

SENATE FLOOR AMENDMENT

Second Reading

BY SENATOR ZENZINGER

1 Amend printed bill, page 17, after line 24 insert:

2 **"SECTION 18.** In Colorado Revised Statutes, **amend**
3 22-33-201.5 as follows:

4 **22-33-201.5. Definitions.** For purposes of AS USED IN this part 2,
5 unless the context otherwise requires:

6 (1) "BEHAVIORAL MANAGEMENT PLAN" MEANS AN ACTION PLAN
7 TO ADDRESS BEHAVIORAL, ATTENDANCE, AND TRUANCY ISSUES,
8 INCLUDING APPROPRIATE SERVICES AND SUPPORTS THAT ARE DEVELOPED
9 IN COORDINATION WITH STUDENTS, PARENTS, AND SCHOOL PERSONNEL.

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

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

19 (a) Tutoring services, COURSE REMEDIATION, CREDIT RECOVERY,
20 AND SUPPLEMENTAL EDUCATION SERVICES;

21 (b) Alternative educational programs; AND

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

24 (4) "Facility school" means an approved facility school as
25 defined in section 22-2-402 (1).

26 **SECTION 19.** In Colorado Revised Statutes, **amend** 22-33-202
27 as follows:

28 **22-33-202. Identification of at-risk students - attendance issues**
29 **- disproportionate discipline practices.** (1) Each school district shall
30 adopt policies to identify students IN PRE-KINDERGARTEN THROUGH
31 TWELFTH GRADE who are at risk of ~~suspension or expulsion from school~~.
32 Students identified may include those who are truant, who have been or
33 are likely to be declared habitually truant, or who are likely to be declared
34 habitually disruptive DROPPING OUT OF SCHOOL DUE TO CHRONIC
35 ABSENTEEISM AND DISCIPLINARY ACTIONS, INCLUDING CLASSROOM
36 REMOVAL, SUSPENSION, AND EXPULSION. The school district shall provide
37 students IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are
38 identified as at risk of ~~suspension or expulsion~~ DROPPING OUT OF SCHOOL
39 DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS with a plan to
40 provide the necessary support services to help them ~~avoid expulsion~~

1 REMAIN IN SCHOOL. The school district shall work with the student's
2 parent or guardian in providing the services and may provide the services
3 through agreements with appropriate local governmental agencies,
4 appropriate state agencies, community-based organizations, and
5 institutions of higher education entered into pursuant to section
6 22-33-204. ~~The failure of the school district to identify a student for
7 participation in an expulsion-prevention program or the failure of such
8 program to remediate a student's behavior shall not be grounds to prevent
9 school personnel from proceeding with appropriate disciplinary measures
10 or used in any way as a defense in an expulsion proceeding.~~

11 (2) Each school district may provide ATTENDANCE SUPPORTS,
12 BEHAVIOR INTERVENTION, AND educational services to students IN
13 PRE-KINDERGARTEN THROUGH TWELFTH GRADE who are identified as at
14 risk of ~~suspension or expulsion from school~~ DROPPING OUT OF SCHOOL
15 DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS, INCLUDING
16 CLASSROOM REMOVAL, SUSPENSION, AND EXPULSION. Any school district
17 that provides educational services to students IN PRE-KINDERGARTEN
18 THROUGH TWELFTH GRADE who are at risk of ~~suspension or expulsion~~
19 DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR
20 DISCIPLINARY ACTIONS may apply for ~~moneys~~ MONEY through the
21 expelled and at-risk student services grant program established in section
22 22-33-205 to assist in providing such ATTENDANCE SUPPORTS, BEHAVIOR
23 INTERVENTION, AND educational services.

24 **SECTION 20.** In Colorado Revised Statutes, 22-33-203, amend
25 (2) and (4) as follows:

26 **22-33-203. Educational alternatives for expelled students.**
27 (2) (a) Except as otherwise provided in paragraph (b) of this subsection
28 ~~(2)~~ SUBSECTION (2)(b) OF THIS SECTION, upon request of a student or the
29 student's parent or guardian, the school district shall provide, for any
30 student who is expelled from the school district, any educational services
31 that are deemed appropriate for the student by the school district. The
32 educational services provided must be designed to enable the student to
33 return to the school in which he or she was enrolled prior to expulsion, to
34 successfully complete the high school equivalency examination, or to
35 enroll in a nonpublic ~~nonparochial~~ school or in an alternative school,
36 including but not limited to a charter school. ~~or a pilot school established~~
37 ~~pursuant to article 38 of this title~~. The expelling school district shall
38 determine the amount of credit the student must receive toward
39 graduation for the educational services provided pursuant to this section.

40 (b) The educational services provided pursuant to this section are
41 designed to provide a second chance for the student to succeed in
42 achieving an education. While receiving educational services, a student
43 may be suspended or expelled pursuant to the conduct and discipline code

1 of the school district providing the educational services and the
2 provisions of part 1 of this ~~article~~ ARTICLE 33. Except as required by
3 federal law, the expelling school district is not required to provide
4 educational services to any student who is suspended or expelled while
5 receiving educational services pursuant to this section until the period of
6 the suspension or expulsion is completed.

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

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

22 (d) If an expelled student is receiving educational services
23 delivered by a school district other than the expelling school district, by
24 a charter school in a school district other than the expelling school
25 district, by a board of cooperative services, OR by a nonpublic
26 ~~nonparochial~~ school, or by a pilot school pursuant to an agreement
27 entered into pursuant to subparagraph (I) of paragraph (c) of this
28 subsection (2) the expelling school district shall transfer ninety-five
29 percent of the district per-pupil revenues, as defined in section
30 22-30.5-112 (2)(a.5)(II) to the school district, charter school, nonpublic
31 ~~nonparochial~~ school, OR board of cooperative services ~~or pilot school~~ that
32 is providing educational services, reduced in proportion to the amount of
33 time remaining in the school year at the time the student begins receiving
34 educational services.

35 (e) Any school district, charter school, nonpublic ~~nonparochial~~
36 school, OR board of cooperative services ~~or pilot school~~ that is providing
37 educational services to expelled students pursuant to this subsection (2)
38 may apply for ~~money~~ MONEY through the expelled student services grant
39 program established in section 22-33-205 to assist in providing
40 educational services.

41 (4) In addition to the educational services required under this
42 section, a student who is at risk of ~~suspension or expulsion~~ OF DROPPING
43 OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS

1 or has been suspended or expelled, or the student's parent or guardian,
2 may request any of the services provided by the school district through an
3 agreement entered into pursuant to section 22-33-204, and the school
4 district may provide such services.

5 **SECTION 21.** In Colorado Revised Statutes, 22-33-204, **amend**
6 (1) and (3); and **add** (1.5) as follows:

7 **22-33-204. Services for at-risk students - agreements with**
8 **state agencies and community organizations.** (1) Each school district,
9 regardless of the number of students expelled by the district, may enter
10 into agreements with appropriate local governmental agencies and, to the
11 extent necessary, with the managing state agencies, including the
12 department of human services and the department of public health and
13 environment; with community-based nonprofit and faith-based
14 organizations; with nonpublic ~~nonparochial~~ schools; with the department
15 of military and veterans affairs and with public and private institutions of
16 higher education to work with the student's parent or guardian to provide
17 services to any student IN PRE-KINDERGARTEN THROUGH TWELFTH GRADE,
18 or the student's family, who is identified as being at risk of ~~suspension or~~
19 ~~expulsion or who has been suspended or expelled~~ OF DROPPING OUT OF
20 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS. Any
21 services provided pursuant to an agreement with a nonpublic
22 ~~nonparochial~~ school are subject to approval by the state board of
23 education pursuant to section 22-2-107. Services provided through such
24 agreements may include, but are not limited to:

25 (a) ATTENDANCE SUPPORTS, BEHAVIOR INTERVENTIONS, AND
26 educational services required to be provided ~~under~~ PURSUANT TO section
27 22-33-203 (2) and any educational services provided to ~~at-risk students~~
28 ~~identified~~ STUDENTS WHO ARE IDENTIFIED AS AT RISK OF DROPPING OUT OF
29 SCHOOL DUE TO CHRONIC ABSENTEEISM OR DISCIPLINARY ACTIONS
30 pursuant to section 22-33-202;

31 (b) Counseling services;
32 (c) Substance use disorder treatment programs;
33 (d) Family preservation services;
34 (e) and (f) ~~(Deleted by amendment, L. 98, p. 570, § 3, effective~~
35 ~~April 30, 1998.)~~

36 (e) RESTORATIVE JUSTICE PRACTICES, AS DEFINED IN SECTION
37 22-32-144; AND

38 (f) ALTERNATIVES TO SUSPENSION SYSTEMS AND SUPPORTS.

39 (1.5) EACH SCHOOL DISTRICT, REGARDLESS OF THE NUMBER OF
40 STUDENTS EXPELLED BY THE DISTRICT, MAY ENTER INTO AGREEMENTS
41 WITH APPROPRIATE LOCAL GOVERNMENT AGENCIES AND, TO THE EXTENT
42 NECESSARY, WITH THE MANAGING STATE AGENCIES AS DESCRIBED IN
43 SUBSECTION (1) OF THIS SECTION TO PROVIDE SERVICES AND TECHNICAL

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

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

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

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

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

22 **SECTION 22.** In Colorado Revised Statutes, **amend** 22-33-205
23 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
28 grants to school districts, to charter schools, to alternative schools within
29 school districts, to nonpublic ~~nonparochial~~ schools, to boards of
30 cooperative services, AND to facility schools ~~and to pilot schools~~
31 ~~established pursuant to article 38 of this title~~ to assist them in providing
32 educational services, and other services provided pursuant to section
33 22-33-204; to expelled students pursuant to section 22-33-203 (2); to
34 ~~students at risk of expulsion~~ STUDENTS WHO ARE IDENTIFIED AS AT RISK
35 OF DROPPING OUT OF SCHOOL DUE TO CHRONIC ABSENTEEISM OR
36 DISCIPLINARY ACTION as identified pursuant to section 22-33-202 (1); and
37 to truant students PURSUANT TO SECTIONS 22-33-107 (3) AND 22-33-108
38 (5). NONPUBLIC SCHOOLS MAY APPLY FOR A GRANT PURSUANT TO THIS
39 SECTION ONLY TO FUND EDUCATIONAL SERVICES THAT HAVE BEEN
40 APPROVED BY THE STATE BOARD PURSUANT TO SECTION 22-2-107.

41 (b) ~~In addition to school districts, charter schools, alternative~~
42 ~~schools within school districts, nonpublic, nonparochial schools, boards~~
43 ~~of cooperative services, facility schools, and pilot schools, the department~~

1 of military and veterans affairs may apply for a grant pursuant to the
2 provisions of this section to assist the department with a program to
3 provide educational services to expelled students, except that nonpublic,
4 nonparochial schools may only apply for a grant pursuant to the
5 provisions of this section to fund educational services that have been
6 approved by the state board pursuant to section 22-2-107. The department
7 shall follow application procedures established by the department of
8 education pursuant to subsection (2) of this section. The department of
9 education shall determine whether to award a grant to the department of
10 military and veterans affairs and the amount of the grant.

11 (c) Grants awarded pursuant to this section shall be paid for out
12 of any moneys MONEY appropriated to the department of education for
13 implementation of the program.

14 (2) (a) The state board by rule shall establish application
15 procedures by which a school district, a charter school, an alternative
16 school within a school district, a nonpublic nonparochial school, a board
17 of cooperative services, a facility school or a pilot school may annually
18 apply for a grant under the program. At a minimum, the application shall
19 include a plan for provision of educational services, including the type of
20 educational services to be provided, the estimated cost of providing such
21 educational services, and the criteria that will be used to evaluate the
22 effectiveness of the educational services provided. THE STATE BOARD
23 SHALL ADOPT RULES PURSUANT TO THE "STATE ADMINISTRATIVE
24 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, FOR THE IMPLEMENTATION OF
25 THE PROGRAM, INCLUDING, BUT NOT LIMITED TO, RULES REGARDING:

26 (a) THE APPLICATION TIMELINE AND PROCEDURES BY WHICH A
27 SCHOOL DISTRICT, A CHARTER SCHOOL, AN ALTERNATIVE SCHOOL WITHIN
28 A SCHOOL DISTRICT, A NONPUBLIC SCHOOL, A BOARD OF COOPERATIVE
29 SERVICES, OR A FACILITY SCHOOL MAY ANNUALLY APPLY FOR A GRANT
30 UNDER THE PROGRAM;

31 (b) THE GRANT APPLICATION REQUIREMENTS, WHICH AT A
32 MINIMUM MUST INCLUDE:

33 (I) A PLAN TO PROVIDE EDUCATIONAL SERVICES, ATTENDANCE
34 SUPPORTS, AND BEHAVIOR INTERVENTIONS. THE PLAN MUST ADDRESS:

35 (A) DISPROPORTIONATE DISCIPLINE PRACTICES, CHRONIC
36 ABSENTEEISM, AND ALTERNATIVES TO SUSPENSION AND EXPULSION; AND

37 (B) EFFECTIVE ATTENDANCE AND DISCIPLINE SYSTEMS, WHICH
38 MAY INCLUDE MULTI-TIERED SYSTEMS OF SUPPORT, POSITIVE BEHAVIOR
39 INTERVENTION MODELS, AND RESTORATIVE JUSTICE PRACTICES AS
40 DESCRIBED IN SECTION 22-32-144;

41 (II) A DESCRIPTION OF THE SUPPORTS AND SERVICES TO BE
42 PROVIDED, INCLUDING THE NUMBER OF STUDENTS SERVED AND HOW THE
43 EFFECTIVENESS OF THE SUPPORTS AND SERVICES WILL BE DETERMINED

1 AND MEASURED; AND

2 (III) THE TRAINING AND TECHNICAL ASSISTANCE PROVIDED TO
3 ENSURE THE EFFECTIVE IMPLEMENTATION OF SUPPORTS, SERVICES, AND
4 PROGRAMMING, WHICH MAY INCLUDE EQUITY, DIVERSITY, AND INCLUSION
5 TRAINING;

6 (b) (c) The state board shall CRITERIA to determine which of the
7 applicants shall receive grants and the amount of each grant. In awarding
8 grants, the state board shall consider the following criteria:

9 (I) The costs incurred by the applicant in providing educational
10 services to expelled or at-risk students pursuant to the provisions of this
11 part 2 during the school year preceding the school year for which the
12 grant is requested; THE QUALITY OF STUDENT SUPPORTS AND SERVICES
13 PROVIDED UNDER THE PLAN AND THE LIKELIHOOD THAT THE PLAN WILL
14 ACHIEVE ITS INTENDED RESULTS, INCLUDING:

15 (A) INCREASING ACADEMIC SUCCESS;

16 (B) REDUCING CHRONIC ABSENTEEISM;

17 (C) DECREASING CONDUCT AND DISCIPLINE CODE VIOLATIONS;

18 (D) INCREASING AGE-APPROPRIATE AND DEVELOPMENTALLY
19 APPROPRIATE DISCIPLINE METHODS; AND

20 (E) INCREASING STUDENT AND FAMILY ENGAGEMENT;

21 (II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30,
22 1998.)

23 (III) The number of expelled, at-risk, or truant CHRONICALLY
24 ABSENT students who are receiving ATTENDANCE AND BEHAVIOR
25 INTERVENTIONS AND educational services through the applicant under
26 agreements entered into pursuant to the provisions of this part 2 during
27 the school year preceding the year for which the grant is requested;

28 (IV) The quality of educational services to be provided by the
29 applicant under the plan;

30 (V) The cost-effectiveness of the educational services to be
31 provided under the plan, INCLUDING THE AMOUNT OF FUNDING REQUESTED
32 BY THE APPLICANT IN RELATION TO THE COST OF THE SUPPORTS AND
33 SERVICES TO BE PROVIDED UNDER THE PLAN;

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

40 (VII) If the applicant is seeking to renew a grant or has been
41 awarded a grant pursuant to this section in the previous five years, the
42 demonstrated effectiveness of the educational services funded by the
43 previous grant OF SERVICES FUNDED BY THE PREVIOUS GRANT.

(4) The department of education is authorized to retain up to one percent of any money appropriated for the program for the purpose of annually evaluating the program. The department of education is authorized and encouraged to retain up to an additional two percent of any money appropriated for the program for the purpose of partnering with organizations or agencies that provide services and supports that are designed to reduce the number of truancy cases requiring court involvement and that also reflect the best interests of students and families. ~~The services and supports shall include, but need not be limited to, alternatives to guardian ad litem representation in truancy proceedings.~~ Notwithstanding section 24-1-136 (11)(a)(I), on or before January 1, 2006, and on or before January 1 each year thereafter, the department of education shall report to the education committees of the house of representatives and the senate, or any successor committees, the evaluation findings on the outcomes and the effectiveness of the program related to school attendance, attachment, and achievement. ~~The report shall also include specific information on the efficacy of services and supports that provide alternatives to court involvement and guardian ad litem representation in truancy proceedings.~~ AT A MINIMUM, THE REPORT MUST INCLUDE:

30 (a) SPECIFIC INFORMATION ON THE EFFICACY OF SERVICES AND
31 SUPPORTS TO REDUCE TRUANCY COURT REFERRALS AND PROVIDE
32 ALTERNATIVES TO TRUANCY COURT INVOLVEMENT;

33 (b) THE EFFECTIVENESS OF PROGRAM-RELATED ATTENDANCE,
34 SUPPORTIVE SCHOOL DISCIPLINE, AND STUDENT ACHIEVEMENT, WHICH
35 INCLUDE:

36 (I) ACADEMIC MEASURES, SUCH AS REDUCTION IN COURSE
37 FAILURE, INCREASE IN GRADE POINT AVERAGE, AND ACCRUAL FOR CREDITS
38 AT THE HIGH SCHOOL LEVEL;

39 (II) ATTENDANCE MEASURES, SUCH AS INCREASED ATTENDANCE
40 RATES AND REDUCTIONS IN CHRONIC ABSENTEEISM;

41 (III) BEHAVIOR AND DISCIPLINE MEASURES, SUCH AS A DECLINE IN
42 CLASSROOM REMOVAL, SUSPENSIONS, AND EXPULSION; A DECREASE IN
43 EXCLUSIONARY DISCIPLINE ACTIONS; AND A REDUCTION IN REFERRALS TO

1 LAW ENFORCEMENT, ARRESTS, AND TICKETING;

2 (IV) STUDENT ENGAGEMENT MEASURES, SUCH AS STUDENT AND

3 PARENT ENGAGEMENT WITH THE SERVICES PROVIDED IN THE PLAN,

4 PARTICIPATION IN PROGRAMS AND ACTIVITIES, AND THE NUMBER OF

5 STUDENTS AND FAMILIES SERVED BY GRANT-FUNDED SERVICES;

6 (V) EFFICACY OF SERVICES AND SUPPORTS THAT ADDRESS

7 DISPROPORTIONATE DISCIPLINE RATES AND THE CREATION OF

8 AGE-APPROPRIATE AND DEVELOPMENTALLY APPROPRIATE DISCIPLINE

9 SYSTEMS; AND

10 (VI) EFFECTIVENESS OF TRAINING AND TECHNICAL ASSISTANCE

11 PROVIDED BY THE GRANT FUNDS.".

12 Renumber succeeding sections accordingly.

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