A BILL FOR AN ACT

CONCERNING MULTI-LEVEL SUPPORTS FOR YOUTH IN VARYING STAGES OF THE JUVENILE JUSTICE SYSTEM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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 establishes a bill of rights for K-12 students who are involved in any capacity with the juvenile or criminal justice system (justice-engaged student). School districts, boards of cooperative services, charter schools, and institute charter schools (local education providers) must follow the bill of rights for justice-engaged students. The bill of
rights includes, but is not limited to, providing the justice-engaged student with a graduation and promotion plan; appropriate credit for coursework completed while justice-engaged; prompt enrollment or re-enrollment no later than 10 business days after the first request to the local education provider; and allowing the justice-engaged student to participate in school activities or career readiness pathways in accordance with rules promulgated by the state board of education (board).

Each local education provider shall publish on its website an explanation of the services and resources available for justice-engaged students, including the name, phone number, and email address of a designated, trained point-of-contact person (contact person) at the local education provider. The contact person shall complete annual training developed by the department of education (department) and be knowledgeable about alternative education options and wraparound services.

When notified that a student is justice-engaged, the contact person shall schedule a meeting with the justice-engaged student and the multi-tiered systems of supports team (MTSS), if one is available, at the local education provider. If an MTSS is not available, the contact person shall schedule a meeting with an intervention team. The MTSS or intervention team shall, in collaboration with the justice-engaged student and the justice-engaged student's family, develop a customized support plan related to the justice-engaged student's education needs.

Beginning with the 2025-26 academic year, the department, in collaboration with the division of youth services and the judicial department, shall develop a data tracking system to track data on attendance, drop-out rates, and graduation rates for justice-engaged students.

The board shall promulgate rules to establish a process and framework for interpreting and transferring credits and schoolwork completed by a justice-engaged student while in custody.

The department shall provide guidance to local education providers on how to allow a justice-engaged student to receive an accommodation to participate in school activities, including, but not limited to, graduation ceremonies, sporting events, after-school activities, and college or career readiness pathways.

On or before September 1, 2025, the bill requires the department to select and contract with an entity to establish and maintain a statewide hotline for justice-engaged students, families and caregivers, justice system personnel, and education personnel. Each justice-engaged student shall be provided information about the hotline by law enforcement after ticketing or arrest, by the division of youth services after release from the division, and by local education providers after notification that a student has become justice-engaged.

The bill requires the entity operating the hotline to submit a written
report to the department and board on or before June 30, 2025, and each June 30 thereafter. The report must categorize and summarize the number of calls received, the type of person calling, types of supports or referrals provided, and the geography of calls received so that service gaps can be identified.

The department shall create and maintain a position to serve as a support person to assist students from frontier and rural school districts who have been denied re-entry into school by a local education provider. Under current law, if a child or youth is within a court's jurisdiction, a preliminary investigation is made to determine whether further actions be taken to protect the interests of the child or youth or the community. The bill allows the court to extend the preliminary investigation for an additional 6 months to make additional findings.

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

SECTION 1. In Colorado Revised Statutes, add article 108 to title 22 as follows:

ARTICLE 108

Justice-Engaged Students in Education Act

22-108-101. Short title. The short title of this article 108 is "Supporting Justice-Engaged Students in Education Act".

22-108-102. Definitions. As used in this article 108, unless the context otherwise requires:

(1) "Department" means the Department of Education created and existing pursuant to section 24-1-115.

(2) "Hotline" means the statewide justice-engaged student hotline created pursuant to section 22-108-108.

(3) "Justice-engaged student" means a student who is involved in the criminal justice system in any capacity, including, but not limited to, adjudication, probation, ticketing, detention, diversion, commitment, or community supervision.

(4) "Local education provider" means a school district
CREATED PURSUANT TO ARTICLE 30 OF THIS TITLE 22, A BOARD OF
COOPERATIVE SERVICES, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL
DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, OR AN
INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER
SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE
22.

(5) "MULTI-TIERED SYSTEMS OF SUPPORTS" MEANS A SYSTEMIC
PREVENTIVE APPROACH THAT ADDRESSES THE ACADEMIC AND
SOCIAL-EMOTIONAL NEEDS OF ALL STUDENTS AT THE UNIVERSAL,
TARGETED, AND INTENSIVE LEVELS. THROUGH THE MULTI-TIERED
SYSTEMS OF SUPPORTS, SCHOOL PERSONNEL PROVIDES HIGH-QUALITY,
SCIENTIFICALLY BASED OR EVIDENCE-BASED INSTRUCTION AND
INTERVENTION THAT IS MATCHED TO STUDENT NEEDS; USES A METHOD OF
MONITORING PROGRESS TO INFORM DECISIONS ABOUT INSTRUCTION AND
GOALS; AND USES STUDENT RESPONSE DATA TO INFORM IMPORTANT
EDUCATIONAL DECISIONS.

22-108-103. Justice-engaged student's bill of rights. (1) With
RESPECT TO EDUCATION, A JUSTICE-ENGAGED STUDENT HAS THE RIGHT TO:

(a) Provision of alternative solutions to a general
EDUCATION, INCLUDING, BUT NOT LIMITED TO, APPROPRIATE AVAILABLE
ALTERNATE EDUCATION PROGRAMS;

(b) Prompt enrollment or re-enrollment with a local
EDUCATION PROVIDER, SO LONG AS THE STUDENT IS ELIGIBLE FOR
ENROLLMENT, AS DETERMINED BY THE LOCAL EDUCATION PROVIDER
PURSUANT TO SECTION 22-33-104, NO LATER THAN TEN BUSINESS DAYS
AFTER THE FIRST REQUEST TO THE LOCAL EDUCATION PROVIDER AND
INITIAL CONTACT WITH THE POINT-OF-CONTACT PERSON FOR THE LOCAL

(c) APPROPRIATE CREDIT FOR COURSEWORK COMPLETED WHILE JUSTICE-ENGAGED AND FOR THAT COURSEWORK TO BE APPLIED TOWARD GRADUATION OR SCHOOL CONTINUATION WHILE RE-ENROLLED AT A LOCAL EDUCATION PROVIDER, ACCORDING TO RULES PROMULGATED BY THE STATE BOARD OF EDUCATION PURSUANT TO THIS ARTICLE 108;

(d) A PLAN FOR GRADUATION DEVELOPED IN CONSULTATION WITH THE JUSTICE-ENGAGED STUDENT, THE STUDENT'S FAMILY, CAREGIVER OR ADVOCATE. THE PLAN MUST CONSIDER ALL PRIOR COURSEWORK COMPLETED BY THE STUDENT. IN DEVELOPING THE PLAN, THE TEAM SHALL MAKE EVERY EFFORT TO ACCOUNT FOR ALL CREDITS EARNED BY THE JUSTICE-ENGAGED STUDENT AND CLARIFY REQUIREMENTS TO ALLOW THE JUSTICE-ENGAGED STUDENT TO COMPLETE THE STUDENT'S HIGH SCHOOL GRADUATION REQUIREMENTS AT THE EARLIEST POSSIBLE DATE.

(e) A CLEARLY DEFINED AND DOCUMENTED PLAN FOR GRADUATION PROVIDED TO THE JUSTICE-ENGAGED STUDENT AND THE STUDENT'S FAMILY OR CAREGIVER UPON RE-ENTRY, RE-ENROLLMENT, OR CONTINUATION WITH A LOCAL EDUCATION PROVIDER;

(f) PRIVACY, INCLUDING PRIVACY WHEN RELATED TO DIVERSION,
PROBATION, OR QUESTIONING ABOUT A CRIME AT A LOCAL EDUCATION PROVIDER AND NOT IN VIEW OF THE STUDENT'S PEERS. IF SUCH A VISIT IS NECESSARY, THE APPROPRIATE OFFICER SHALL SCHEDULE THE VISIT IN ADVANCE WITH THE LOCAL EDUCATION PROVIDER'S OFFICE IN A PRIVATE AREA OUT OF SIGHT OF THE OTHER STUDENTS.


(h) Create evidence of and be evaluated for giftedness with support and information from the justice-engaged student's family or caregivers to allow consideration of the justice-engaged student for gifted and talented programs that are available within existing resources, and

(i) Participate in school activities and college or career readiness pathways, including, but not limited to, career and technical certification programs, in accordance with the rules promulgated by the State Board of Education pursuant to this article 108.

22-108-104. Educational support for justice-engaged students
- local education provider responsibilities - point-of-contact person
- guidance - automatic referral to multi-tiered systems of supports.

(1) Each local education provider in the state shall:

(a) Prominently publish on its website an explanation of

(b) Designate one person to serve as point of contact for justice-engaged students and their families or caregivers. The point-of-contact person shall respond to inquiries and connect with justice-engaged students and their families or caregivers within three business days after an inquiry, pursuant to the justice-engaged student’s bill of rights established in section 22-108-103. For small and rural school districts that are not members of a BOCES, a designated support person within the department may act as a point of contact for the purposes of this section, pursuant to section 22-108-109.

(2) (a) The designated point-of-contact person for each local education provider shall read and understand the guidance developed and provided pursuant to subsection (2)(b) of this section upon designation as the point-of-contact. The point-of-contact person shall be knowledgeable about alternative education options and wraparound services available to students enrolled in the local education provider.

(b) The department shall partner with persons involved with justice-engaged students in the state to develop guidance that aligns with the justice-engaged student’s bill of rights established in section 22-108-103 and that includes guidance in

(c) The GUIDANCE developed pursuant to subsection (2)(b) of this section is recommended for any person acting as a child welfare education liaison, guardian ad litem, counsel for youth, or other officers who work with youth. The department shall make the GUIDANCE publicly available to any youth-serving agency or community-based organization.

(3) The point-of-contact person shall actively engage with justice-engaged students and their families or caregivers to explore alternative solutions for educational attainment before Resorting to a denial of access to education pursuant to article 33 of this title 22, and if the local education provider denies the student access to education, the point-of-contact
PERSON SHALL REFER THE STUDENT TO THE HOTLINE CREATED PURSUANT TO SECTION 22-108-108.

(4) Upon notification or request, a local education provider will work with the team of professionals, including the multi-tiered systems of supports and appropriate intervention teams, families, and justice-engaged students, to ensure a pathway to graduation that is consistent with requirements set forth in sections 22-2-106, 22-2-406, and 22-32-109, including workforce development opportunities, access to alternative educational programming, and mental health and other supports as and if appropriate and available. The team shall develop a plan to guide implementation of these supports.

22-108-105. Justice-engaged students interagency working group - duties - recommendations - rules. (1) On or before July 1, 2024, the department shall convene an interagency working group comprised of members from the Department of Education, as appointed by the commissioner; the Department of Human Services, as appointed by the Executive Director; the Division of Youth Services, as appointed by the Executive Director of the Department of Human Services; and the Judicial Department, as appointed by the Chief Justice.

(2) The interagency working group shall, at a minimum, review and make recommendations to the Department of Education and the Joint Education Committees of the House of Representatives and the Senate no later than December 1, 2024, regarding:
(a) Criteria and a mechanism for identifying and quantifying the number of justice-engaged students;

(b) Indicators of and contributing factors to academic attainment;

(c) Data-sharing agreements and regulatory and statutory changes required to implement the recommendations;

(d) Additional funding or system enhancements required to implement the recommendations made pursuant to this subsection (2); and

(e) Any other recommendations that the interagency working group finds relevant to better understand outcomes for justice-engaged students and ways the state can support this population.

(3) The interagency working group shall consult with local education providers to determine what data is needed by December 31, 2024.

(4) Beginning July 1, 2025, the state board of education shall promulgate any necessary rules or request statutory changes to implement the recommendations made by the interagency working group.

22-108-106. Credit transfer from state custody situations - rules - definition. (1) For the purposes of this section, "custody" means, but is not limited to, time spent in a facility operated by the department of human services, facility school, psychiatric facility, or day treatment center.

(2) The state board of education, in collaboration with the department and the division of youth services, the judicial
DEPARTMENT, INTERESTED STAKEHOLDERS, AND JUSTICE-ENGAGED STUDENTS AND THEIR FAMILIES OR CAREGIVERS, SHALL PROMULGATE RULES ON OR BEFORE AUGUST 1, 2025, TO ESTABLISH A PROCESS AND TO ENSURE THAT YOUTH IN CUSTODY HAVE ACCESS TO QUALITY EDUCATIONAL PROGRAMS AND RECEIVE CREDITS FOR ANY WORK COMPLETED UPON THE YOUTH’S RETURN TO THE TRADITIONAL EDUCATIONAL ENVIRONMENT. THE PROCESS AND FRAMEWORK MUST BE IN PLACE ON OR BEFORE AUGUST 30, 2025, AND BE INCLUDED IN THE GUIDANCE REQUIRED PURSUANT TO SECTION 22-108-104. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBSECTION (2), A LOCAL EDUCATION PROVIDER RETAINS THE RIGHT TO SUSPEND OR EXPEL A JUSTICE-ENGAGED STUDENT PURSUANT TO SECTIONS 22-33-105 AND 22-33-106.

22-108-107. Justice-engaged students - participation in school activities. On or before August 30, 2025, the department shall provide guidance to local education providers on how to allow a justice-engaged student to receive an accommodation to participate in school activities, including graduation ceremonies, sporting events, after-school activities, dances, clubs, and college or career readiness pathways, including, but not limited to, career and technical certification programs. The accommodations may include, but are not limited to, the option for a family member or other invested adult to accompany the justice-engaged student to the school activity.

22-108-108. Statewide justice-engaged student hotline - report - repeal. (1) On or before September 1, 2026, the department shall select and contract with an entity to establish and maintain a
STATEWIDE HOTLINE FOR JUSTICE-ENGAGED STUDENTS, FAMILIES AND
CAREGIVERS, JUSTICE SYSTEM PERSONNEL, AND EDUCATION PERSONNEL.
The hotline must be accessible in at least English and Spanish
and provide accessibility options for persons with disabilities,
and offer referrals for legal advice, school options, and other
necessary wraparound services and supports. The entity
operating the hotline shall track the types of calls received to
identify and address gaps in communication regarding
educational options for justice-engaged students. Each
justice-engaged student shall be provided information about
the hotline by law enforcement after ticketing or arrest, by the
division after release from the division, and by local education
providers after notification that a student is justice-engaged.

(2) On or before June 30, 2027, and each June 30 thereafter,
the entity operating the hotline shall submit a written report
to the department and the state board of education that
categorizes and summarizes the number of calls received, type
of person calling the hotline, types of supports or referrals
provided, and geography of calls received so that service gaps
can be identified.

(3) This section is repealed, effective July 1, 2028.

22-108-109. Support person to assist students in small and
rural districts. Beginning July 1, 2025, as required by section
22-108-104 (1)(b), the department shall assist a student from
small and rural school districts or who has been denied
re-entry to the student’s local education provider pursuant to
section 22-33-105. The support person shall work with the small
OR RURAL SCHOOL DISTRICT, ALONG WITH THE MULTI-TIERED SYSTEMS OF
SUPPORT TEAM, AND OTHER APPROPRIATE LOCAL EDUCATION PROVIDERS
TO ALLOW THE STUDENT TO RE-ENTER SCHOOL. NOTWITHSTANDING ANY
OTHER PROVISION OF THIS SECTION, A LOCAL EDUCATION PROVIDER
RETAINS THE RIGHT TO SUSPEND OR EXPEL A JUSTICE-ENGAGED STUDENT
Pursuant to Sections 22-33-105 and 22-33-106.

SECTION 2. In Colorado Revised Statutes, 19-2.5-303, amend
(2)(f) as follows:

19-2.5-303. Duty of officer - screening teams - notification -
release or detention. (2) (f) The screening team and the juvenile court
shall use the results from the detention screening instrument in making a
release determination. The court is encouraged to take into
consideration the juvenile's educational progress and ability to
achieve credits toward graduation. Release options include
allowing a juvenile to return home with no supervision, or with limited
supervision such as a location monitoring device, or a referral to a
preadjudication alternative to detention or service program established
pursuant to section 19-2.5-606.

SECTION 3. In Colorado Revised Statutes, 19-2.5-306, add
(4)(a.5) as follows:

19-2.5-306. Conditions of release - personal recognizance
bond. (4) (a.5) The judge or magistrate is encouraged to take
into consideration the juvenile's educational progress and
ability to achieve credits toward graduation.

SECTION 4. In Colorado Revised Statutes, 19-2.5-1117, amend
(1)(a); and add (1)(d) as follows:

19-2.5-1117. Sentencing - commitment to the department of
human services - definitions. (1) (a) Except as otherwise required in subsection (6) of this section and section 19-2.5-1127 for an aggravated juvenile offender, the court may commit a juvenile to the department of human services for a determinate period of up to two years if the juvenile is adjudicated for an offense that would constitute a felony or a misdemeanor if committed by an adult; except that, if the juvenile is younger than twelve years of age and is not adjudicated an aggravated juvenile offender, the court may commit the juvenile to the department of human services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult. If the court commits a justice-engaged student, as defined in section 22-108-102, to the department of human services for any offense that does not include a physical threat or bodily injury to another person, the court is encouraged to order that the commitment take place in a manner that allows the justice-engaged student to continue to attend school prior to commitment to avoid disruption of the justice-engaged student's academic progress and ability to achieve credits for a semester. When possible, the court may order commitment as follows:

(I) If the sentencing takes place in the fall semester, the justice-engaged student may remain in school to complete the fall semester and begin commitment at the beginning of the spring semester;

(II) If the sentencing takes place in the spring semester, the justice-engaged student may remain in school to complete the spring semester and begin commitment at the beginning of the summer semester; and
(III) If the sentencing takes place in the summer semester, the justice-engaged student may remain in school to complete the summer semester and begin commitment at the beginning of the fall semester.

(d) Notwithstanding any other provision of this section, a local education provider retains the right to suspend or expel a justice-engaged student pursuant to sections 22-33-105 and 22-33-106.

SECTION 5. Appropriation. For the 2024-25 state fiscal year, $82,883 is appropriated to the department of education for use by student pathways. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.1 FTE. To implement this act, the division may use this appropriation for supports for youth in juvenile justice system.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.