

CHAPTER 107

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 96-063

BY SENATORS Norton, Alexander, Ament, Bishop, Blickensderfer, Coffman, Dennis, Hernandez, Hopper, Johnson, Linkhart, Martinez, Meiklejohn, Pascoe, R. Powers, Rizzuto, Rupert, Schroeder, Tebedo, Weddig, and Wham; also REPRESENTATIVE Owen.

AN ACT

CONCERNING MEASURES THAT AFFECT STUDENTS WHO ARE SUBJECTED TO DISCIPLINARY ACTION.

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

SECTION 1. 24-72-204 (3) (c), Colorado Revised Statutes, 1988 Repl. Vol., is amended to read:

24-72-204. Allowance or denial of inspection - grounds - procedure - appeal. (3) (c) Nothing in this subsection (3) shall prohibit the custodian of the records of a school, including any institution of higher education, or a school district from transmitting data concerning standardized tests, scholastic achievement, DISCIPLINARY INFORMATION INVOLVING A STUDENT, or medical, psychological, or sociological information of any student to the custodian of such records in any other such school or school district to which such student moves, transfers, or makes application for transfer, and the written permission of such student or his OR HER parent or guardian shall not be required therefor. No state educational institution shall be prohibited from transmitting data concerning standardized tests or scholastic achievement of any student to the custodian of such records in the school, including any state educational institution, or school district in which such student was previously enrolled, and the written permission of such student or his OR HER parent or guardian shall not be required therefor.

SECTION 2. 22-32-126, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

22-32-126. Principals - employment and authority. (5) (a) THE PRINCIPAL OR THE PRINCIPAL'S DESIGNEE SHALL COMMUNICATE DISCIPLINE INFORMATION

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

CONCERNING ANY STUDENT ENROLLED IN THE SCHOOL TO ANY TEACHER WHO HAS DIRECT CONTACT WITH THE STUDENT IN THE CLASSROOM AND TO ANY COUNSELLOR WHO HAS DIRECT CONTACT WITH THE STUDENT. ANY TEACHER OR COUNSELLOR WHO RECEIVES INFORMATION UNDER THIS SUBSECTION (5) SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION AND DOES NOT HAVE AUTHORITY TO COMMUNICATE THE INFORMATION TO ANY OTHER PERSON.

(b) EACH SCHOOL DISTRICT SHALL INCLUDE IN ITS DISCIPLINE CODE ADOPTED IN ACCORDANCE WITH SECTION 22-32-110 (2) PROCEDURES TO INFORM THE STUDENT AND THE STUDENT'S PARENT OR GUARDIAN WHEN DISCIPLINARY INFORMATION IS COMMUNICATED AND TO PROVIDE A COPY OF THE DISCIPLINARY INFORMATION TO THE STUDENT AND THE STUDENT'S PARENT OR GUARDIAN. THE DISCIPLINE CODE SHALL ALSO ESTABLISH PROCEDURES TO ALLOW THE STUDENT AND THE STUDENT'S PARENT OR GUARDIAN TO CHALLENGE THE ACCURACY OF THE DISCIPLINARY INFORMATION.

SECTION 3. Article 33 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

22-33-106.5. Information concerning offenses committed by students.

(1) UPON ADJUDICATION OR CONVICTION OF A PERSON UNDER THE AGE OF EIGHTEEN YEARS FOR AN OFFENSE SPECIFIED IN SECTION 22-33-106 (1) (d), THE ADJUDICATING JUVENILE COURT OR THE CONVICTING DISTRICT COURT, WHICHEVER IS APPLICABLE, SHALL NOTIFY THE SCHOOL DISTRICT IN WHICH THE PERSON IS ENROLLED THAT THE PERSON IS SUBJECT TO MANDATORY EXPULSION BASED ON THE ADJUDICATION OR CONVICTION.

(2) UPON ADJUDICATION OR CONVICTION OF A PERSON UNDER THE AGE OF EIGHTEEN YEARS FOR AN OFFENSE THAT CONSTITUTES A CRIME OF VIOLENCE, AS DEFINED IN SECTION 16-11-309, C.R.S., OR FOR AN OFFENSE INVOLVING CONTROLLED SUBSTANCES, THE ADJUDICATING OR CONVICTING COURT SHALL NOTIFY THE SCHOOL DISTRICT IN WHICH THE PERSON IS ENROLLED OF THE PERSON'S ADJUDICATION OR CONVICTION.

SECTION 4. Article 33 of title 22, Colorado Revised Statutes, 1995 Repl. Vol., is amended BY THE ADDITION OF A NEW PART to read:

PART 2
EXPULSION PREVENTION PROGRAMS

22-33-201. Legislative declaration. THE GENERAL ASSEMBLY HEREBY FINDS THAT EXPULSION SHOULD BE THE LAST STEP TAKEN AFTER SEVERAL ATTEMPTS TO DEAL WITH A STUDENT WHO HAS DISCIPLINE PROBLEMS. THE GENERAL ASSEMBLY FURTHER FINDS THAT SCHOOL DISTRICTS SHOULD WORK WITH THE STUDENT'S PARENT OR GUARDIAN AND WITH STATE AGENCIES AND COMMUNITY-BASED NONPROFIT ORGANIZATIONS TO DEVELOP ALTERNATIVES TO HELP STUDENTS WHO ARE AT RISK OF EXPULSION BEFORE EXPULSION BECOMES A NECESSARY STEP AND TO SUPPORT STUDENTS WHO ARE UNABLE TO AVOID MANDATORY EXPULSION.

22-33-202. Identification of at-risk students. EACH SCHOOL DISTRICT SHALL ADOPT POLICIES TO IDENTIFY STUDENTS WHO ARE AT RISK OF SUSPENSION OR EXPULSION FROM SCHOOL. STUDENTS IDENTIFIED MAY INCLUDE THOSE WHO HAVE BEEN OR ARE LIKELY TO BE DECLARED HABITUALLY TRUANT OR ARE LIKELY TO BE

DECLARED HABITUALLY DISRUPTIVE. THE SCHOOL DISTRICT SHALL PROVIDE STUDENTS WHO ARE IDENTIFIED AS AT RISK OF SUSPENSION OR EXPULSION WITH THE NECESSARY SUPPORT SERVICES TO HELP THEM AVOID EXPULSION. THE SCHOOL DISTRICT SHALL WORK WITH THE STUDENT'S PARENT OR GUARDIAN IN PROVIDING SAID SERVICES AND MAY PROVIDE SAID SERVICES THROUGH AGREEMENTS WITH APPROPRIATE LOCAL GOVERNMENTAL AGENCIES, APPROPRIATE STATE AGENCIES, COMMUNITY-BASED ORGANIZATIONS, AND INSTITUTIONS OF HIGHER EDUCATION ENTERED INTO PURSUANT TO SECTION 22-33-204. THE FAILURE OF THE SCHOOL DISTRICT TO IDENTIFY A STUDENT FOR PARTICIPATION IN AN EXPULSION PREVENTION PROGRAM OR THE FAILURE OF SUCH PROGRAM TO REMEDIATE A STUDENT'S BEHAVIOR SHALL NOT BE GROUNDS TO PREVENT SCHOOL PERSONNEL FROM PROCEEDING WITH APPROPRIATE DISCIPLINARY MEASURES OR USED IN ANY WAY AS A DEFENSE IN AN EXPULSION PROCEEDING.

22-33-203. Educational alternatives for expelled students. (1) UPON EXPELLING A STUDENT, THE SCHOOL DISTRICT SHALL PROVIDE INFORMATION TO THE STUDENT'S PARENT OR GUARDIAN CONCERNING THE EDUCATIONAL ALTERNATIVES AVAILABLE TO THE STUDENT DURING THE PERIOD OF EXPULSION. IF THE PARENT OR GUARDIAN CHOOSES TO PROVIDE A HOME-BASED EDUCATIONAL PROGRAM FOR THE STUDENT, THE SCHOOL DISTRICT SHALL ASSIST THE PARENT IN OBTAINING APPROPRIATE CURRICULA FOR THE STUDENT IF REQUESTED BY THE PARENT OR GUARDIAN.

(2) THE SCHOOL DISTRICT, WORKING WITH THE STUDENT'S PARENT OR GUARDIAN, MAY PROVIDE SERVICES FOR ANY STUDENT WHO IS EXPELLED FROM THE SCHOOL DISTRICT THROUGH THE AGREEMENTS ENTERED INTO PURSUANT TO SECTION 22-33-204. ANY EXPELLED STUDENT RECEIVING SERVICES SHALL BE INCLUDED IN THE SCHOOL DISTRICT'S PUPIL ENROLLMENT AS DEFINED IN SECTION 22-54-103 (10).

(3) IF A STUDENT IS EXPELLED FOR THE REMAINDER OF THE SCHOOL YEAR, THE SCHOOL DISTRICT SHALL CONTACT THE EXPELLED STUDENT'S PARENT OR GUARDIAN AT LEAST ONCE EVERY SIXTY DAYS UNTIL THE BEGINNING OF THE NEXT SCHOOL YEAR TO DETERMINE WHETHER THE STUDENT IS RECEIVING EDUCATIONAL SERVICES; EXCEPT THAT THE SCHOOL DISTRICT NEED NOT CONTACT A STUDENT'S PARENT OR GUARDIAN AFTER THE STUDENT IS ENROLLED IN ANOTHER SCHOOL DISTRICT OR IN AN INDEPENDENT OR PAROCHIAL SCHOOL OR IF THE STUDENT IS COMMITTED TO THE DEPARTMENT OF HUMAN SERVICES OR IS SENTENCED PURSUANT TO ARTICLE 2 OF TITLE 19, C.R.S.

22-33-204. Services for at-risk students - agreements with state agencies and community organizations. (1) EACH SCHOOL DISTRICT MAY ENTER INTO AGREEMENTS WITH APPROPRIATE LOCAL GOVERNMENTAL AGENCIES AND, TO THE EXTENT NECESSARY, WITH THE MANAGING STATE AGENCIES, INCLUDING BUT NOT LIMITED TO THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, WITH COMMUNITY-BASED NONPROFIT ORGANIZATIONS, AND WITH PUBLIC AND PRIVATE INSTITUTIONS OF HIGHER EDUCATION TO WORK WITH THE STUDENT'S PARENT OR GUARDIAN TO PROVIDE SERVICES TO ANY STUDENT WHO IS IDENTIFIED AS BEING AT RISK OF SUSPENSION OR EXPULSION OR WHO HAS BEEN SUSPENDED OR EXPELLED AND TO THE STUDENT'S FAMILY. SERVICES PROVIDED MAY INCLUDE, BUT ARE NOT LIMITED TO:

- (a) TUTORING SERVICES;
- (b) COUNSELLING SERVICES;
- (c) DRUG OR ALCOHOL-ADDICTION TREATMENT PROGRAMS;
- (d) FAMILY PRESERVATION SERVICES;
- (e) ALTERNATIVE EDUCATION PROGRAMS;
- (f) VOCATIONAL EDUCATION PROGRAMS.

(2) AT A MINIMUM, EACH AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION SHALL SPECIFY THE SERVICES TO BE PROVIDED UNDER THE AGREEMENT, THE ENTITY THAT WILL COORDINATE AND OVERSEE PROVISION OF THE SERVICES, AND THE RESPONSIBILITIES OF EACH ENTITY ENTERING INTO THE AGREEMENT. IN ADDITION, EACH AGREEMENT SHALL REQUIRE EACH ENTITY ENTERING INTO THE AGREEMENT TO CONTRIBUTE THE SERVICES OR FUNDS FOR THE PROVISION OF THE SERVICES SPECIFIED IN THE AGREEMENT. THE AGREEMENT SHALL SPECIFY THE SERVICES OR THE AMOUNT AND SOURCE OF FUNDS THAT EACH ENTITY WILL PROVIDE AND THE MECHANISM FOR PROVIDING SAID SERVICES OR FUNDS.

(3) EACH SCHOOL DISTRICT SHALL USE A PORTION OF ITS PER PUPIL OPERATING REVENUE RECEIVED PURSUANT TO ARTICLE 54 OF THIS TITLE TO PROVIDE SERVICES UNDER AGREEMENTS ENTERED INTO PURSUANT TO THIS SECTION FOR EACH STUDENT WHO IS AT RISK OF SUSPENSION OR EXPULSION OR WHO IS SUSPENDED OR EXPELLED. IN ADDITION, THE SCHOOL DISTRICT MAY USE FEDERAL MONEYS, MONEYS RECEIVED FROM ANY OTHER STATE APPROPRIATION, AND MONEYS RECEIVED FROM ANY OTHER PUBLIC OR PRIVATE GRANT TO PROVIDE SAID SERVICES.

SECTION 5. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 6. 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: April 22, 1996