

CHAPTER 117

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 06-055

BY SENATOR(S) Jones, Bacon, Dyer, Entz, Evans, Groff, Grossman, Isgar, Johnson, Kester, Lamborn, Mitchell, Shaffer, Spence, Taylor, Teck, Traylor, Tupa, Wiens, Williams, and Windels;
also REPRESENTATIVE(S) Garcia, Benefield, Berens, Kerr, King, Knoedler, Larson, Liston, Merrifield, Stafford, and Todd.

AN ACT**CONCERNING REPORTS OF ASSAULTS IN SCHOOLS.**

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) The "Safety and Discipline" section of the school accountability reports required of school districts pursuant to section 22-7-605, Colorado Revised Statutes, currently includes a category of incidents titled "Assaults/Fights", and, according to the data collection and reporting system developed and implemented by the department of education pursuant to section 22-7-603, Colorado Revised Statutes, this category is intended to reflect the number of incidents involving first or second degree assault, but not incidents involving vehicular assault, third degree assault, or disorderly conduct;

(b) As a result of the department of education's data collection and reporting system, which limits the "Assaults/Fights" category to reflect only incidents involving first or second degree assault, school districts tend to report instances of vehicular assault, third degree assault, and disorderly conduct in the ambiguous category titled "Other Violations of Code of Conduct";

(c) The reporting by school districts of instances of vehicular assault, third degree assault, and disorderly conduct involving fighting in the ambiguous category titled "Other Violations of Code of Conduct" is not helpful to parents who consult school accountability reports to determine the relative safety of Colorado schools.

(2) The general assembly hereby declares that it is necessary to create a new

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

"Fights" category that shall include incidents of third degree assault, as described in section 18-3-204, Colorado Revised Statutes, and incidents of disorderly conduct, as described in section 18-9-106 (1) (d), Colorado Revised Statutes, but not incidents of disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106 (1) (e) and (1) (f), Colorado Revised Statutes.

SECTION 2. 22-32-109.1 (2) (b) (IV), Colorado Revised Statutes, is amended to read:

22-32-109.1. Board of education - specific powers and duties - safe schools.

(2) **Safe school plan.** In order to provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, following consultation with the school district accountability committee and school advisory councils, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, each school district board of education shall adopt and implement a safe school plan, or review and revise, if necessary, any existing plans or policies already in effect, which shall include, but not be limited to, the following:

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district shall submit annually, in a manner and by a date specified by rule of the state board, a written report to the board of education of such school district concerning the learning environment in the school during that school year. The board of education of the school district annually shall compile the reports from every school in the district and shall submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report shall be made available to the general public. Such report shall include, but need not be limited to, the following specific information for the preceding school year:

(IV) The number of conduct and discipline code violations, EACH OF WHICH VIOLATIONS SHALL BE REPORTED ONLY IN THE MOST SERIOUS CATEGORY THAT IS APPLICABLE TO THAT VIOLATION, including but not limited to specific information on the number of and the action taken with respect to each of the following types of violations:

(A) Carrying, bringing, using, or possessing a dangerous weapon on school grounds, in school vehicles, or at school activities or sanctioned events without the authorization of the school or the school district;

(B) Use or possession of alcohol on school grounds, in school vehicles, or at school activities or sanctioned events;

(C) Use, possession, or sale of a drug or controlled substance on school grounds, in school vehicles, or at school activities or sanctioned events;

(D) Use or possession of tobacco products on school grounds, in school vehicles, or at school activities or sanctioned events;

(E) Being ~~wilfully~~ WILLFULLY disobedient or openly and persistently defiant ~~and~~ OR REPEATEDLY interfering with ~~the orderly flow of information in a classroom~~ THE

SCHOOL'S ABILITY TO PROVIDE EDUCATIONAL OPPORTUNITIES TO AND A SAFE ENVIRONMENT FOR OTHER STUDENTS;

(F) Commission of an act on school grounds that, if committed by an adult, would be considered ~~criminal assault, other than third degree assault~~ FIRST DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-202, C.R.S., SECOND DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-203, C.R.S., OR VEHICULAR ASSAULT, AS DESCRIBED IN SECTION 18-3-205, C.R.S.;

(G) Behavior on ~~or off~~ school property that is detrimental to the welfare or safety of other students or of school personnel, including behavior that creates a threat of physical harm to the student or to other students;

(H) Willful destruction or defacement of school property;

(I) ~~Repeated interference with the school's ability to provide educational opportunities to and a safe environment for other students~~ COMMISSION OF AN ACT ON SCHOOL GROUNDS THAT, IF COMMITTED BY AN ADULT, WOULD BE CONSIDERED THIRD DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-204, C.R.S., OR DISORDERLY CONDUCT, AS DESCRIBED IN SECTION 18-9-106 (1) (d), C.R.S., BUT NOT DISORDERLY CONDUCT INVOLVING FIREARMS OR OTHER DEADLY WEAPONS, AS DESCRIBED IN SECTION 18-9-106 (1) (e) AND (1) (f), C.R.S.;

(J) Commission of an act on school grounds that, if committed by an adult, would be considered robbery; and

(K) Other violations of the code of conduct and discipline that resulted in documentation of the conduct in a student's record.

SECTION 3. 22-7-605 (5) (b) (I), Colorado Revised Statutes, is amended to read:

22-7-605. School accountability reports - format. (5) **Safety and school environment.** The accountability report shall contain a page clearly marked as the "Safety and School Environment" page containing the following:

(b) **Safety and discipline.** The "Safety and School Environment" page shall contain the subtitle, "Safety and Discipline" and the following explanation: "Safe schools are a top priority for parents, teachers, and communities. Your school's safety and discipline record for the [year] - [year] school year is:". Immediately underneath this explanation shall be a table with the following seven columns:

(I) The first column, entitled "Type of Incident", shall contain the following seven lines:

(A) "Substance Abuse -- Drugs";

(A.5) "Substance Abuse -- Alcohol";

(B) "Substance Abuse -- Tobacco";

- (C) ~~"Assaults/Fights"~~ "FELONY ASSAULTS";
- (C.5) "FIGHTS";
- (D) ~~"Habitually Disruptive Students"~~;
- (E) ~~"Deadly"~~ "POSSESSION OF DANGEROUS Weapons"; and
- (F) (Deleted by amendment, L. 2001, p. 1509, § 40, effective July 1, 2002.)
- (G) "Other Violations of Code of Conduct".

SECTION 4. 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 6, 2006