

CHAPTER 271

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 10-1274

BY REPRESENTATIVE(S) Schafer S., Massey, Benefield, Merrifield, Middleton, Miklosi, Murray, Peniston, Priola, Solano, Stephens, Tipton, Todd, Apuan, Court, Labuda, Pommer, Summers, Vigil, Kerr J.;
also SENATOR(S) Johnston, Carroll M., Keller, King K., Newell, Penry, Spence, Steadman, Bacon, Foster, Whitehead, Williams.

AN ACT

CONCERNING SUCCESSFUL TRANSITIONS BACK TO THE PUBLIC SCHOOL SYSTEM FOR STUDENTS IN OUT-OF-HOME PLACEMENT WHO HAVE DEMONSTRATED BEHAVIOR THAT IS DETRIMENTAL TO THE SAFETY OR WELFARE OF THEMSELVES OR OTHERS DURING THE PREVIOUS TWELVE MONTHS.

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

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

(a) Students enrolled in a public school may often receive additional support during the school day to ensure their success at school;

(b) Students who have been in the care of day treatment facilities, facility schools, or hospitals and who have not been enrolled in a public school may benefit from additional support services to help them achieve a successful transition back to a public school;

(c) School districts should be active partners in developing transition plans for students to achieve successful transitions to public schools; and

(d) Sharing of medical, mental health, sociological, and scholastic achievement data about a student between the department of human services and a receiving school district and school will enable the school district and school to better determine the types of support, services, and appropriate settings for the student who is making the transition back into the public school system.

(2) The general assembly further finds and declares that:

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

(a) The expansion of state and local collaborative agreements will allow school districts and other agencies to operate more effectively in the decision-making process for these students;

(b) Multiple agencies, departments, and other participants can help ensure school safety by developing plans and collaborating with one another to create an atmosphere that promotes safety and success for students; and

(c) Sharing of medical, mental health, sociological, and scholastic achievement data by various entities and school districts, within the constraints of state and federal law, should provide as much information as possible, and appropriate use of that information will allow students to successfully transition to and succeed in the public school system.

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

22-2-139. Memorandum of understanding - notification of risk - rules.

(1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL SYSTEM FROM A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S. THE MEMORANDUM OF UNDERSTANDING SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) A CONSISTENT AND UNIFORM APPROACH TO NOTIFICATION AND APPROPRIATE AND ALLOWABLE DATA-SHARING ABOUT STUDENTS, INCLUDING BUT NOT LIMITED TO MEDICAL, MENTAL HEALTH, SOCIOLOGICAL, AND SCHOLASTIC ACHIEVEMENT, WITHIN THE LIMITS OF STATE AND FEDERAL PRIVACY AND CONFIDENTIALITY LAW, BETWEEN SCHOOL DISTRICTS, CHARTER SCHOOLS, INSTITUTE CHARTER SCHOOLS, AND COUNTY DEPARTMENTS OF SOCIAL SERVICES FOR THE PURPOSES OF COLLABORATION IN THE PLACEMENT OF STUDENTS PURSUANT TO THIS SECTION AND SECTION 22-20-108, BETTER FACILITATION OF THE CREATION OF TRANSITION PLANS FOR STUDENTS, AND ENSURING THE SAFETY OF THE PEOPLE IN THE SCHOOL COMMUNITY;

(b) A PLAN FOR UTILIZING EXISTING STATE AND FEDERAL DATA AND ANY EXISTING INFORMATION-SHARING ACTIVITIES;

(c) A PLAN FOR DETERMINING ACCOUNTABILITY AND COLLECTING DATA CONCERNING THE IMPLEMENTATION OF THE NOTIFICATIONS AND INVITATION REQUIRED PURSUANT TO THIS SECTION AND A MECHANISM BY WHICH SCHOOL DISTRICTS AND THE STATE CHARTER SCHOOL INSTITUTE SHALL REPORT THE AGGREGATE DATA TO THE DEPARTMENT OF HUMAN SERVICES AND DEPARTMENT OF EDUCATION ON OR BEFORE FEBRUARY 15, 2012, AND ON OR BEFORE FEBRUARY 15 EACH YEAR THEREAFTER. THE DATA TO REPORT SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) THE NUMBER OF PLACEMENTS OCCURRING IN A SCHOOL YEAR;

(II) THE NUMBER OF EMERGENCY PLACEMENTS OCCURRING IN A SCHOOL YEAR;

(III) THE TYPES OF PLACEMENTS FROM WHICH THE STUDENTS ARE TRANSITIONING;

(IV) THE EDUCATIONAL SETTING INTO WHICH THE STUDENT IS BEING PLACED; AND

(V) DEMOGRAPHIC INFORMATION OF STUDENTS, INCLUDING BUT NOT LIMITED TO AGE, RACE, GENDER, AND ETHNICITY;

(d) A PROCESS FOR DETERMINING INFORMATION SHARING AND COLLABORATION FOR PLACEMENT OF STUDENTS PURSUANT TO SECTIONS 22-20-108 AND 26-1-138, C.R.S.;

(e) RECOMMENDATIONS FOR AN APPROACH TO SHARING DATA THAT CONFORMS WITH THE INTERDEPARTMENTAL DATA PROTOCOL ESTABLISHED PURSUANT TO SECTION 24-37.5-704, C.R.S., AND THAT IS IN COMPLIANCE WITH ALL STATE AND FEDERAL LAWS, RULES, AND REGULATIONS CONCERNING THE PRIVACY OF INFORMATION;

(f) IDENTIFICATION OF TRAINING AND PROFESSIONAL DEVELOPMENT NEEDS ASSOCIATED WITH IMPLEMENTING INFORMATION SHARING BETWEEN RESPONSIBLE ENTITIES AND FUNDING SOURCES THAT COULD BE UTILIZED FOR THIS PURPOSE; AND

(g) CONSIDERATION OF RECOMMENDATIONS MADE BY EXISTING WORKING GROUPS OR PROJECTS THAT HAVE BEEN INVOLVED WITH INFORMATION SHARING OR TECHNOLOGY RELATING TO INFORMATION SHARING AMONG MULTIPLE ENTITIES AS IT RELATES TO STUDENTS TRANSITIONING BACK INTO PUBLIC SCHOOLS. A REPORT OF THESE RECOMMENDATIONS SHALL BE PROVIDED TO THE DEPARTMENT OF HUMAN SERVICES, THE STATE BOARD OF HUMAN SERVICES, THE DEPARTMENT OF EDUCATION, AND THE STATE BOARD OF EDUCATION PRIOR TO THE FINAL ADOPTION OF THE MEMORANDUM OF UNDERSTANDING.

(2) BEGINNING AUGUST 15, 2010, A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., THAT IS TRANSFERRING A STUDENT TO A PUBLIC SCHOOL SHALL NOTIFY THE APPROPRIATE SCHOOL DISTRICT CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF THE PENDING ENROLLMENT IN A PUBLIC SCHOOL OF A STUDENT WHO:

(a) IS TRANSFERRING TO A PUBLIC SCHOOL FROM A STATE-LICENSED DAY TREATMENT FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-102 (2.5), C.R.S., FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), OR HOSPITAL, LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S.; AND

(b) HAS BEEN DETERMINED BY THE STATE-LICENSED DAY TREATMENT FACILITY, THE FACILITY SCHOOL, THE HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., OR THE COURT TO BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO THE PROPOSED TRANSFER.

(3) THIS SECTION SHALL APPLY ONLY TO A HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-301, C.R.S., THAT IS PROVIDING INPATIENT ACUTE CARE OR PSYCHIATRIC SERVICES FOR A STUDENT FOR MORE THAN TEN DAYS AND IF THERE

IS ACTUAL KNOWLEDGE THAT THE STUDENT WILL ATTEND AN IDENTIFIED PUBLIC SCHOOL WITHIN SIXTY DAYS AFTER DISCHARGE FROM THE HOSPITAL. FOR PURPOSES OF THIS SUBSECTION (3), INFORMATION SHARED WITH THE DEPARTMENT OF HUMAN SERVICES, COUNTY DEPARTMENT OF SOCIAL SERVICES, OR CHILD EDUCATION WELFARE LIAISON SHALL BE SHARED ONLY FOR A STUDENT WHO HAS BEEN DEEMED TO BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO DISCHARGE.

(4) THE NOTIFICATION REQUIRED IN SUBSECTION (2) OF THIS SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., AND SUBSEQUENT ENROLLMENT IN A PUBLIC SCHOOL AND SHALL INCLUDE AN INVITATION TO THE CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE, TO PARTICIPATE IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE SCHOOL DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. IF THE TRANSITIONING STUDENT IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., SHALL ALSO PROVIDE THE NOTIFICATION TO THE DEPARTMENT OF HUMAN SERVICES.

(5) IF A CHANGE OF PLACEMENT IS REQUIRED FOR THE SAFETY OF THE STUDENT OR IF A COURT, THE DEPARTMENT OF HUMAN SERVICES, OR A COUNTY DEPARTMENT OF SOCIAL SERVICES MAKES A PLACEMENT CHANGE WITH FEWER THAN TEN CALENDAR DAYS NOTICE, THE RESPONSIBLE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES SHALL PROVIDE INFORMATION TO THE CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WITHIN FIVE CALENDAR DAYS FOLLOWING THE STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION.

(6) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND 22-32-138, AS APPLICABLE.

(7) WITHIN THE CONFIDENTIALITY AND PRIVACY LIMITS OF STATE AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR FACILITY SCHOOL

SHALL PROVIDE INFORMATION ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

(8) NOTHING IN THIS SECTION SHALL ALTER THE RIGHTS AND OBLIGATIONS OF THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, A COUNTY DEPARTMENT OF SOCIAL SERVICES, OR A SCHOOL DISTRICT, AS SUCH RIGHTS AND OBLIGATIONS ARE SET FORTH IN THIS TITLE; 20 U.S.C. SEC. 1400 ET SEQ.; 29 U.S.C. SEC. 701 ET SEQ.; 42 U.S.C. SEC. 11431 ET SEQ.; AND 42 U.S.C. SEC. 675, AS AMENDED BY THE FEDERAL "FOSTERING CONNECTIONS TO SUCCESS AND INCREASING ADOPTIONS ACT OF 2008", PUB.L. 110-351.

(9) THE STATE BOARD OF EDUCATION MAY PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., CONCERNING THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES REGARDING NOTIFICATION AND SHARING OF INFORMATION AS DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

SECTION 3. 22-32-138 (2) (a), Colorado Revised Statutes, is amended to read:

22-32-138. Out-of-home placement students - transfer procedures - absences - exemptions. (2) (a) Each school district and the state charter school institute, created pursuant to section 22-30.5-503, shall designate an employee of the school district or the institute to act as the child welfare education liaison for the district or for state charter schools. In lieu of designating an employee, a school district or the state charter school institute may contract with an individual to act as the child welfare education liaison. EACH SCHOOL DISTRICT AND THE STATE CHARTER SCHOOL INSTITUTE SHALL REPORT TO THE DEPARTMENT OF EDUCATION BY AUGUST 15, 2010, AND BY AUGUST 15 EACH YEAR THEREAFTER, THE NAME AND CONTACT INFORMATION OF THE CHILD WELFARE EDUCATION LIAISON. THE DEPARTMENT OF EDUCATION SHALL BE RESPONSIBLE FOR POSTING THAT INFORMATION ON THE DEPARTMENT OF EDUCATION'S WEB SITE AND PROVIDING THE INFORMATION TO THE DEPARTMENT OF HUMAN SERVICES. The child welfare education liaison shall be responsible for working with child placement agencies, county departments, and the state department to facilitate the prompt and appropriate placement, transfer, and enrollment in school of students in out-of-home placement within the school district or who are enrolled or enrolling in institute charter schools. The specific duties of the child welfare education liaison shall include, but need not be limited to:

(I) Working with social workers from county departments, juvenile probation officers, and foster care parents to ensure the prompt school enrollment of students in out-of-home placement and the prompt transfer of their education information and records when students are required to change school enrollment due to changes in placement;

(II) Ensuring that the education information and records of a student in out-of-home placement are delivered to the student's new school within five school days after receiving a request for the transfer of the student's education information and records from a county department as required in subsection (3) of this section;

(III) UPON RECEIVING THE REQUIRED NOTIFICATION AND INVITATION,

PARTICIPATING IN A TRANSITION PLANNING MEETING REGARDING THE ENROLLMENT IN A PUBLIC SCHOOL OF A STUDENT IN AN OUT-OF-HOME PLACEMENT PURSUANT TO SECTION 22-2-139, OR HAVING HIS OR HER DESIGNEE PARTICIPATING IN SAID MEETING;

(IV) PARTICIPATING IN ANY INTERAGENCY COLLABORATION TEAMS OR THREAT-ASSESSMENT TEAMS CENTERED ON STUDENTS, WHICH TEAMS THE SCHOOL DISTRICT MAY DEVELOP OR ON WHICH TEAMS THE SCHOOL DISTRICT MAY BE INVITED TO PARTICIPATE; AND

(V) PROVIDING TO THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, THE INFORMATION REQUIRED PURSUANT TO SECTIONS 22-2-139 AND 26-1-138, C.R.S.

SECTION 4. Part 4 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-409. Notification of risk. (1) BEGINNING AUGUST 15, 2010, A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., SHALL NOTIFY THE APPROPRIATE CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF A STUDENT WHO:

(a) IS TRANSFERRING TO A PUBLIC SCHOOL FROM A STATE-LICENSED DAY TREATMENT FACILITY LICENSED BY THE DEPARTMENT OF HUMAN SERVICES PURSUANT TO SECTION 26-6-102 (2.5), C.R.S., FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S.; AND

(b) HAS BEEN DETERMINED BY THE STATE-LICENSED DAY TREATMENT FACILITY, THE FACILITY SCHOOL, THE HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., OR THE COURT TO BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO THE PROPOSED TRANSFER.

(2) THIS SECTION SHALL APPLY ONLY TO A HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-301, C.R.S., THAT IS PROVIDING INPATIENT ACUTE CARE OR PSYCHIATRIC SERVICES FOR A STUDENT FOR MORE THAN TEN DAYS AND IF THERE IS ACTUAL KNOWLEDGE THAT THE STUDENT WILL ATTEND AN IDENTIFIED PUBLIC SCHOOL WITHIN SIXTY DAYS AFTER DISCHARGE FROM THE HOSPITAL. FOR PURPOSES OF THIS SUBSECTION (2), INFORMATION SHARED WITH THE DEPARTMENT OF HUMAN SERVICES, COUNTY DEPARTMENT OF SOCIAL SERVICES, OR CHILD EDUCATION WELFARE LIAISON SHALL BE SHARED ONLY FOR A STUDENT WHO HAS BEEN DEEMED TO BE A RISK TO HIMSELF OR HERSELF OR THE COMMUNITY WITHIN THE TWELVE MONTHS PRIOR TO DISCHARGE.

(3) THE NOTIFICATION REQUIRED IN SUBSECTION (1) OF THIS SECTION SHALL BE MADE AT LEAST TEN CALENDAR DAYS PRIOR TO THE STUDENT'S TRANSITION FROM THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., AND SUBSEQUENT ENROLLMENT IN A PUBLIC SCHOOL AND SHALL INCLUDE AN INVITATION TO THE

CHILD WELFARE EDUCATION LIAISON, OR HIS OR HER DESIGNEE, TO PARTICIPATE IN THE DEVELOPMENT OF A TRANSITION PLAN FOR THE STUDENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE SCHOOL DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION. IF THE TRANSITIONING STUDENT IS IN THE CUSTODY OF THE DEPARTMENT OF HUMAN SERVICES OR A COUNTY DEPARTMENT OF SOCIAL SERVICES, THE STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S., SHALL ALSO PROVIDE THE NOTIFICATION TO THE DEPARTMENT OF HUMAN SERVICES.

(4) IF A CHANGE OF PLACEMENT IS REQUIRED FOR THE SAFETY OF THE STUDENT OR IF A COURT, THE DEPARTMENT OF HUMAN SERVICES, OR A COUNTY DEPARTMENT OF SOCIAL SERVICES MAKES A PLACEMENT CHANGE WITH FEWER THAN TEN CALENDAR DAYS NOTICE, THE RESPONSIBLE STATE OR COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES SHALL PROVIDE INFORMATION TO THE CHILD WELFARE EDUCATION LIAISON, DESIGNATED PURSUANT TO SECTION 22-32-138 (2) (a), OF THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WITHIN FIVE CALENDAR DAYS FOLLOWING THE STUDENT'S PLACEMENT. THE INFORMATION PROVIDED TO THE CHILD WELFARE EDUCATION LIAISON SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE TRANSITIONING STUDENT'S EDUCATIONAL RECORDS FROM THE TRANSFERRING EDUCATIONAL FACILITY AND AN OUTLINE OF THE STUDENT'S TRANSITIONAL NEEDS TO BE SUCCESSFUL IN THE PUBLIC SCHOOL SETTING, WHICH INFORMATION WOULD ASSIST THE DISTRICT IN MEETING THE STUDENT'S NEEDS AND ENSURING A SUCCESSFUL TRANSITION.

(5) THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES AND THE RECEIVING SCHOOL DISTRICT, CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL SHALL COOPERATE TO ENSURE THAT AN APPROPRIATE PLACEMENT INCLUDING EDUCATIONAL SERVICES IS MADE PURSUANT TO THIS SECTION AND SECTIONS 19-1-115.5, C.R.S., 22-20-108, AND 22-32-138, AS APPLICABLE.

(6) WITHIN THE CONFIDENTIALITY AND PRIVACY LIMITS OF STATE AND FEDERAL LAW, THE RESPONSIBLE COUNTY DEPARTMENT OF SOCIAL SERVICES OR THE SCHOOL DISTRICT, CHARTER SCHOOL, INSTITUTE CHARTER SCHOOL, OR FACILITY SCHOOL SHALL PROVIDE INFORMATION ABOUT THE STUDENT TO ASSIST THE RECEIVING ENTITY IN DETERMINING AN APPROPRIATE EDUCATIONAL PLACEMENT FOR THE STUDENT.

(7) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, PURSUANT TO SECTION 22-2-139, CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL SYSTEM WHO MEET THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION.

SECTION 5. 22-32-109.1 (6), Colorado Revised Statutes, is amended to read:

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

(6) **Sharing information.** Notwithstanding any provision to the contrary in title 24, C.R.S., each board of education shall establish policies consistent with section 24-72-204 (3), C.R.S., and with applicable provisions of the federal "Family Education Rights and Privacy Act of 1974" (FERPA), 20 U.S.C. sec. 1232g, and all federal regulations and applicable guidelines adopted thereto, to share and release information directly related to a student and maintained by a public school or by a person acting for the public school in the interest of making schools safer. SHARING OF INFORMATION CONCERNING AN OUT-OF-HOME PLACEMENT STUDENT WHO IS BEING TRANSFERRED TO A PUBLIC SCHOOL SHALL COMPLY WITH THE RULES ESTABLISHED BY THE STATE BOARD PURSUANT TO SECTION 22-2-139 (8).

SECTION 6. Part 1 of article 1 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-1-138. Memorandum of understanding - notification of risk - rules.

(1) ON OR BEFORE JULY 1, 2011, THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING, PURSUANT TO SECTION 22-2-139, C.R.S., CONCERNING THE ENROLLMENT OF STUDENTS IN THE PUBLIC SCHOOL SYSTEM FROM A STATE-LICENSED DAY TREATMENT FACILITY, FACILITY SCHOOL, OR HOSPITAL LICENSED OR CERTIFIED PURSUANT TO SECTION 25-3-101, C.R.S.

(2) THE STATE BOARD MAY PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., CONCERNING THE IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING, INCLUDING BUT NOT LIMITED TO RULES REGARDING NOTIFICATION OF AND SHARING OF INFORMATION AS DESCRIBED IN SECTION 22-2-139, C.R.S.

SECTION 7. 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: May 25, 2010