



**Report to the  
Colorado General Assembly**

**School Safety and  
Youth in Crisis  
Interim Committee**

*Prepared by*

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December 2015*



# **School Safety and Youth in Crisis Interim Committee**

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*December 2015*



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To Members of the Seventieth General Assembly:

Submitted herewith is the final report of the School Safety and Youth in Crisis Interim Committee. This committee was created pursuant to Article 15 of Title 22, Colorado Revised Statutes. The purpose of this committee is to study issues relating to school safety and threat prevention in public and private schools; programs and methods for identifying and monitoring students in crisis; standardized criteria for school personnel to use in assessing potential threats; and the implementation of Senate Bill 15-213.

Sincerely,

/s/ Senator Bill Cadman  
Chairman



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*This report is also available on line at:*

*<https://www.colorado.gov/pacific/cga-legislativecouncil/2015-school-safety-and-youth-crisis-committee>*



## **Committee Charge**

The School Safety and Youth in Crisis Interim Committee (SSYICIC) is charged with studying issues relating to school safety and threat prevention in public and private schools; programs and methods for identifying and monitoring students in crisis; standardized criteria for school personnel to use in assessing potential threats; and the implementation of Senate Bill 15-213. SB 15-213 allows school districts and charter schools to be held liable if they fail to exercise reasonable care in protecting students, faculty, or staff from reasonably foreseeable acts of violence while at the school or engaged in school activities.

The committee's evaluation of the implementation of SB 15-213 should include, but is not limited to: the duty of school districts and charter schools to exercise reasonable care to protect students, faculty, and staff from harm when the harm is reasonably foreseeable; any statutory provisions that may require modification to reflect local community circumstances and standards; and any recommendations the committee may have concerning steps that a school district or charter school may take to satisfy its duty of reasonable care.

## **Committee Activities**

The SSYICIC held five meetings during the 2015 interim. Presentations were made by representatives from state departments, law enforcement, educators, mental health providers, nonprofit organizations, insurance professionals, youth, and members of the public on a wide range of subjects related to school safety and youth in crisis, including:

- youth mental health and suicide prevention;
- law enforcement and threat assessment;
- juvenile justice and foster care;
- relevant federal and state laws;
- insurance and risk management;
- peer programs and school climate; and
- state programs.

The committee requested seven bills to be drafted, however did not approve any of those bills to be sent to Legislative Council. The following subsections discuss the SSYICIC's activities during the 2015 interim in further detail.

### **Youth Mental Health and Suicide Prevention**

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The committee heard testimony from representatives of Mental Health America of Colorado, the Office of Suicide Prevention in the Colorado Department of Public Health and Environment, and Mental Health First Aid Colorado about suicide prevention and youth mental health issues. The testimony focused on the risk factors associated with mental health conditions and youth violence, types of interventions and protective factors for youth safety, the importance of student engagement, and the benefits of universal programs in schools that educate all students and train staff members about violence and suicide prevention, bullying, and harassment. The committee also heard a presentation by former State Senator Moe Keller about a classroom-based mental health program currently being offered in Tennessee. The committee discussed, but did not recommend, legislation that would have provided training to

school personnel and students at least once every two years on identifying and assisting students experiencing depression or mental illness or showing signs of suicidal thoughts or behavior.

### **Law Enforcement and Threat Assessment in Schools**

The committee heard from several School Resource Officers (SROs) who spoke about the different types of roles that SROs play in schools including teacher, counselor, advocate, information resource, mentor, and security officer. They discussed the need for a partnership between SROs, school administration, teachers, parents, and students, and the difference between prevention and enforcement. The committee also heard a presentation about the I Love You Guys Foundation's Standard Response Protocol.

### **Juvenile Justice and Foster Care**

The committee heard a presentation by the Colorado Juvenile Defender Center and a panel discussion comprised of former foster care youth representing Court Appointed Special Advocates (CASA) and Mile High United Way's Bridging the Gap Program. The conversations centered around issues faced by youth in the juvenile justice and foster care systems, including academic challenges and trouble establishing peer relationships, the need for teachers and administrators to help make a safe and secure environment for all students in a multi-faceted way and maintain confidentiality for youth in foster care and juvenile justice systems, the importance of and need for area permanence, training on how to better support foster youth, and the prevalence of mental health diagnoses among foster youth. The presenters also discussed the need to manage threats of school violence in a systematic way and the collateral consequences that can arise from threat and risk assessments.

### **Relevant Federal and State Laws**

The committee received a briefing on the Colorado Governmental Immunity Act (CGIA) by representatives from the Colorado Department of Law and Attorney General's Office and heard what other states are doing in regard to risk management and school safety management from the National Council of State Legislatures. In addition, a panel discussion was held to discuss the provisions of Family Educational Rights and Privacy Act (FERPA) and Health Insurance Portability and Accountability Act (HIPAA) and how these federal regulations impact the provisions and implementation of SB 15-213. The committee also heard a presentation on Title IX and sexual and gender-based harassment. The committee considered, but did not approve, three bills that would have modified various aspects of the CGIA. One bill proposed eliminating a waiver of immunity in circumstances where a school district or charter school could demonstrate compliance with state law concerning safe school plans and related requirements; this bill was withdrawn from consideration after a brief review. A second proposal would have expanded the duty to exercise reasonable care to protect students to include all public entities and employees. The final bill would have clarified the prioritization of court procedure over state statute in school liability cases brought under the Claire Davis Act.

## **Insurance and Risk Management**

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A panel comprised of representatives from school districts, an insurance broker, and a self-insurance pool discussed liability and underwriting practices in the private market and told the committee what school districts are currently doing in regard to risk management. The panelists spoke about the costs associated with risk management and preventing liability exposure, caps on damages, liability issues for teachers, and the definition of “standard of reasonable care.” The committee also heard from the private insurance market on applicable liability and underwriting practices. A proposal to require school district self-insurance pools to be regulated as insurance companies was briefly discussed and withdrawn from consideration.

## **Peer Programs and School Climate**

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Youth members of the Colorado Youth Advisory Council (COYAC), Colie’s Closet, and Padres y Jovenes Unidos spoke to the committee about their respective organizations. The testimony highlighted access to peer support and education programs, school climate, successes and failings of mental health programs, and school safety. Several of the participants spoke about their experiences with bullying, the relationship between students, school counselors, and SROs, and additional problems that are created when a student is suspended or expelled. The committee also hosted a panel discussion on various issues from the perspective of educators.

## **State Programs**

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The committee was briefed on the work of the Colorado School Safety Resource Center and the Safe2Tell program, and heard testimony from the Colorado Department of Education about school safety plans and mandatory reporting requirements for schools. Legislation requiring the Department of Law to provide Safe2Tell program materials to Colorado school districts each year was briefly reviewed prior to being withdrawn. A second proposal that would have required that any written procedures adopted by boards of education include consideration of students’ special needs, including those that relate to disabilities, was also considered, but not approved.



## **Summary of Recommendations**

As a result of committee discussion and deliberation, the SSYICIC did not recommend any bills for consideration during the 2016 legislative session.



## Resource Materials

Meeting summaries are prepared for each meeting of the committee and contain all handouts provided to the committee. The summaries of meetings and attachments are available at the Division of Archives, 1313 Sherman Street, Denver (303-866-2055). The listing below contains the dates of committee meetings and the topics discussed at those meetings. Meeting summaries are also available on our website at:

<https://www.colorado.gov/pacific/cga-legislativecouncil/2015-school-safety-and-youth-crisis-committee>

### Meeting Date and Topics Discussed

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July 14, 2015

- ◆ Presentation by the Colorado School Safety Resource Center
- ◆ Presentation by the Safe2Tell program
- ◆ Presentation by the Colorado Society of School Psychologists

August 27, 2015

- ◆ Presentation by Mental Health America of Colorado General Assembly
- ◆ Presentation by the Colorado Department of Education
- ◆ Panel discussion on youth in crisis, reporting on bullying and other types of harassing incidents in schools, school-based resource gaps and training needs, and other related topics

September 9, 2015

- ◆ Presentation by school resource officers
- ◆ Presentation by the Colorado Juvenile Defenders Center
- ◆ Presentation on the Colorado Governmental Immunity Act
- ◆ Panel discussion on risk management in Colorado schools
- ◆ Presentation by National Conference of State Legislatures
- ◆ Panel discussion of liability and underwriting practices
- ◆ Presentation by Mental Health First Aid Colorado

September 22, 2015

- ◆ Presentation by the I Love U Guys Foundation
- ◆ Panel discussion with representatives from the Colorado Youth Advisory Council and Colie's Closet
- ◆ Panel discussion with representatives from Bridging the Gap and Court Appointed Special Advocates
- ◆ Panel discussion with representatives from Padres y Jovenes Unidos
- ◆ Committee discussion of bill drafting and fiscal analysis

October 27, 2015

- ◆ Panel discussion on the Family Educational Rights and Privacy Act (FERPA) and related laws
- ◆ Panel discussion with teachers
- ◆ Presentation on Title IX and Sexual and Gender-based Harassment in Schools
- ◆ Presentation by the St. Vrain Valley School District
- ◆ Committee review and approval of legislation and fiscal notes
- ◆ Committee discussion of next steps