Claire Davis School Safety Act (C.R.S. 24-10-106.3)

SB15-213 Concerning the Limited Waiver of Governmental Immunity for Claims involving Public Schools for Injuries Resulting from Incidents of School Violence known as the Claire Davis School Safety Act. (C.R.S. 24-10-106.3) This Act imposes a limited waiver of sovereign immunity for schools if a school fails to exercise “reasonable care” to protect all students, faculty and staff from “reasonably foreseeable” acts of violence that occurs at school or a school-sponsored activity.

- “Crime of violence” means that the person committed, conspired to commit or attempted to commit one of the following crimes: murder; first degree assault; or a felony sexual assault as defined in section C.R.S. 18-3-402.
- “Schools” include public schools, school districts or charter schools.
- An incident of school violence may be between students, staff members or any other persons.
- A district may be liable for up to $350,000 for an injury to one person in a single occurrence and up to $990,000 for an injury to two or more persons in a single occurrence.
- A public school, school district, or charter school shall not be found negligent under this section solely as a result of not expelling or suspending any student.
- An employee of a public school, school district or a charter school is not subject to suit under this section in his or her individual capacity unless the employee’s actions or omissions are willful and wanton.

SB15-214 School Safety and Youth in Crisis Interim Committee

- Created in an effort to define terms in C.R.S. 24-10-106.3.
- No additional definitions beyond what is in C.R.S. 24-10-106.3 have been forthcoming.
- Attempts were made to create a “Safe Harbor” bill in Legislative Session 2017. This was unsuccessful.

Colorado School Safety Resource Center recommendations:

- Districts/schools should ensure they have met all required elements of the Safe Schools Act (C.R.S. 22.32.109.1).

In addition:

- School safety planning team and crisis response team with initial training
  - IS 100 SCA for Schools for all with ICS role
  - IS 362A Multi Hazard for those creating the school/district plan
- Assess community and building safety concerns
- Write/Update existing school safety plans
- Incident Command Structure in place
- Develop and document emergency actions and conduct drills including communications checks
- Threat assessment policies and procedures in place
- Threat assessment team trained
- Psychological recovery team trained
- Consistent and ongoing prevention training for staff and students regarding sexual assault
- Continue to complete and update plan and train according to best practices