

CHAPTER 178

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 98-001

BY SENATORS Wells, Alexander, Blickensderfer, Chlouber, Congrove, Matsunaka, Norton, Powers, and Thiebaut;
also REPRESENTATIVES Adkins, Bacon, Dean, Hagedorn, Leyba, Mace, Reeser, and S. Williams.

AN ACT

CONCERNING DISCIPLINE OF STUDENTS IN PUBLIC SCHOOLS.

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

SECTION 1. Part 2 of article 33 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-33-201.5. Definitions. FOR PURPOSES OF THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "EDUCATIONAL SERVICES" MEANS ANY OF THE FOLLOWING TYPES OF SERVICES TO PROVIDE INSTRUCTION IN THE ACADEMIC AREAS OF READING, WRITING, MATHEMATICS, SCIENCE, AND SOCIAL STUDIES:

- (a) TUTORING SERVICES;
- (b) ALTERNATIVE EDUCATIONAL PROGRAMS;
- (c) VOCATIONAL EDUCATION PROGRAMS.

SECTION 2. 22-33-203 (2) and (3), Colorado Revised Statutes, are amended, and the said 22-33-203 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-33-203. Educational alternatives for expelled students. (2) (a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (2), upon request of a

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

student or the student's parent or guardian, the school district ~~working with the student's parent or guardian,~~ shall provide, ~~services~~ for any student who is expelled from the school district, ANY EDUCATIONAL SERVICES THAT ARE DEEMED APPROPRIATE FOR THE STUDENT BY THE SCHOOL DISTRICT. The EDUCATIONAL services provided shall be designed to enable the student to return to school or to successfully complete the GED. ~~whichever is deemed appropriate by the expelling school district, the student's parent or guardian, and the student.~~ THE EXPELLING SCHOOL DISTRICT SHALL DETERMINE THE AMOUNT OF CREDIT THE STUDENT SHALL RECEIVE TOWARD GRADUATION FOR THE EDUCATIONAL SERVICES PROVIDED PURSUANT TO THIS SECTION.

(b) THE EDUCATIONAL SERVICES PROVIDED PURSUANT TO THIS SECTION ARE DESIGNED TO PROVIDE A SECOND CHANCE FOR THE STUDENT TO SUCCEED IN ACHIEVING AN EDUCATION. WHILE RECEIVING EDUCATIONAL SERVICES, A STUDENT MAY BE SUSPENDED OR EXPELLED PURSUANT TO THE DISCIPLINE CODE OF THE SCHOOL DISTRICT PROVIDING THE EDUCATIONAL SERVICES AND THE PROVISIONS OF PART 1 OF THIS ARTICLE. EXCEPT AS REQUIRED BY FEDERAL LAW, THE EXPELLING SCHOOL DISTRICT IS NOT REQUIRED TO PROVIDE EDUCATIONAL SERVICES TO ANY STUDENT WHO IS SUSPENDED OR EXPELLED WHILE RECEIVING EDUCATIONAL SERVICES PURSUANT TO THIS SECTION UNTIL THE PERIOD OF THE SUSPENSION OR EXPULSION IS COMPLETED.

(c) (I) ~~Such~~ EDUCATIONAL services PROVIDED PURSUANT TO THIS SECTION shall be provided by the expelling school district; except that, if the expelling school district expelled fewer than fifty students in the preceding school year, the expelling school district may provide ~~such~~ EDUCATIONAL services in cooperation with one or more other school districts, boards of cooperative services, or pilot schools established pursuant to article 38 of this title under contract with the expelling school district.

(II) ~~Such~~ EDUCATIONAL services may be provided by the school district through agreements entered into pursuant to section 22-33-204. THE EXPELLING SCHOOL DISTRICT NEED NOT PROVIDE THE EDUCATIONAL SERVICES ON SCHOOL DISTRICT PROPERTY. Any expelled student receiving EDUCATIONAL services shall be included in the expelling school district's pupil enrollment as defined in section 22-54-103 (10).

~~(b)~~ (d) If an expelled student is receiving EDUCATIONAL services delivered by a school district other than the expelling school district, by a board of cooperative services, or by a pilot school pursuant to an agreement entered into pursuant to ~~paragraph (a)~~ SUBPARAGRAPH (I) OF PARAGRAPH (c) of this subsection (2), the expelling school district shall transfer eighty percent of the district per pupil operating revenues to the school district, board of cooperative services, or pilot school that is providing ~~such~~ EDUCATIONAL services, reduced in proportion to the amount of time remaining in the school year at the time the student begins receiving ~~such~~ EDUCATIONAL services.

~~(e)~~ (e) Any school district that is providing EDUCATIONAL services within the school district to expelled students pursuant to ~~paragraph (a)~~ of this subsection (2) may apply for moneys through the expelled student services grant program established in section 22-33-205 to assist in providing ~~such~~ EDUCATIONAL services.

(3) If a student is expelled for the remainder of the school year AND THE STUDENT IS NOT RECEIVING EDUCATIONAL SERVICES PURSUANT TO THIS SECTION, 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 FROM SOME OTHER SOURCE; 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.

(4) IN ADDITION TO THE EDUCATIONAL SERVICES REQUIRED UNDER THIS SECTION, A STUDENT WHO IS AT RISK OF SUSPENSION OR EXPULSION OR HAS BEEN SUSPENDED OR EXPELLED, OR THE STUDENT'S PARENT OR GUARDIAN, MAY REQUEST ANY OF THE SERVICES PROVIDED BY THE SCHOOL DISTRICT THROUGH AN AGREEMENT ENTERED INTO PURSUANT TO SECTION 22-33-204, AND THE SCHOOL DISTRICT MAY PROVIDE SUCH SERVICES.

SECTION 3. 22-33-204 (1), Colorado Revised Statutes, is amended to read:

22-33-204. Services for at-risk students - agreements with state agencies and community organizations. (1) Each school district, REGARDLESS OF THE NUMBER OF STUDENTS EXPELLED BY THE 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, WITH THE DEPARTMENT OF MILITARY AFFAIRS, 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 THROUGH SUCH AGREEMENTS may include, but are not limited to:

(a) ~~Tutoring services~~ EDUCATIONAL SERVICES REQUIRED TO BE PROVIDED UNDER SECTION 22-33-203 (2);

(b) Counseling services;

(c) Drug or alcohol-addiction treatment programs;

(d) Family preservation services.

(e) ~~Alternative education programs;~~

(f) ~~Vocational education programs.~~

SECTION 4. 22-33-205, Colorado Revised Statutes, is amended to read:

22-33-205. Services for expelled students - grants - criteria. (1) There is hereby established in the department of education the expelled student services grant program, referred to in this section as the "program". The program shall provide grants to school districts and to pilot schools established pursuant to article 38 of this title to assist them in providing EDUCATIONAL SERVICES to expelled students

~~educational services that will enable such students to either return to school or to successfully complete the GED, whichever is deemed appropriate by the expelling school district, the student's parent or guardian, and the student~~ PURSUANT TO SECTION 22-33-203 (2) AND TO STUDENTS AT RISK OF EXPULSION. Any school district that provides ~~such~~ EDUCATIONAL services within the school district pursuant to section 22-33-203 (2) and any pilot school that provides EDUCATIONAL services pursuant to an agreement entered into pursuant to section 22-33-203 (2) is eligible to participate in the grant program. Grants awarded pursuant to this section shall be paid for out of any general fund moneys appropriated to the department of education for implementation of the program.

(2) (a) The state board by rule shall establish application procedures by which a school district or a pilot school may annually apply for a grant under the program. At a minimum, the application shall include a plan for provision of EDUCATIONAL services, including the type of EDUCATIONAL services to be provided and the estimated cost of providing such EDUCATIONAL services.

(b) The state board shall determine which of the applying school districts and pilot schools shall receive grants and the amount of each grant. In awarding grants, the state board shall consider the following criteria:

(I) ~~The number of students expelled from~~ COSTS INCURRED BY the applying school district IN PROVIDING EDUCATIONAL SERVICES TO EXPELLED STUDENTS during the school year preceding the school year for which the grant is requested;

(II) ~~The estimated number of students enrolled in the school district who are anticipated to be at risk of suspension or expulsion during the year for which the grant is requested;~~

(III) The number of expelled students receiving educational services through the applying pilot school under agreements entered into pursuant to section 22-33-203 (2) during the school year preceding the year for which the grant is requested; ~~and the number of expelled students anticipated to receive such services during the year for which the grant is requested;~~

(IV) The quality of EDUCATIONAL services to be provided by the school district or pilot school under the plan;

(V) The cost-effectiveness of the EDUCATIONAL services to be provided under the plan; and

(VI) The amount of funding received by the school district under article 54 of this title or by the pilot school in relation to the cost of the EDUCATIONAL services provided under the plan.

SECTION 5. 22-54-103 (10) (a) and (10) (f), Colorado Revised Statutes, are amended to read:

22-54-103. Definitions. As used in this article, unless the context otherwise requires:

(10) (a) "Pupil enrollment" means the number of pupils enrolled on October 1 within the applicable budget year or the school day nearest said date, as evidenced by the actual attendance of such pupils prior to said date PLUS THE NUMBER OF PUPILS EXPELLED PRIOR TO OCTOBER 1 WITHIN THE APPLICABLE BUDGET YEAR WHO ARE RECEIVING EDUCATIONAL SERVICES PURSUANT TO SECTION 22-33-203 AS OF OCTOBER 1 OF THE APPLICABLE BUDGET YEAR. The department of education is authorized to establish alternative dates for determining pupil enrollment in appropriate circumstances, including, but not limited to, when schools are on a year-round schedule pursuant to section 22-32-109 (1) (n) and pupils will be on authorized breaks on October 1 within the applicable budget year; except that such alternative dates shall be set not more than forty-five calendar days after the first school day occurring after October 1.

(f) In certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils enrolled in kindergarten, the number of pupils enrolled in first grade through twelfth grade, THE NUMBER OF EXPELLED PUPILS RECEIVING EDUCATIONAL SERVICES PURSUANT TO SECTION 22-33-203, the number of pupils enrolled in the district's preschool program, the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", and the number of at-risk pupils.

SECTION 6. 22-32-110 (2) (b) (V), Colorado Revised Statutes, is amended to read:

22-32-110. Board of education - specific powers. (2) (b) The board of education of each school district shall adopt a written conduct and discipline code as required by section 22-32-109 (1) (w) which shall include, but need not be limited to:

(V) General policies and procedures for ~~the imposition of~~ DETERMINING THE CIRCUMSTANCES UNDER AND THE MANNER IN WHICH disciplinary actions, including suspension and expulsion, ~~which comply~~ SHALL BE IMPOSED IN ACCORDANCE with the provisions of sections 22-33-105 and 22-33-106; and

SECTION 7. 22-33-106 (1) (c.5) (IV), Colorado Revised Statutes, 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.5) (IV) No child shall be declared to be an habitually disruptive student prior to the development of a remedial discipline plan for the child that shall address the child's disruptive behavior, his or her educational needs, and the goal of keeping the child in school. The remedial discipline plan shall be developed after the ~~first~~ SECOND suspension for a material and substantial disruption. ~~and reviewed and modified after the second suspension.~~ The district shall encourage and solicit the full participation of the child's parent, guardian, or legal custodian in the development of the remedial discipline plan.

SECTION 8. 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 30, 1998