

CHAPTER 344

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 93-1095

BY REPRESENTATIVES Pierson, Anderson, Dyer, Eisenach, Greenwood, R. Hernandez, Jerke, Mattingly, Moellenberg, and Sullivan;
also SENATORS Mutzebaugh, Meiklejohn, Norton, Owens, R. Powers, Schroeder, and Tebedo.

AN ACT

CONCERNING THE AUTHORITY OF SCHOOL DISTRICTS TO DISCIPLINE STUDENTS WITH DISABILITIES WHOSE ACTIONS THREATEN THE SAFETY OF OTHER STUDENTS.

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

SECTION 1. 22-33-106 (1) (c), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

22-33-106. Grounds for suspension, expulsion, and denial of admission.

(1) The following shall be grounds for suspension or expulsion of a child from a public school during a school year:

(c) Behavior which is detrimental to the welfare, safety, or morals of other pupils or of school personnel INCLUDING BEHAVIOR WHICH CREATES A THREAT OF PHYSICAL HARM TO THE CHILD OR TO OTHER CHILDREN; EXCEPT THAT, IF THE CHILD WHO CREATES SUCH THREAT IS A HANDICAPPED CHILD PURSUANT TO SECTION 22-20-103 (4), SUCH CHILD MAY NOT BE EXPELLED IF THE ACTIONS CREATING SUCH THREAT ARE A MANIFESTATION OF SUCH CHILD'S HANDICAPPING CONDITION. HOWEVER, SUCH CHILD SHALL BE REMOVED FROM THE CLASSROOM TO AN APPROPRIATE ALTERNATIVE SETTING WITHIN THE DISTRICT IN WHICH SUCH CHILD IS ENROLLED FOR A LENGTH OF TIME WHICH IS CONSISTENT WITH FEDERAL LAW, DURING WHICH TIME THE SCHOOL IN WHICH SUCH STUDENT IS ENROLLED SHALL GIVE PRIORITY TO AND ARRANGE WITHIN TEN DAYS FOR A REEXAMINATION OF SUCH CHILD'S INDIVIDUAL EDUCATION PLAN TO AMEND SUCH PLAN AS NECESSARY TO ENSURE THAT THE NEEDS OF SUCH CHILD ARE ADDRESSED IN A MORE APPROPRIATE MANNER OR SETTING WHICH IS LESS DISRUPTIVE TO OTHER STUDENTS AND IS IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 20 OF

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THIS TITLE. NOTHING IN THIS PARAGRAPH (c) SHALL BE CONSTRUED TO LIMIT A SCHOOL DISTRICT'S AUTHORITY TO SUSPEND A HANDICAPPED CHILD FOR A LENGTH OF TIME WHICH IS CONSISTENT WITH FEDERAL LAW.

SECTION 2. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 9, 1993