
6 ASSEMBLY FINDS AND DECLARES THAT:

7           (I) FOR THE 2018-19 SCHOOL YEAR IN COLORADO, BLACK  
8 STUDENTS WERE 3.2 TIMES MORE LIKELY TO BE SUSPENDED THAN WHITE  
9 STUDENTS, AND HISPANIC STUDENTS WERE 1.7 TIMES MORE LIKELY TO BE  
10 SUSPENDED THAN WHITE STUDENTS;

11           (II) IN THE 2017-18 SCHOOL YEAR, OVER FOUR THOUSAND  
12 STUDENTS ACROSS COLORADO WERE ISSUED A CITATION OR ARRESTED FOR  
13 A NONVIOLENT MISDEMEANOR ON SCHOOL PROPERTY;

14           (III) STUDENTS WHO ARE ARRESTED, SUSPENDED, OR TICKETED  
15 ARE MORE LIKELY TO REPEAT A GRADE, BE CHRONICALLY ABSENT, DROP  
16 OUT, OR END UP IN THE JUVENILE JUSTICE SYSTEM, WHICH IS OFTEN  
17 REFERRED TO AS THE "SCHOOL-TO-PRISON PIPELINE"; AND

18           (IV) LONGITUDINAL RESEARCH SHOWS THAT TWELVE YEARS  
19 AFTER A SUSPENSION, SUSPENDED YOUTH ARE LESS LIKELY THAN  
20 NONSUSPENDED YOUTH TO HAVE EARNED A HIGH SCHOOL DIPLOMA OR A  
21 BACHELOR'S DEGREE. SUSPENDED YOUTH ARE MORE LIKELY TO HAVE BEEN  
22 ARRESTED AND ON PROBATION, WHICH SUGGESTS THAT SUSPENSION,

1 RATHER THAN SELECTION BIAS, EXPLAINS NEGATIVE OUTCOMES.

2 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT  
3 DISCRIMINATION PLAYS A SIGNIFICANT ROLE IN PERPETUATING THE  
4 SCHOOL-TO-PRISON PIPELINE. RESEARCH DEMONSTRATES THAT BLACK  
5 AND HISPANIC STUDENTS ARE OFTEN PUNISHED MORE HARSHLY FOR THE  
6 SAME INFRACTIONS AS WHITE STUDENTS, WHICH REINFORCES THE ROLE OF  
7 RACIAL BIAS IN THE SCHOOL DISCIPLINE SYSTEM. IT IS CRITICAL TO  
8 UNDERSTAND THE SCHOOL-TO-PRISON PIPELINE AND TAKE STEPS TO  
9 ADDRESS AND PREVENT THE PROGRESSION FROM SCHOOL TO PRISON FROM  
10 OCCURRING.

11 (2) (a) EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL  
12 ADOPT AND THE SCHOOL DISTRICT SHALL IMPLEMENT A POLICY TO REPORT  
13 AND ADDRESS DISPROPORTIONATE DISCIPLINARY PRACTICES IN THE  
14 SCHOOLS, INCLUDING CHARTER SCHOOLS, OF THE SCHOOL DISTRICT. IN  
15 ADOPTING THE POLICY, THE SCHOOL DISTRICT BOARD OF EDUCATION MAY  
16 TAKE INTO ACCOUNT, BUT NEED NOT BE LIMITED TO, THE PRACTICES AND  
17 STRATEGIES IDENTIFIED IN THE CONDUCT AND DISCIPLINE CODE AND THE  
18 SAFE SCHOOL REPORTING REQUIREMENTS DESCRIBED IN SECTION  
19 22-32-109.1.

20 (b) AS PART OF THE POLICY TO ADDRESS DISPROPORTIONATE  
21 DISCIPLINE, EACH SCHOOL DISTRICT IS ENCOURAGED TO PROVIDE TRAINING  
22 CONCERNING BEST PRACTICES AND SKILLS TO ADDRESS  
23 DISPROPORTIONATE DISCIPLINE AND TO CREATE NEW, INCLUSIONARY  
24 APPROACHES TO DISCIPLINE.

25 (c) EACH SCHOOL DISTRICT SHALL IDENTIFY AN EMPLOYEE OF THE  
26 DISTRICT TO ACT AS THE POINT OF CONTACT FOR DISCIPLINE TRAINING AND  
27 RESOURCES. THE IDENTIFIED PERSON SHALL ALSO SERVE AS THE LIAISON

1 BETWEEN THE SCHOOL DISTRICT AND THE DEPARTMENT OF EDUCATION  
2 AND SHALL FACILITATE THE SCHOOL DISTRICT'S EFFORTS TO ADDRESS  
3 DISPROPORTIONATE DISCIPLINE WITHIN THE DISTRICT. THE SCHOOL  
4 DISTRICT SHALL SUBMIT TO THE DEPARTMENT OF EDUCATION THE NAME  
5 OF THE IDENTIFIED EMPLOYEE.

6 (3) (a) EACH SCHOOL DISTRICT SHALL ANNUALLY REVIEW DATA  
7 CONCERNING THE NUMBER AND TYPES OF DISCIPLINARY INCIDENTS AND  
8 THE DISCIPLINARY ACTIONS TAKEN IN RESPONSE, IN TOTAL AND  
9 DISAGGREGATED BASED ON RACE, ETHNICITY, GENDER, STATUS AS A  
10 STUDENT WITH A DISABILITY, SOCIOECONOMIC STATUS, AND  
11 INSTRUCTIONAL PROGRAM SERVICE TYPE.

12 (b) EACH SCHOOL DISTRICT SHALL DEVELOP, IMPLEMENT, AND  
13 ANNUALLY REVIEW AN IMPROVEMENT PLAN TO ADDRESS  
14 DISPROPORTIONATE DISCIPLINE PRACTICES BY RACE, ETHNICITY, GENDER,  
15 STATUS AS A STUDENT WITH A DISABILITY, AND SOCIOECONOMIC STATUS  
16 BASED ON THE POLICY DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND  
17 DISCIPLINARY DATA DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION. IN  
18 IMPLEMENTING AN IMPROVEMENT PLAN TO ADDRESS DISPROPORTIONATE  
19 DISCIPLINE PRACTICES, EACH SCHOOL DISTRICT SHALL PROVIDE WRITTEN  
20 NOTIFICATION TO THE PARENTS OF THE STUDENTS ENROLLED IN THE  
21 SCHOOL DISTRICT OF THE IMPROVEMENT PLAN AND ISSUES IDENTIFIED BY  
22 THE SCHOOL DISTRICT AS GIVING RISE TO THE NEED FOR THE PLAN. THE  
23 WRITTEN NOTICE MUST INCLUDE THE TIMELINE FOR DEVELOPING AND  
24 ADOPTING THE IMPROVEMENT PLAN AND THE DATES, TIMES, AND  
25 LOCATIONS OF THE PUBLIC MEETING DESCRIBED IN SUBSECTION (3)(c) OF  
26 THIS SECTION AND THE PUBLIC HEARING DESCRIBED IN SUBSECTION (3)(d)  
27 OF THIS SECTION.

1 (c) EACH SCHOOL DISTRICT SHALL HOLD A PUBLIC MEETING TO  
2 SOLICIT INPUT FROM PARENTS CONCERNING DISPROPORTIONATE DISCIPLINE  
3 AND THE CONTENTS OF THE IMPROVEMENT PLAN BEFORE THE PLAN IS  
4 WRITTEN. AT THE PUBLIC MEETING, THE SCHOOL DISTRICT  
5 SUPERINTENDENT SHALL REVIEW THE SCHOOL DISTRICT'S PROGRESS IN ITS  
6 APPROACH TO DISCIPLINE FOR THE PRECEDING YEAR.

7 (d) THE SCHOOL DISTRICT BOARD OF EDUCATION SHALL HOLD A  
8 PUBLIC HEARING AFTER THE PLAN IS WRITTEN TO REVIEW THE PLAN PRIOR  
9 TO FINAL ADOPTION. THE DATE OF THE PUBLIC HEARING MUST BE AT LEAST  
10 THIRTY DAYS AFTER THE DATE ON WHICH THE SCHOOL DISTRICT PROVIDES  
11 THE WRITTEN NOTICE OF THE PUBLIC HEARING.

12 **SECTION 2.** In Colorado Revised Statutes, 22-2-106, **add (4)** as  
13 follows:

14 **22-2-106. State board - duties - rules. (4)** THE STATE BOARD  
15 SHALL PROMULGATE RULES TO STANDARDIZE THE REPORTING METHOD  
16 SCHOOL DISTRICTS, INCLUDING CHARTER SCHOOLS OF A SCHOOL DISTRICT,  
17 AND INSTITUTE CHARTER SCHOOLS USE TO COLLECT AND REPORT DATA  
18 CONCERNING SUSPENSIONS AND EXPULSIONS, ARRESTS AND REFERRALS,  
19 CHRONIC ABSENTEEISM, INCIDENTS OF VIOLENCE, AND HARASSMENT AND  
20 BULLYING TO THE DEPARTMENT AND THE FEDERAL DEPARTMENT OF  
21 EDUCATION'S BIENNIAL SURVEY, "THE CIVIL RIGHTS DATA COLLECTION",  
22 20 U.S.C. SEC. 3413. THE RULES MUST, AT A MINIMUM, REQUIRE SCHOOL  
23 DISTRICTS, CHARTER SCHOOLS OF A SCHOOL DISTRICT, AND INSTITUTE  
24 CHARTER SCHOOLS TO REPORT DATA:

25 (a) REGARDING THE COLORADO PRESCHOOL PROGRAM AS  
26 DESCRIBED IN ARTICLE 28 OF THIS TITLE 22; AND

27 (b) IN TOTAL AND DISAGGREGATED BY RACE, ETHNICITY, GENDER,

1 STATUS AS A STUDENT WITH A DISABILITY, AND SOCIOECONOMIC STATUS.

2 **SECTION 3.** In Colorado Revised Statutes, 22-30.5-505, **amend**  
3 (9); and **add** (21) as follows:

4 **22-30.5-505. State charter school institute - institute board -**  
5 **appointment - powers and duties - rules.** (9) The institute shall ensure  
6 that each institute charter school addresses ~~the expulsion, suspension and~~  
7 ~~education of expelled or suspended~~ students WHO ARE IDENTIFIED AS AT  
8 RISK OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR  
9 DISCIPLINARY ACTIONS, INCLUDING CLASSROOM REMOVAL, SUSPENSION,  
10 AND EXPULSION, in a manner consistent with the intents and purposes of  
11 sections 22-33-105, 22-33-106, AND 22-33-106.1, and ~~22-33-203~~ PART 2  
12 OF ARTICLE 33 OF THIS TITLE 22.

13 (21) IN THE SAME MANNER AS IS REQUIRED FOR SCHOOL DISTRICTS  
14 PURSUANT TO SECTION 22-32-109.1 (2)(b), THE INSTITUTE SHALL COMPILE  
15 THE SAFE SCHOOL REPORTS PREPARED BY INSTITUTE CHARTER SCHOOLS  
16 PURSUANT TO SECTION 22-30.5-507 (15), REVIEW AND APPROVE THE  
17 COMPILED REPORT, AND SUBMIT THE COMPILED REPORT TO THE  
18 DEPARTMENT OF EDUCATION AND POST IT ON THE INSTITUTE'S WEBSITE.

19 **SECTION 4.** In Colorado Revised Statutes, 22-30.5-507, **add**  
20 (15) as follows:

21 **22-30.5-507. Institute charter school - requirements -**  
22 **authority - rules - definitions.** (15) AN INSTITUTE CHARTER SCHOOL  
23 SHALL ADOPT AND IMPLEMENT:

24 (a) A SAFE SCHOOL PLAN, COMPLY WITH THE REPORTING  
25 REQUIREMENTS DESCRIBED IN SECTION 22-32-109.1 (2), AND SUBMIT THE  
26 SAFE SCHOOL REPORT DESCRIBED IN SECTION 22-32-109.1 (2)(b) TO THE  
27 INSTITUTE;

1 (b) CRITERIA TO SELECT A SCHOOL RESOURCE OFFICER DESCRIBED  
2 IN SECTION 22-32-146.1 IF THE INSTITUTE CHARTER SCHOOL ELECTS TO  
3 CONTRACT FOR ONE OR MORE SCHOOL RESOURCE OFFICERS ON SCHOOL  
4 GROUNDS; AND

5 (c) POLICIES TO ADDRESS DISPROPORTIONATE DISCIPLINE AS  
6 DESCRIBED IN SECTION 22-32-146.2 AND COMPLY WITH THE PUBLIC  
7 MEETING REQUIREMENTS SPECIFIED IN SAID SECTION.

8 **SECTION 5.** In Colorado Revised Statutes, 22-32-109.1, **amend**  
9 (1)(a)(V), (2)(a)(I) introductory portion, (2)(a)(II)(A), (2)(a)(II)(B),  
10 (2)(a)(II)(D), (2)(b) introductory portion, and (2)(b)(IV) introductory  
11 portion; and **add** (1)(a)(V.5), (2)(a)(II)(F), (2)(a)(II)(G), (2)(b)(IV.5), and  
12 (2)(b.5) as follows:

13 **22-32-109.1. Board of education - specific powers and duties**  
14 **- safe school plan - conduct and discipline code - safe school reporting**  
15 **requirements - school response framework - school resource officers**  
16 **- definitions. (1) Definitions.** As used in this section, unless the context  
17 otherwise requires:

18 (a) "Action taken" means a specific type of discipline, including  
19 but not limited to the following categories of discipline:

20 (V) Referral to law enforcement; ~~or~~

21 (V.5) INCLUSIONARY APPROACHES TO DISCIPLINE, INCLUDING  
22 RESTORATIVE PRACTICES, BULLYING INTERVENTION, AND BEHAVIORAL  
23 INTERVENTIONS; OR

24 (2) **Safe school plan.** In order to provide a learning environment  
25 that is safe, conducive to the learning process, and free from unnecessary  
26 disruption, each school district board of education or institute charter  
27 school board for a charter school authorized by the charter school institute



1 shall, following consultation with the school district accountability  
2 committee and school accountability committees, parents, teachers,  
3 administrators, students, student councils where available, and, where  
4 appropriate, the community at large, adopt and implement a safe school  
5 plan, or review and revise, as necessary in response to any relevant data  
6 collected by the school district, any existing plans or policies already in  
7 effect. In addition to the aforementioned parties, each school district  
8 board of education, in adopting and implementing its safe school plan,  
9 may consult with victims' advocacy organizations, school psychologists,  
10 local law enforcement, and community partners. The plan, at a minimum,  
11 must include the following:

12 (a) **Conduct and discipline code.** (I) A concisely written conduct  
13 and discipline code that ~~shall be~~ IS enforced uniformly, fairly, ~~and~~  
14 consistently, ANDEQUITABLY for all students. Copies of the code shall be  
15 provided to each student upon enrollment at the preschool, elementary,  
16 middle, and high school levels and shall be posted or kept on file at each  
17 public school in the school district. The school district shall take  
18 reasonable measures to ensure that each student of each public school in  
19 the school district is familiar with the code. The code ~~shall~~ MUST include,  
20 but need not be limited to:

21 (II) In creating and enforcing a school conduct and discipline code  
22 pursuant to subsection (2)(a)(I) of this section, each school district board  
23 of education, on and after August 1, 2013, shall:

24 (A) ~~Impose proportionate disciplinary interventions and~~  
25 ~~consequences, including but not limited to in-school suspensions, in~~  
26 ~~response to student misconduct, which interventions and consequences~~  
27 ~~are designed to reduce the number of expulsions, out-of-school~~

1 ~~suspensions, and referrals to law enforcement, except for such referrals~~  
2 ~~to law enforcement as are required by state or federal law~~ APPLY  
3 AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE DISCIPLINARY  
4 METHODS THAT SUPPORT STUDENT LEARNING AND POSITIVE SCHOOL  
5 CLIMATES; USE PREVENTATIVE, RESTORATIVE, AND TRAUMA-INFORMED  
6 APPROACHES TO DISCIPLINARY ISSUES; AND USE OUT-OF-SCHOOL  
7 SUSPENSION, EXPULSION, AND OTHER EXCLUSIONARY MEASURES ONLY  
8 WHEN THERE ARE NO ALTERNATIVES FOR PROTECTING THE SAFETY OF THE  
9 SCHOOL COMMUNITY;

10 (B) ~~Include plans for the appropriate use of prevention,~~  
11 ~~intervention, restorative justice, peer mediation, counseling, or other~~  
12 ~~approaches to address student misconduct, which approaches are~~  
13 ~~designed to~~ Minimize student exposure to the criminal and juvenile  
14 justice system ~~The plans shall~~ AND PRIORITIZE STRATEGIES TO ENHANCE  
15 STUDENT LEARNING, SAFETY, AND WELL-BEING THROUGH ADDITIONAL  
16 SOCIAL AND EMOTIONAL SUPPORTS, MENTAL AND BEHAVIORAL HEALTH  
17 SERVICES, RESTORATIVE PRACTICES, TRAUMA-INFORMED SERVICES, AND  
18 OTHER WRAPAROUND SERVICES TO MEET A STUDENT'S DEVELOPMENTAL  
19 NEEDS. SCHOOL CONDUCT AND DISCIPLINE CODES MUST state that a school  
20 administration shall not order a victim's participation in a restorative  
21 justice practice or peer mediation if the alleged victim of an offending  
22 student's misconduct alleges that the misconduct constitutes unlawful  
23 sexual behavior, as defined in section 16-22-102 (9); ~~C.R.S.~~; a crime in  
24 which the underlying factual basis involves domestic violence, as defined  
25 in section 18-6-800.3 (1); ~~C.R.S.~~; stalking, as defined in section 18-3-602;  
26 ~~C.R.S.~~; or violation of a protection order, as defined in section  
27 18-6-803.5. ~~C.R.S.~~

1 (D) Ensure that, in implementing the code, each school of the  
2 school district shows due consideration of the impact of certain violations  
3 of the code upon victims of such violations, in accordance with the  
4 provisions of Title IX of the United States Code and other state and  
5 federal laws; ~~and~~

6 (F) ENSURE THAT THE SCHOOL DISTRICT ANNUALLY REVIEWS DATA  
7 ON DISPROPORTIONATE DISCIPLINE RATES AS REPORTED PURSUANT TO  
8 SUBSECTION (2)(b) OF THIS SECTION TO CONFIRM THAT THE CONDUCT AND  
9 DISCIPLINE CODE IS ENFORCED CONSISTENTLY FOR ALL STUDENTS; AND

10 (G) PROHIBIT A STUDENT FROM BEING REFERRED TO LAW  
11 ENFORCEMENT FOR CONDUCT ON SCHOOL GROUNDS, IN A SCHOOL VEHICLE,  
12 OR AT A SCHOOL ACTIVITY OR SANCTIONED EVENT UNLESS THERE ARE NO  
13 OTHER AVAILABLE ALTERNATIVES FOR ADDRESSING SERIOUS BODILY  
14 INJURY INFLICTED ON ANOTHER PERSON OR AN IMMINENT THREAT OF  
15 SERIOUS BODILY INJURY TO ANOTHER PERSON, OR SCHOOL OFFICIALS ARE  
16 OTHERWISE OBLIGATED BY LAW.

17 (b) **Safe school reporting requirements.** A policy whereby the  
18 principal of each public school in a school district is required to submit  
19 annually, in a manner and by a date specified by rule of the state board,  
20 a written report to the board of education of the school district concerning  
21 the learning environment in the school during that school year. The board  
22 of education of the school district shall annually compile the reports from  
23 every school in the district. ~~and~~ IN PREPARING THE COMPILED REPORT, THE  
24 BOARD OF EDUCATION SHALL INCLUDE THE TOTAL NUMBER OF CONDUCT  
25 AND DISCIPLINE CODE VIOLATIONS AND, FOR EACH TYPE OF CONDUCT AND  
26 DISCIPLINE CODE VIOLATION, THE NUMBER OF INCIDENTS IN TOTAL AND  
27 DISAGGREGATED BY RACE, GENDER, ETHNICITY, STATUS AS A STUDENT

1 WITH A DISABILITY, AND SOCIOECONOMIC STATUS TO THE MAXIMUM  
2 EXTENT POSSIBLE IN COMPLIANCE WITH THE FEDERAL "FAMILY  
3 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC.  
4 1232g. THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT SHALL  
5 REVIEW AND APPROVE THE COMPILED REPORT BY A MAJORITY VOTE. THE  
6 COMPILED REPORT MUST BE EASILY ACCESSIBLE BY THE GENERAL PUBLIC  
7 AS AN ELECTRONIC DOCUMENT ON THE SCHOOL DISTRICT'S WEBSITE HOME  
8 PAGE. THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT SHALL submit  
9 the compiled report to the department of education in a format specified  
10 by rule of the state board. The compiled report must be easily accessible  
11 by the general public through a link on the department of education's  
12 website home page. The report must include, but need not be limited to,  
13 the following specific information for the preceding school year:

14 (IV) The number of conduct and discipline code violations. Each  
15 violation must be reported only in the most serious category that is  
16 applicable to that violation, including but not limited to specific  
17 information identifying the number of ~~and the action taken with respect~~  
18 ~~to~~, each of the following types of violations:

19 (IV.5) THE ACTION TAKEN FOR EACH CONDUCT AND DISCIPLINE  
20 CODE VIOLATION. IN REPORTING AN ACTION DESCRIBED IN SUBSECTION  
21 (1)(a)(VI) OF THIS SECTION, THE REPORT MUST DESCRIBE THE SPECIFIC  
22 ACTION TAKEN.

23 (b.5) **Civil rights data collection.** THE REQUIREMENT THAT THE  
24 SCHOOL DISTRICT REPORT DATA TO THE DEPARTMENT AND TO THE  
25 FEDERAL DEPARTMENT OF EDUCATION'S OFFICE OF CIVIL RIGHTS, THROUGH  
26 THE OFFICE'S BIENNIAL SURVEY, AUTHORIZED IN 20 U.S.C. SEC. 3413, IN  
27 ACCORDANCE WITH THE RULES OF THE STATE BOARD OF EDUCATION

1 PROMULGATED PURSUANT TO SECTION 22-2-106 (4).

2 **SECTION 6.** In Colorado Revised Statutes, 22-32-146, **add** (2.5)  
3 and (6) as follows:

4 **22-32-146. School use of on-site peace officers as school**  
5 **resource officers - law enforcement arrest authority.**

6 (2.5) (a) NOTWITHSTANDING SECTION 16-3-102, A SCHOOL RESOURCE  
7 OFFICER OR OTHER LAW ENFORCEMENT OFFICER SHALL NOT ARREST A  
8 STUDENT OF THE SCHOOL, OR ISSUE A SUMMONS, TICKET, OR OTHER  
9 NOTICE REQUIRING THE APPEARANCE OF A STUDENT OF THE SCHOOL IN  
10 COURT OR AT A POLICE STATION FOR INVESTIGATION, FOR CONDUCT THAT  
11 CONSTITUTES ANY OF THE FOLLOWING OFFENSES ALLEGEDLY COMMITTED  
12 ON THE SCHOOL'S GROUNDS, IN A SCHOOL VEHICLE, OR AT A SCHOOL  
13 ACTIVITY OR SANCTIONED EVENT:

14 (I) INTERFERENCE WITH STAFF, FACULTY, OR STUDENTS OF  
15 EDUCATIONAL INSTITUTIONS, AS DESCRIBED IN SECTION 18-9-109 (1) TO  
16 (3);

17 (II) DISORDERLY CONDUCT, AS DESCRIBED IN SECTION 18-9-106  
18 (1)(a) TO (1)(d);

19 (III) THEFT, AS DESCRIBED IN SECTION 18-4-401, WHEN THE VALUE  
20 OF THE THING INVOLVED IS LESS THAN THREE HUNDRED DOLLARS;

21 (IV) TRESPASS OR INTERFERENCE AT A PUBLIC BUILDING, AS  
22 DESCRIBED IN SECTION 18-9-110, OR SECOND-DEGREE CRIMINAL TRESPASS  
23 THAT INVOLVES ENTERING OR REMAINING IN A MOTOR VEHICLE OF  
24 ANOTHER, AS DESCRIBED IN SECTION 18-4-503 (1)(c);

25 (V) CRIMINAL MISCHIEF, AS DESCRIBED IN SECTION 18-4-501,  
26 WHEN THE AGGREGATE DAMAGE TO THE REAL OR PERSONAL PROPERTY IS  
27 LESS THAN ONE THOUSAND DOLLARS;

- 1 (VI) GAMBLING, AS DESCRIBED IN SECTION 18-10-103;
- 2 (VII) LOITERING, AS DESCRIBED IN SECTION 18-9-112;
- 3 (VIII) HARASSMENT, AS DESCRIBED IN SECTION 18-9-111;
- 4 (IX) AN INCIDENT RELATING TO ALCOHOL, AS DESCRIBED IN
- 5 SECTION 18-13-122 (3)(a), 44-3-901 (1)(b), OR 44-3-904 (6);
- 6 (X) AN INCIDENT RELATING TO TOBACCO, AS DESCRIBED IN
- 7 SECTION 18-13-121;
- 8 (XI) ANY OFFENSE FOR POSSESSION OF MARIJUANA THAT IS
- 9 CLASSIFIED AS A MISDEMEANOR OR PETTY OFFENSE;
- 10 (XII) POSSESSION OF DRUG PARAPHERNALIA, AS DESCRIBED IN
- 11 SECTION 18-18-428, OR ILLEGAL POSSESSION OF MARIJUANA
- 12 PARAPHERNALIA BY AN UNDERAGE PERSON, AS DESCRIBED IN SECTION
- 13 18-13-122 (3)(c);
- 14 (XIII) MISDEMEANOR MENACING, AS DESCRIBED IN SECTION
- 15 18-3-206;
- 16 (XIV) OBSTRUCTING A PEACE OFFICER, FIREFIGHTER, EMERGENCY
- 17 MEDICAL SERVICE PROVIDER, RESCUE SPECIALIST, OR VOLUNTEER, AS
- 18 DESCRIBED IN SECTION 18-8-104, UNLESS THE STUDENT USES VIOLENCE IN
- 19 THE COMMISSION OF THE OFFENSE; AND
- 20 (XV) ANY OTHER ALLEGED VIOLATION OF THE "COLORADO
- 21 CRIMINAL CODE", TITLE 18, THAT IS CLASSIFIED AS A MISDEMEANOR OR
- 22 PETTY OFFENSE, OR ANY VIOLATION OF A MUNICIPAL CODE, WHEN THE
- 23 STUDENT DID NOT INFLICT SERIOUS BODILY INJURY ON ANOTHER PERSON
- 24 AND THE STUDENT DOES NOT CONTINUE TO POSE AN IMMINENT THREAT OF
- 25 SERIOUS BODILY INJURY TO ANOTHER PERSON.
- 26 (b) A SCHOOL RESOURCE OFFICER OR OTHER LAW ENFORCEMENT
- 27 OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON SCHOOL

1 GROUND, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR  
2 SANCTIONED EVENT SHALL REPORT CONDUCT THAT CONSTITUTES ANY OF  
3 THE OFFENSES DESCRIBED IN SUBSECTION (2.5)(a) OF THIS SECTION TO THE  
4 PRINCIPAL OF THE SCHOOL OR ANY OTHER APPROPRIATE SCHOOL  
5 PERSONNEL.

6 (6) A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT  
7 OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON SCHOOL  
8 GROUND, IN A SCHOOL VEHICLE, OR AT A SCHOOL ACTIVITY OR  
9 SANCTIONED EVENT SHALL NOT USE HANDCUFFS ON AN ELEMENTARY  
10 SCHOOL STUDENT.

11 **SECTION 7.** In Colorado Revised Statutes, **add** 22-32-146.1 as  
12 follows:

13 **22-32-146.1. School resource officers - requirements -**  
14 **evaluation.** (1) EACH SCHOOL DISTRICT THAT ELECTS TO CONTRACT FOR  
15 ONE OR MORE SCHOOL RESOURCE OFFICERS ON SCHOOL GROUND SHALL  
16 ADOPT A POLICY FOR SELECTING THE OFFICER OR OFFICERS. THE POLICY  
17 FOR SELECTING A SCHOOL RESOURCE OFFICER, AT A MINIMUM, MUST  
18 REQUIRE A CANDIDATE TO:

19 (a) DEMONSTRATE A RECORD OF EXPERIENCE DEVELOPING  
20 POSITIVE RELATIONSHIPS WITH YOUTH, WHICH MAY INCLUDE  
21 PARTICIPATION IN YOUTH OR COMMUNITY POLICING PROGRAMS;

22 (b) HAVE NO DISCIPLINARY ACTIONS OR SUBSTANTIATED  
23 COMPLAINTS IN THE CANDIDATE'S SERVICE RECORD; AND

24 (c) VOLUNTARILY APPLY TO SERVE AS A SCHOOL RESOURCE  
25 OFFICER.

26 (2) (a) EACH SCHOOL DISTRICT THAT ELECTS TO CONTRACT FOR  
27 ONE OR MORE SCHOOL RESOURCE OFFICERS ON SCHOOL GROUND AND THE

1 EMPLOYING LAW ENFORCEMENT AGENCY SHALL JOINTLY CREATE AN  
2 EVALUATION PROCESS TO EVALUATE SCHOOL RESOURCE OFFICERS. A  
3 SCHOOL DISTRICT MAY TERMINATE A CONTRACT WITH A SCHOOL  
4 RESOURCE OFFICER BASED ON THE FINDINGS OF AN EVALUATION.

5 (b) EVALUATION DATA MUST INCLUDE THE FREQUENCY OF TICKETS  
6 ISSUED AND ARRESTS MADE BY THE SCHOOL RESOURCE OFFICER AND THE  
7 ACTIONS THE SCHOOL RESOURCE OFFICER TAKES TO APPLY PREVENTIVE,  
8 RESTORATIVE, AND TRAUMA-INFORMED APPROACHES TO DISCIPLINARY  
9 ISSUES. A STUDENT, PARENT, GUARDIAN, AND SCHOOL STAFF ARE  
10 ENCOURAGED TO INCLUDE FEEDBACK IN THE EVALUATION. A SCHOOL  
11 DISTRICT IS ENCOURAGED TO PROVIDE STUDENT, PARENT, AND GUARDIAN  
12 FEEDBACK IN THE EVALUATION.

13 (c) EACH SCHOOL DISTRICT SHALL SHARE THE EVALUATIONS WITH  
14 THE SCHOOL DISTRICT BOARD OF EDUCATION AND THE PEACE OFFICERS  
15 STANDARDS AND TRAINING BOARD FOR THE PURPOSES OF SECTION  
16 24-31-303 (1)(r). THE WRITTEN EVALUATION MUST BE KEPT AT THE  
17 SCHOOL WHERE THE SCHOOL RESOURCE OFFICER IS ASSIGNED. SCHOOL  
18 PERSONNEL SHALL MAKE THE WRITTEN EVALUATION AVAILABLE FOR  
19 REVIEW UPON REQUEST.

20 (3) A SCHOOL DISTRICT THAT ELECTS TO CONTRACT FOR ONE OR  
21 MORE SCHOOL RESOURCE OFFICERS ON SCHOOL GROUNDS SHALL ENTER  
22 INTO A MEMORANDUM OF UNDERSTANDING WITH THE EMPLOYING LAW  
23 ENFORCEMENT AGENCY, WHICH MUST ADDRESS, AT A MINIMUM:

24 (a) STRATEGIES, PROCEDURES, AND PRACTICES THAT MINIMIZE  
25 STUDENT EXPOSURE TO THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS  
26 AND PRIORITIZE STRATEGIES FOR ENHANCING STUDENT LEARNING, SAFETY,  
27 AND WELL-BEING;



1 (b) PROCEDURES AND PRACTICES THAT ESTABLISH A SUSTAINABLE  
2 AND SUCCESSFUL BALANCE BETWEEN EDUCATION AND PROTECTING  
3 STUDENTS, TEACHERS, AND THE SCHOOL; AND

4 (c) LIMITATIONS ON STUDENT REFERRALS TO LAW ENFORCEMENT,  
5 ARRESTS, TICKETS, SUMMONS, AND OTHER NOTICES TO APPEAR IN COURT  
6 OR AT A POLICE STATION PURSUANT TO SECTION 22-32-146 (2.5).

7 **SECTION 8.** In Colorado Revised Statutes, 22-33-105, **amend**  
8 (3)(d)(III) and (4); and **add** (2.7) as follows:

9 **22-33-105. Suspension, expulsion, and denial of admission.**

10 (2.7) THE STATE BOARD SHALL ANNUALLY REVIEW DATA CONCERNING  
11 THE NUMBER OF STUDENTS WHO ARE SUSPENDED OR EXPELLED PURSUANT  
12 TO THIS SECTION AND, IF AVAILABLE, THE REASONS FOR THE SUSPENSIONS  
13 AND EXPULSIONS.

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

15 (III) Provide an opportunity for a pupil to make up school work  
16 during the period of suspension for full ~~or partial~~ academic credit. ~~to the~~  
17 ~~extent possible.~~ The intent of this provision is to provide an opportunity  
18 for the pupil to reintegrate into the educational program of the district and  
19 to help prevent the pupil from dropping out of school because of an  
20 inability to reintegrate into the educational program following the period  
21 of suspension. ~~The school district should take this intent into~~  
22 ~~consideration when determining the amount of credit a student will~~  
23 ~~receive for this makeup work.~~

24 (4) The board of education of each district shall establish ~~as an~~  
25 ~~alternative to suspension, a policy that allows the pupil to remain in~~  
26 ~~school, by encouraging the parent, guardian, or legal custodian, with the~~  
27 ~~consent of the pupil's teacher or teachers, to attend class with the pupil for~~

1 ~~a period of time specified by the suspending authority. If the parent,~~  
2 ~~guardian, or legal custodian does not agree to attend class with the pupil~~  
3 ~~or fails to attend class with the pupil, the pupil shall be suspended in~~  
4 ~~accordance with the conduct and discipline code of the district.~~

5 ALTERNATIVES TO SUSPENSION THAT SUPPORT STUDENT LEARNING AND  
6 POSITIVE SCHOOL CLIMATES AND USE PREVENTIVE, RESTORATIVE, AND  
7 TRAUMA-INFORMED APPROACHES TO DISCIPLINARY ISSUES. ALTERNATIVES  
8 TO SUSPENSION MUST BE USED INSTEAD OF EXCLUSIONARY MEASURES  
9 EXCEPT WHEN THE ALTERNATIVE MEASURES ARE INSUFFICIENT TO  
10 PROTECT THE SAFETY OF THE SCHOOL COMMUNITY.

11 **SECTION 9.** In Colorado Revised Statutes, 22-33-106, **repeal**  
12 (1.2); and **add** (1)(c.5)(V) as follows:

13 **22-33-106. Grounds for suspension, expulsion, and denial of**  
14 **admission.** (1) The following may be grounds for suspension or  
15 expulsion of a child from a public school during a school year:

16 (c.5) (V) A STUDENT MAY NOT BE DECLARED A HABITUALLY  
17 DISRUPTIVE STUDENT UNLESS THE SCHOOL DISTRICT DEMONSTRATES THAT  
18 IT HAS TAKEN STEPS TO ADDRESS THE STUDENT'S BEHAVIOR BY  
19 IMPLEMENTING A BEHAVIORAL MANAGEMENT PLAN FOR THE STUDENT.

20 (1.2) ~~Each school district is encouraged to consider each of the~~  
21 ~~following factors before suspending or expelling a student pursuant to a~~  
22 ~~provision of subsection (1) of this section:~~

- 23 (a) ~~The age of the student;~~
- 24 (b) ~~The disciplinary history of the student;~~
- 25 (c) ~~Whether the student has a disability;~~
- 26 (d) ~~The seriousness of the violation committed by the student;~~
- 27 (e) ~~Whether the violation committed by the student threatened the~~

1 ~~safety of any student or staff member; and~~

2 ~~(f) Whether a lesser intervention would properly address the~~  
3 ~~violation committed by the student.~~

4 **SECTION 10.** In Colorado Revised Statutes, **amend** 22-33-201.5  
5 as follows:

6 **22-33-201.5. Definitions.** ~~For purposes of AS USED IN this part 2,~~  
7 unless the context otherwise requires:

8 (1) "CHRONIC ABSENTEEISM" MEANS A STUDENT IS ABSENT FOR  
9 ANY REASON, EXCUSED OR UNEXCUSED, TEN PERCENT OR MORE OF THE  
10 DAYS FOR WHICH THE STUDENT IS ENROLLED IN A PUBLIC SCHOOL DURING  
11 THE SCHOOL YEAR.

12 ~~(1)~~ (2) "Educational services" means any of the following types  
13 of services to provide instruction ~~in the academic areas of reading,~~  
14 ~~writing, mathematics, science, and social studies~~ TO MEET STATE  
15 ACADEMIC STANDARDS, REDUCE COURSE FAILURE, AND INCREASE  
16 POSTSECONDARY AND WORKFORCE READINESS:

17 (a) Tutoring services, COURSE REMEDIATION, CREDIT RECOVERY,  
18 AND SUPPLEMENTAL EDUCATION SERVICES;

19 (b) Alternative educational programs; AND

20 (c) Career and technical education programs, WORK-BASED  
21 LEARNING OPPORTUNITIES, AND CONCURRENT ENROLLMENT.

22 ~~(2)~~ (3) "Facility school" means an approved facility school as  
23 defined in section 22-2-402 (1).

24 **SECTION 11.** In Colorado Revised Statutes, **amend** 22-33-202  
25 as follows:

26 **22-33-202. Identification of at-risk students - attendance issues**  
27 **- disproportionate discipline practices.** (1) Each school district shall

1 adopt policies to identify students who are at risk of ~~suspension or~~  
2 ~~expulsion from school~~. Students identified may include those who are  
3 ~~truant, who have been or are likely to be declared habitually truant, or~~  
4 ~~who are likely to be declared habitually disruptive~~. DROPPING OUT OF  
5 SCHOOL DUE TO CHRONIC ABSENTEEISM AND DISCIPLINARY ACTIONS,  
6 INCLUDING CLASSROOM REMOVAL, SUSPENSION, AND EXPULSION. The  
7 school district shall provide students who are identified as at risk of  
8 ~~suspension or expulsion~~ DROPPING OUT OF SCHOOL DUE TO CHRONIC  
9 ABSENTEEISM AND DISCIPLINARY ACTIONS with a plan to provide the  
10 necessary support services to help them ~~avoid expulsion~~ REMAIN IN  
11 SCHOOL. The school district shall work with the student's parent or  
12 guardian in providing the services and may provide the services through  
13 agreements with appropriate local governmental agencies, appropriate  
14 state agencies, community-based organizations, and institutions of higher  
15 education entered into pursuant to section 22-33-204. ~~The failure of the~~  
16 ~~school district to identify a student for participation in an~~  
17 ~~expulsion-prevention program or the failure of such program to remediate~~  
18 ~~a student's behavior shall not be grounds to prevent school personnel from~~  
19 ~~proceeding with appropriate disciplinary measures or used in any way as~~  
20 ~~a defense in an expulsion proceeding.~~

21 (2) Each school district may provide ATTENDANCE SUPPORTS,  
22 BEHAVIOR INTERVENTION, AND educational services to students who are  
23 identified as at risk of ~~suspension or expulsion from school~~ DROPPING OUT  
24 OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS,  
25 INCLUDING CLASSROOM REMOVAL, SUSPENSION, AND EXPULSION. Any  
26 school district that provides educational services to students who are at  
27 risk of ~~suspension or expulsion~~ DROPPING OUT OF SCHOOL DUE TO

1 CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS may apply for ~~moneys~~  
2 MONEY through the expelled and at-risk student services grant program  
3 established in section 22-33-205 to assist in providing such educational  
4 services AND BEHAVIOR INTERVENTION SUPPORTS FOR AT-RISK STUDENTS.

5 **SECTION 12.** In Colorado Revised Statutes, 22-33-203, **amend**  
6 (2) and (4) as follows:

7 **22-33-203. Educational alternatives for expelled students.**

8 (2) (a) Except as otherwise provided in ~~paragraph (b) of this subsection~~  
9 ~~(2)~~ SUBSECTION (2)(b) OF THIS SECTION, upon request of a student or the  
10 student's parent or guardian, the school district shall provide, for any  
11 student who is expelled from the school district, any educational services  
12 that are deemed appropriate for the student by the school district. The  
13 educational services provided must be designed to enable the student to  
14 return to the school in which he or she was enrolled prior to expulsion, to  
15 successfully complete the high school equivalency examination, or to  
16 enroll in a nonpublic ~~nonparochial~~ school or in an alternative school,  
17 including but not limited to a charter school. ~~or a pilot school established~~  
18 ~~pursuant to article 38 of this title.~~ The expelling school district shall  
19 determine the amount of credit the student must receive toward  
20 graduation for the educational services provided pursuant to this section.

21 (b) The educational services provided pursuant to this section are  
22 designed to provide a second chance for the student to succeed in  
23 achieving an education. While receiving educational services, a student  
24 may be suspended or expelled pursuant to the conduct and discipline code  
25 of the school district providing the educational services and the  
26 provisions of part 1 of this ~~article~~ ARTICLE 33. Except as required by  
27 federal law, the expelling school district is not required to provide

1 educational services to any student who is suspended or expelled while  
2 receiving educational services pursuant to this section until the period of  
3 the suspension or expulsion is completed.

4 (c) (I) Educational services provided pursuant to this section shall  
5 be provided by the expelling school district; except that the expelling  
6 school district may provide educational services either directly or in  
7 cooperation with one or more other school districts, boards of cooperative  
8 services, charter schools, OR nonpublic ~~nonparochial~~ schools ~~or pilot~~  
9 ~~schools established pursuant to article 38 of this title~~ under contract with  
10 the expelling school district. Any program of educational services  
11 provided by a nonpublic ~~nonparochial~~ school ~~shall be~~ IS subject to  
12 approval by the state board of education pursuant to section 22-2-107.

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

19 (d) If an expelled student is receiving educational services  
20 delivered by a school district other than the expelling school district, by  
21 a charter school in a school district other than the expelling school  
22 district, by a board of cooperative services, OR by a nonpublic  
23 ~~nonparochial~~ school, ~~or by a pilot school pursuant to an agreement~~  
24 ~~entered into pursuant to subparagraph (I) of paragraph (c) of this~~  
25 ~~subsection (2)~~ the expelling school district shall transfer ninety-five  
26 percent of the district per-pupil revenues, as defined in section  
27 22-30.5-112 (2)(a.5)(II) to the school district, charter school, nonpublic

1 ~~nonparochial~~ school, OR board of cooperative services ~~or pilot school~~ that  
2 is providing educational services, reduced in proportion to the amount of  
3 time remaining in the school year at the time the student begins receiving  
4 educational services.

5 (e) Any school district, charter school, nonpublic ~~nonparochial~~  
6 school, OR board of cooperative services ~~or pilot school~~ that is providing  
7 educational services to expelled students pursuant to this subsection (2)  
8 may apply for ~~moneys~~ MONEY through the expelled student services grant  
9 program established in section 22-33-205 to assist in providing  
10 educational services.

11 (4) In addition to the educational services required under this  
12 section, a student who is at risk ~~of suspension or expulsion~~ OF DROPPING  
13 OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS  
14 or has been suspended or expelled, or the student's parent or guardian,  
15 may request any of the services provided by the school district through an  
16 agreement entered into pursuant to section 22-33-204, and the school  
17 district may provide such services.

18 **SECTION 13.** In Colorado Revised Statutes, 22-33-204, **amend**  
19 (1) and (3); and **add** (1.5) as follows:

20 **22-33-204. Services for at-risk students - agreements with**  
21 **state agencies and community organizations.** (1) Each school district,  
22 regardless of the number of students expelled by the district, may enter  
23 into agreements with appropriate local governmental agencies and, to the  
24 extent necessary, with the managing state agencies, including the  
25 department of human services and the department of public health and  
26 environment; with community-based nonprofit and faith-based  
27 organizations; with nonpublic ~~nonparochial~~ schools; with the department

1 of military and veterans affairs and with public and private institutions of  
2 higher education to work with the student's parent or guardian to provide  
3 services to any student, or the student's family, who is identified as being  
4 at risk of suspension or expulsion or who has been suspended or expelled  
5 OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR  
6 DISCIPLINARY ACTIONS. Any services provided pursuant to an agreement  
7 with a nonpublic ~~nonparochial~~ school are subject to approval by the state  
8 board of education pursuant to section 22-2-107. Services provided  
9 through such agreements may include, but are not limited to:

10 (a) ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTIONS, AND  
11 educational services required to be provided ~~under~~ PURSUANT TO section  
12 22-33-203 (2) and any educational services provided to ~~at-risk students~~  
13 ~~identified~~ STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF  
14 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS  
15 pursuant to section 22-33-202;

16 (b) Counseling services;

17 (c) Substance use disorder treatment programs;

18 (d) Family preservation services; AND

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

21 (e) RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION  
22 22-32-144.

23 (1.5) EACH SCHOOL DISTRICT, REGARDLESS OF THE NUMBER OF  
24 STUDENTS EXPELLED BY THE DISTRICT, MAY ENTER INTO AGREEMENTS  
25 WITH APPROPRIATE LOCAL GOVERNMENT AGENCIES AND, TO THE EXTENT  
26 NECESSARY, WITH THE MANAGING STATE AGENCIES AS DESCRIBED IN  
27 SUBSECTION (1) OF THIS SECTION TO PROVIDE SERVICES TO EMPLOYEES TO



1 SUPPORT STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF  
2 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS.  
3 SERVICES PROVIDED THROUGH SUCH AGREEMENTS MAY INCLUDE, BUT ARE  
4 NOT LIMITED TO:

5 (a) ATTENDANCE, DISCIPLINE, AND GRADING POLICIES AND  
6 PRACTICE REVIEW;

7 (b) TRAINING IN BEHAVIOR INTERVENTIONS AND CLASSROOM  
8 MANAGEMENT; AND

9 (c) EQUITY, DIVERSITY, AND INCLUSION TRAINING, INCLUDING  
10 ANTI-BIAS TRAINING.

11 (3) Each school district shall use a portion of its per-pupil  
12 revenues to provide services under agreements entered into pursuant to  
13 this section ~~for each student who is at risk of suspension or expulsion or~~  
14 ~~who is suspended or expelled~~ FOR STUDENTS AT RISK OF DROPPING OUT OF  
15 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION TO  
16 IMPLEMENT ALTERNATIVES TO SUSPENSION SYSTEMS AND SUPPORTS,  
17 INCLUDING RESTORATIVE JUSTICE PROGRAMS AS DESCRIBED IN  
18 SUBSECTION (1) OF THIS SECTION. In addition, the school district may use  
19 federal ~~moneys, moneys~~ MONEY, MONEY received from any other state  
20 appropriation, and ~~moneys~~ MONEY received from any other public or  
21 private grant to provide said services.

22 **SECTION 14.** In Colorado Revised Statutes, 22-33-205, **amend**  
23 (1), (2), and (3); and **add** (5) as follows:

24 **22-33-205. Services for expelled and at-risk students - grants**  
25 **- criteria.** (1) (a) There is ~~hereby~~ established in the department of  
26 education the expelled and at-risk student services grant program, referred  
27 to in this section as the "program". The program ~~shall provide~~ PROVIDES

1 grants to school districts, to charter schools, to alternative schools within  
2 school districts, to nonpublic ~~nonparochial~~ schools, to boards of  
3 cooperative services, AND to facility schools ~~and to pilot schools~~  
4 ~~established pursuant to article 38 of this title~~ to assist them in providing  
5 educational services, and other services provided pursuant to section  
6 22-33-204; to expelled students pursuant to section 22-33-203 (2); to  
7 ~~students at risk of expulsion~~ STUDENTS WHO ARE IDENTIFIED AS AT RISK  
8 OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR  
9 DISCIPLINARY ACTION as identified pursuant to section 22-33-202 (1); and  
10 to truant students PURSUANT TO SECTIONS 22-33-107 (3) AND 22-33-108  
11 (5). NONPUBLIC SCHOOLS MAY APPLY FOR A GRANT PURSUANT TO THIS  
12 SECTION ONLY TO FUND EDUCATIONAL SERVICES THAT HAVE BEEN  
13 APPROVED BY THE STATE BOARD PURSUANT TO SECTION 22-2-107.

14 (b) ~~In addition to school districts, charter schools, alternative~~  
15 ~~schools within school districts, nonpublic, nonparochial schools, boards~~  
16 ~~of cooperative services, facility schools, and pilot schools, the department~~  
17 ~~of military and veterans affairs may apply for a grant pursuant to the~~  
18 ~~provisions of this section to assist the department with a program to~~  
19 ~~provide educational services to expelled students; except that nonpublic,~~  
20 ~~nonparochial schools may only apply for a grant pursuant to the~~  
21 ~~provisions of this section to fund educational services that have been~~  
22 ~~approved by the state board pursuant to section 22-2-107. The department~~  
23 ~~shall follow application procedures established by the department of~~  
24 ~~education pursuant to subsection (2) of this section. The department of~~  
25 ~~education shall determine whether to award a grant to the department of~~  
26 ~~military and veterans affairs and the amount of the grant.~~

27 (c) Grants awarded pursuant to this section shall be paid for out

1 of ~~any moneys~~ MONEY appropriated to the department of education for  
2 implementation of the program.

3 (2) (a) The state board by rule shall establish application  
4 procedures by which a school district, a charter school, an alternative  
5 school within a school district, a nonpublic ~~nonparochial~~ school, a board  
6 of cooperative services, OR a facility school ~~or a pilot school~~ may  
7 annually apply for a grant under the program. At a minimum, the  
8 application ~~shall~~ MUST include a plan for ~~provision of educational~~  
9 ~~services, including the type of educational services to be provided, the~~  
10 ~~estimated cost of providing such educational services,~~ PROVIDING  
11 ATTENDANCE AND BEHAVIOR INTERVENTIONS AND EQUITY, DIVERSITY,  
12 AND INCLUSION TRAINING; A PLAN TO ADDRESS DISPROPORTIONATE  
13 DISCIPLINARY PRACTICES, CHRONIC ABSENTEEISM, AND EDUCATIONAL  
14 SERVICES; and the criteria that will be used to evaluate the effectiveness  
15 of the educational services provided.

16 (b) The state board shall determine which of the applicants ~~shall~~  
17 receive grants and the amount of each grant. In awarding grants, the state  
18 board shall consider the following criteria:

19 (I) The costs incurred by the applicant in providing educational  
20 services to expelled or at-risk students pursuant to the provisions of this  
21 part 2 during the school year preceding the school year for which the  
22 grant is requested;

23 (II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30,  
24 1998.)

25 (III) The number of expelled, at-risk, or ~~truant~~ CHRONICALLY  
26 ABSENT students who are receiving ATTENDANCE AND BEHAVIOR  
27 INTERVENTIONS AND educational services through the applicant under

1 agreements entered into pursuant to the provisions of this part 2 during  
2 the school year preceding the year for which the grant is requested;

3 (IV) The quality of THE ATTENDANCE AND BEHAVIOR  
4 INTERVENTIONS AND educational services to be provided by the applicant  
5 under the plan, AS INDICATED BY THE REDUCTION IN COURSE FAILURES,  
6 INCREASE IN GRADE POINT AVERAGES, AND ACCRUAL OF CREDITS AT THE  
7 HIGH-SCHOOL LEVEL ACHIEVED BY STUDENTS WHO PREVIOUSLY RECEIVED  
8 THE INTERVENTIONS AND SERVICES;

9 (V) The cost-effectiveness of the ATTENDANCE AND BEHAVIOR  
10 INTERVENTIONS AND educational services to be provided under the plan;

11 ~~(VI) The amount of funding received by the applicant in relation~~  
12 ~~to the cost of the educational services provided under the plan~~ THE  
13 COST-EFFECTIVENESS AND QUALITY OF THE SERVICES DESCRIBED IN  
14 SECTION 22-33-204 (1.5) TO BE PROVIDED BY THE APPLICANT UNDER THE  
15 PLAN TO EMPLOYEES WHO SUPPORT STUDENTS AT RISK OF DROPPING OUT  
16 OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTION; and

17 (VII) If the applicant is seeking to renew a grant or has been  
18 awarded a grant pursuant to this section in the previous five years, the  
19 demonstrated effectiveness of the ATTENDANCE AND BEHAVIOR  
20 INTERVENTIONS AND educational services funded by the previous grant.

21 (3) The state board shall annually award ~~at least forty-five percent~~  
22 ~~of any moneys appropriated for the program to applicants that provide~~  
23 ~~educational services to students from more than one school district and~~  
24 at least one-half of any increase in the appropriation for the program for  
25 the 2009-10 fiscal year to applicants that provide services and supports  
26 that are designed to reduce the number of truancy cases requiring court  
27 involvement and that also reflect the best interests of students and

1 families. The services and supports shall include, but need not be limited  
2 to, alternatives to guardian ad litem representation in truancy proceedings.

3 (5) THE STATE BOARD SHALL ANNUALLY AWARD AT LEAST FIFTY  
4 PERCENT OF ANY MONEY APPROPRIATED FOR THE PROGRAM TO  
5 APPLICANTS WHO PROPOSE TO IMPLEMENT AGE-APPROPRIATE AND  
6 DEVELOPMENTALLY APPROPRIATE DISCIPLINARY METHODS THAT SUPPORT  
7 STUDENT LEARNING AND POSITIVE SCHOOL CLIMATES, WHICH INCLUDE  
8 POSITIVE BEHAVIOR INTERVENTION MODELS AND RESTORATIVE JUSTICE  
9 PRACTICES AS DESCRIBED IN SECTION 22-32-144.

10 **SECTION 15.** In Colorado Revised Statutes, 22-33-106.1,  
11 **amend** (2)(c) as follows:

12 **22-33-106.1. Suspension - expulsion - preschool through**  
13 **second grade - definitions.** (2) Notwithstanding any provision of this  
14 article 33 to the contrary, an enrolling entity may impose an out-of-school  
15 suspension or expel a student enrolled in preschool, kindergarten, first  
16 grade, or second grade only if:

17 (c) ~~The enrolling entity, on a case-by-case basis, considers each~~  
18 ~~of the factors set forth in section 22-33-106 (1.2) before suspending or~~  
19 ~~expelling the student.~~ The enrolling entity shall document DOCUMENTS  
20 any alternative behavioral and disciplinary interventions that it employs  
21 before suspending or expelling the student.

22 **SECTION 16.** In Colorado Revised Statutes, 22-2-107, **amend**  
23 (1)(s) as follows:

24 **22-2-107. State board - power.** (1) The state board has the  
25 power:

26 (s) To approve programs by nonpublic ~~nonparochial~~ schools to  
27 provide educational services to students pursuant to section 22-33-203,

1 and to approve services to be provided to at-risk students pursuant to  
2 agreements entered into pursuant to section 22-33-204; and

3 **SECTION 17.** In Colorado Revised Statutes, 22-38-115, **repeal**  
4 (3) as follows:

5 **22-38-115. Funding.** (3) ~~A pilot school may apply for a grant~~  
6 ~~from the expelled student services grant program as provided in section~~  
7 ~~22-33-205 to use in providing educational services to expelled students~~  
8 ~~under agreements entered into pursuant to section 22-33-203 (2).~~

9 **SECTION 18.** In Colorado Revised Statutes, 24-72-304, **amend**  
10 (4.5)(d) introductory portion and (4.5)(d)(II) as follows:

11 **24-72-304. Inspection of criminal justice records.** (4.5) (d) ~~The~~  
12 ~~provisions of~~ This subsection (4.5) ~~shall~~ DOES not apply to the sharing of  
13 information between:

14 (II) Public schools and school districts for the purposes of  
15 suspension, expulsion, and reenrollment determinations pursuant to  
16 sections 22-33-105 (5)(a), 22-33-106 ~~(1.2)~~ and (4)(a), and 19-1-303;  
17 ~~C.R.S.~~; and

18 **SECTION 19. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, or safety.