

CHAPTER 106

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 00-1119

BY REPRESENTATIVES McKay, Lee, Williams S., Larson, Spence, Alexander, Allen, Bacon, Berry, Coleman, Fairbank, Gotlieb, Grossman, Hagedorn, Hoppe, Kaufman, King, McPherson, Miller, Mitchell, Morrison, Nunez, Paschall, and Plant; also SENATORS Anderson, Blickensderfer, Dyer, Epps, Feeley, Hernandez, Sullivant, and Wattenberg.

AN ACT

CONCERNING THE EXCHANGE OF INFORMATION RELATED TO CHILDREN.

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

SECTION 1. 19-1-302, Colorado Revised Statutes, is amended to read:

19-1-302. Legislative declaration. (1) (a) The general assembly declares that information obtained by public agencies in the course of performing their duties and functions under this title is considered public information under the "Colorado Open Records Act". The general assembly, however, recognizes that certain information obtained in the course of the implementation of this title is highly sensitive and has an impact on the privacy of children and members of their families. The disclosure of sensitive information carries the risk of stigmatizing children; however, absolute confidentiality of such information ~~results~~ MAY RESULT in duplicated services in some cases, fragmented services in others, and THE DELIVERY OF ineffective and costly programs AND, IN SOME SITUATIONS, MAY PUT OTHER MEMBERS OF THE PUBLIC AT RISK OF HARM. In addition, disclosure may result in serving the best interests of the child and may be in the public interest. ~~such as where a juvenile has committed an act that would be a crime of violence if committed by an adult.~~

(b) FURTHERMORE, THE GENERAL ASSEMBLY SPECIFICALLY FINDS THAT SCHOOLS, SCHOOL DISTRICTS, AND CRIMINAL JUSTICE AGENCIES ATTEMPTING TO PROTECT CHILDREN AND THE PUBLIC ARE OFTEN FRUSTRATED BY THEIR LACK OF ABILITY TO EXCHANGE INFORMATION CONCERNING DISRUPTIVE CHILDREN WHO MAY HAVE EXPERIENCED DISCIPLINARY ACTIONS AT SCHOOL OR WHOSE ACTIONS OUTSIDE OF A SCHOOL SETTING MAY HAVE RESULTED IN CONTACT WITH LOCAL LAW ENFORCEMENT. THE GENERAL ASSEMBLY FINDS THAT SCHOOLS, SCHOOL DISTRICTS, AND CRIMINAL JUSTICE AGENCIES ARE OFTEN BETTER ABLE TO ASSIST SUCH DISRUPTIVE CHILDREN

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

AND TO PRESERVE SCHOOL SAFETY WHEN THEY ARE EQUIPPED WITH KNOWLEDGE CONCERNING A CHILD'S HISTORY AND EXPERIENCES. THE GENERAL ASSEMBLY, HOWEVER, RECOGNIZES THAT ANY SUCH SHARING OF INFORMATION AMONG AND BETWEEN SCHOOLS, SCHOOL DISTRICTS, AND AGENCIES TO PROMOTE SCHOOL SAFETY OR OTHERWISE TO ASSIST DISRUPTIVE CHILDREN MANDATES AN AWARENESS OF THE RESPONSIBILITY ON THE PART OF THOSE SCHOOLS, SCHOOL DISTRICTS, AND AGENCIES RECEIVING OR PROVIDING THE INFORMATION THAT IT BE USED ONLY FOR ITS INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY LAW AND THAT THE CONFIDENTIAL NATURE OF THE INFORMATION BE PRESERVED. THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS DESIRABLE TO AUTHORIZE AND ENCOURAGE OPEN COMMUNICATION AMONG APPROPRIATE AGENCIES, INCLUDING CRIMINAL JUSTICE AGENCIES, ASSESSMENT CENTERS FOR CHILDREN, SCHOOL DISTRICTS, AND SCHOOLS, IN ORDER TO ASSIST DISRUPTIVE CHILDREN AND TO MAINTAIN SAFE SCHOOLS.

(c) THE GENERAL ASSEMBLY FURTHER FINDS THAT PARTNERS IN MULTI-AGENCY ASSESSMENT CENTERS FOR CHILDREN ARE OFTEN FRUSTRATED BY THEIR LACK OF ABILITY TO EXCHANGE INFORMATION WITH EACH OTHER WHEN ATTEMPTING TO SERVE CHILDREN AND THE PUBLIC. THE GENERAL ASSEMBLY FINDS THAT ASSESSMENT CENTERS FOR CHILDREN ARE BETTER ABLE TO ASSIST CHILDREN WHEN THEY ARE EQUIPPED WITH KNOWLEDGE CONCERNING A CHILD'S HISTORY AND EXPERIENCES. THE GENERAL ASSEMBLY, HOWEVER, RECOGNIZES THAT ANY SUCH SHARING OF INFORMATION AMONG AGENCIES WHO ARE PART OF A MULTI-AGENCY ASSESSMENT CENTER FOR CHILDREN MANDATES AN AWARENESS OF THE RESPONSIBILITY ON THE PART OF THE AGENCIES RECEIVING OR PROVIDING THE INFORMATION THAT IT BE USED ONLY FOR ITS INTENDED AND LIMITED PURPOSE AS AUTHORIZED BY LAW AND THAT THE CONFIDENTIAL NATURE OF THE INFORMATION BE PRESERVED.

(2) Therefore, in an effort to balance the best interests of children and the privacy interests of children and their families with the need to share information among service agencies AND SCHOOLS and the need to protect the SAFETY OF SCHOOLS AND THE public ~~safety~~ AT LARGE, the general assembly enacts the provisions of this part 3.

SECTION 2. 19-1-303, Colorado Revised Statutes, is amended to read:

19-1-303. General provisions - delinquency and dependency and neglect cases - exchange of information - civil penalty. (1) (a) The judicial department or any agency that performs duties and functions under this title with respect to juvenile delinquency or dependency and neglect cases OR ANY OTHER PROVISIONS OF THIS TITLE may exchange information, to the extent necessary, for the acquisition, provision, oversight, or referral of services and support with the judicial department or any other agency or individual that performs duties and functions under this title with respect to such cases. In order to receive such information, the judicial department or the agency shall have a need to know for purposes of investigations and case management in the administration of their respective programs. The judicial department or the agencies shall exchange information in accordance with ~~subsection (2) of this section.~~ PARAGRAPH (b) OF THIS SUBSECTION (1).

(b) ~~School personnel may obtain from the judicial department or agencies described in paragraph (a) of this subsection (1) any information required to perform their legal duties and responsibilities. Said personnel shall maintain the confidentiality of the information obtained.~~ THE JUDICIAL DEPARTMENT OR AN AGENCY DESCRIBED IN

PARAGRAPH (a) OF THIS SUBSECTION (1) SHALL EXCHANGE INFORMATION WITH THE JUDICIAL DEPARTMENT OR SIMILAR AGENCIES OR INDIVIDUALS WHO HAVE A NEED TO KNOW TO THE EXTENT NECESSARY FOR THE ACQUISITION, PROVISION, OVERSIGHT, AND REFERRAL OF SERVICES AND SUPPORT AND IF PROVIDED IN THE COURSE OF AN INVESTIGATION OR FOR CASE MANAGEMENT PURPOSES. THE STATE COURT ADMINISTRATOR OF THE JUDICIAL DEPARTMENT AND THE EXECUTIVE DIRECTORS OF THE AFFECTED AGENCIES SHALL DESIGN A PROCESS FOR EXCHANGING INFORMATION PURSUANT TO THIS SECTION.

~~(2) (a) The judicial department or an agency described in subsection (1) of this section shall exchange information with the judicial department or similar agencies or individuals who have a need to know to the extent necessary for the acquisition, provision, oversight, and referral of services and support and if provided in the course of an investigation or for case management purposes. The state court administrator of the judicial department and the executive directors of the affected agencies shall design a process for exchanging information pursuant to this section. SCHOOL PERSONNEL MAY OBTAIN FROM THE JUDICIAL DEPARTMENT OR AGENCIES DESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION ANY INFORMATION REQUIRED TO PERFORM THEIR LEGAL DUTIES AND RESPONSIBILITIES. SAID PERSONNEL SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION OBTAINED.~~

(b) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY CRIMINAL JUSTICE AGENCY OR ASSESSMENT CENTER FOR CHILDREN IN THE STATE MAY SHARE ANY INFORMATION OR RECORDS CONCERNING A SPECIFIC CHILD WHO IS OR WILL BE ENROLLED AS A STUDENT AT A SCHOOL WITH THAT SCHOOL'S PRINCIPAL OR WITH THE PRINCIPAL'S DESIGNEE AND, IF THE STUDENT IS OR WILL BE ENROLLED AT A PUBLIC SCHOOL, WITH THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE STUDENT IS OR WILL BE ENROLLED OR THE SUPERINTENDENT'S DESIGNEE AS FOLLOWS:

(I) ANY INFORMATION OR RECORDS, EXCEPT MENTAL HEALTH OR MEDICAL RECORDS, RELATING TO INCIDENTS THAT, IN THE DISCRETION OF THE AGENCY OR CENTER, RISE TO THE LEVEL OF A PUBLIC SAFETY CONCERN, INCLUDING BUT NOT LIMITED TO, ANY INFORMATION OR RECORDS OF THREATS MADE BY THE CHILD, ANY ARREST OR CHARGING INFORMATION, ANY INFORMATION REGARDING MUNICIPAL ORDINANCE VIOLATIONS, AND ANY ARREST OR CHARGING INFORMATION RELATING TO ACTS THAT, IF COMMITTED BY AN ADULT, WOULD CONSTITUTE MISDEMEANORS OR FELONIES; OR

(II) ANY RECORDS, EXCEPT MENTAL HEALTH OR MEDICAL RECORDS, OF INCIDENTS THAT SUCH AGENCY OR CENTER MAY HAVE CONCERNING THE CHILD THAT, IN THE DISCRETION OF THE AGENCY OR CENTER, DO NOT RISE TO THE LEVEL OF A PUBLIC SAFETY CONCERN, BUT THAT RELATE TO THE ADJUDICATION OR CONVICTION OF A CHILD FOR A MUNICIPAL ORDINANCE VIOLATION OR THAT RELATE TO THE CHARGING, ADJUDICATION, DEFERRED PROSECUTION, DEFERRED JUDGMENT, OR DIVERSION OF A CHILD FOR AN ACT THAT, IF COMMITTED BY AN ADULT, WOULD HAVE CONSTITUTED A MISDEMEANOR OR A FELONY.

(c) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A CRIMINAL JUSTICE AGENCY INVESTIGATING A CRIMINAL MATTER CONCERNING A CHILD, IF NECESSARY TO EFFECTIVELY SERVE THE CHILD PRIOR TO TRIAL, MAY SEEK DISCIPLINARY AND TRUANCY INFORMATION FROM THE PRINCIPAL OF A SCHOOL, OR

THE PRINCIPAL'S DESIGNEE, AT WHICH THE CHILD IS OR WILL BE ENROLLED AS A STUDENT AND, IF THE STUDENT IS ENROLLED IN A PUBLIC SCHOOL, FROM THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE STUDENT IS ENROLLED, OR SUCH SUPERINTENDENT'S DESIGNEE. UPON WRITTEN CERTIFICATION BY THE CRIMINAL JUSTICE AGENCY THAT THE INFORMATION WILL NOT BE DISCLOSED TO ANY OTHER PARTY, EXCEPT AS SPECIFICALLY AUTHORIZED OR REQUIRED BY LAW, WITHOUT THE PRIOR WRITTEN CONSENT OF THE CHILD'S PARENT, EITHER THE PRINCIPAL OF THE SCHOOL IN WHICH THE CHILD IS ENROLLED, OR SUCH PRINCIPAL'S DESIGNEE, OR, IF THE STUDENT IS ENROLLED IN A PUBLIC SCHOOL, THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE STUDENT IS ENROLLED, OR SUCH SUPERINTENDENT'S DESIGNEE, SHALL PROVIDE THE CHILD'S ATTENDANCE AND DISCIPLINARY RECORDS TO THE REQUESTING CRIMINAL JUSTICE AGENCY. THE CRIMINAL JUSTICE AGENCY RECEIVING SUCH INFORMATION SHALL USE IT ONLY FOR THE PERFORMANCE OF ITS LEGAL DUTIES AND RESPONSIBILITIES AND SHALL MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION RECEIVED.

(d) SCHOOL AND SCHOOL DISTRICT PERSONNEL RECEIVING INFORMATION PURSUANT TO THIS SUBSECTION (2) SHALL USE IT ONLY IN THE PERFORMANCE OF THEIR LEGAL DUTIES AND RESPONSIBILITIES AND SHALL OTHERWISE MAINTAIN THE CONFIDENTIALITY OF THE INFORMATION RECEIVED. ANY INFORMATION RECEIVED BY A SCHOOL OR A SCHOOL DISTRICT PURSUANT TO THIS SUBSECTION (2) THAT IS SHARED WITH ANOTHER SCHOOL OR A SCHOOL DISTRICT TO WHICH A STUDENT MAY BE TRANSFERRING SHALL ONLY BE SHARED IN COMPLIANCE WITH THE REQUIREMENTS OF FEDERAL LAW.

(2.5) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY AND IN ADDITION TO THE PROVISIONS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, ASSESSMENT CENTERS FOR CHILDREN AND THE AGENCIES, OTHER THAN SCHOOLS AND SCHOOL DISTRICTS PARTICIPATING IN THE LOCAL ASSESSMENT CENTERS FOR CHILDREN ARE AUTHORIZED TO PROVIDE AND SHARE INFORMATION, EXCEPT FOR MENTAL HEALTH OR MEDICAL RECORDS AND INFORMATION, WITH EACH OTHER, WITHOUT THE NECESSITY OF SIGNED RELEASES, CONCERNING CHILDREN WHO HAVE BEEN TAKEN INTO TEMPORARY CUSTODY BY LAW ENFORCEMENT OR WHO HAVE BEEN REFERRED TO THE ASSESSMENT CENTER FOR CHILDREN FOR CASE MANAGEMENT PURPOSES. AGENCIES SHALL HAVE ANNUALLY UPDATED SIGNED AGREEMENTS WITH ASSESSMENT CENTERS FOR CHILDREN TO BE CONSIDERED A PARTICIPATING AGENCY.

~~(3) The state court administrator of the judicial department and the executive directors of the affected agencies shall jointly develop an informed consent and written release of information form to be signed by the parent, guardian, or legal custodian of a child who is less than sixteen years of age, or by a child who is sixteen years of age or older, and who is the subject of the dependency and neglect or delinquency case. The judicial department or an agency shall present the form to such parent, guardian, or legal custodian of the child or such child at the time the person applies for services, provides intake information to a service provider, or at the time of an initial assessment for identifying service needs, whichever occurs first. A signed form shall be deemed a waiver of the notice requirement set forth in subsection (4) of this section and shall be limited to the exchange of information described in subsection (2) of this section, and the period during which the consent release form applies shall be limited to no more than one year. The state court administrator and the executive directors shall require the judicial department, agencies, and service providers to explain the contents~~

~~of the consent and release form to the parent, guardian, or legal custodian of the child or the child who is the subject of the information and explain the consequences of such person's signing the consent and release form. Nothing in this subsection (3) shall be construed to prohibit the development and use of written release of information and consent forms by the agency with respect to other information maintained by an agency:~~

~~(4) If the person who is the subject of the information maintained by an agency has not signed a consent and release form, notice of the exchange of information shall be given to the person in connection with any initial correspondence to that person from an agency in connection with an administrative action or from the court in connection with a judicial proceeding, whichever applies and occurs first, other than for investigative and profiling assessment purposes. The person given notice shall have ten days after the date of the receipt of notice to object in writing to the exchange of the information described in subsection (2) of this section. If a person fails to file a written objection within ten days after receiving notice, the agency shall proceed in accordance with subsection (2) of this section. Upon receipt of an objection, the agency or the court shall hear the issue at the next regularly scheduled hearing or set a hearing, if no hearings are already scheduled, at which time the agency or the court shall make a determination concerning the exchange of information. In making a determination, the agency or the court shall consider the best interests of the child and the privacy interest of the person objecting to the exchange of information. If the best interests of the child outweighs a person's privacy interest by a preponderance of the evidence, the agency or the court shall authorize the exchange of information. The agency's final action or the court's order shall provide for the least invasive measures for exchanging information. Nothing in this subsection (4) shall be construed to prohibit a person from signing a consent and release form at any time. In addition, a person may seek judicial review of final agency action pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S.~~

(4.3) SCHOOL AND SCHOOL DISTRICT PERSONNEL, EMPLOYEES OF THE STATE JUDICIAL DEPARTMENT, EMPLOYEES OF STATE AGENCIES, EMPLOYEES OF CRIMINAL JUSTICE AGENCIES, AND EMPLOYEES OF ASSESSMENT CENTERS FOR CHILDREN WHO SHARE INFORMATION CONCERNING A CHILD PURSUANT TO THIS PART 3 SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY IF SUCH PERSONNEL OR EMPLOYEE ACTED IN GOOD FAITH COMPLIANCE WITH THE PROVISIONS OF THIS PART 3.

(4.7) ANY PERSON WHO KNOWINGLY VIOLATES THE CONFIDENTIALITY PROVISIONS OF THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF UP TO ONE THOUSAND DOLLARS.

(5) The provisions of this section shall be in addition to and not in lieu of other statutory provisions of law pertaining to the release of information. Access to information not otherwise addressed by this section shall be governed as otherwise provided by law.

(6) For purposes of this section:

(a) "Assessment center for children" is defined in section 19-1-103 (10.5).

(a.1) "Case management purposes" is defined in section 19-1-103 (16.5).

(a.3) "CRIMINAL JUSTICE AGENCY" IS DEFINED IN SECTION 19-1-103 (34.6).

(a.7) "SCHOOL" IS DEFINED IN SECTION 19-1-103 (94.3).

(b) "Need to know" is defined in section 19-1-103 (77.5).

(7) This section shall be interpreted to promote the best interests of the child and, where possible, the child's family.

SECTION 3. 19-1-304 (1) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

19-1-304. Juvenile delinquency records. (1) (a) **Court records - open.** Except as provided in paragraph (b.5) of this subsection (1), court records in juvenile delinquency proceedings or proceedings concerning a juvenile charged with the violation of any municipal ordinance except a traffic ordinance shall be open to inspection to the following persons without court order:

(XVI) THE PRINCIPAL OF A SCHOOL, OR SUCH PRINCIPAL'S DESIGNEE, IN WHICH THE JUVENILE IS OR WILL BE ENROLLED AS A STUDENT AND, IF THE STUDENT IS OR WILL BE ENROLLED IN A PUBLIC SCHOOL, TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE STUDENT IS OR WILL BE ENROLLED, OR SUCH SUPERINTENDENT'S DESIGNEE.

SECTION 4. The introductory portion to 19-1-304 (1) (c), Colorado Revised Statutes, is amended, and the said 19-1-304 (1) (c) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

19-1-304. Juvenile delinquency records. (1) (c) **Probation records - limited access.** Except as otherwise authorized by section 19-1-303, a juvenile probation officer's records, whether or not part of the court file, shall not be open to inspection except as provided in subparagraphs (I) to ~~(IX)~~ (X) of this paragraph (c):

(X) TO THE PRINCIPAL OF A SCHOOL, OR SUCH PRINCIPAL'S DESIGNEE, IN WHICH THE JUVENILE IS OR WILL BE ENROLLED AS A STUDENT AND, IF THE STUDENT IS OR WILL BE ENROLLED IN A PUBLIC SCHOOL, TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE STUDENT IS OR WILL BE ENROLLED, OR SUCH SUPERINTENDENT'S DESIGNEE.

SECTION 5. 19-1-304 (2) (a), Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBPARAGRAPHS, to read:

19-1-304. Juvenile delinquency records. (2) (a) **Law enforcement records in general - closed.** Except as otherwise provided by paragraph (b.5) of subsection (1) of this section and otherwise authorized by section 19-1-303, the records of law enforcement officers concerning juveniles, including identifying information, shall be identified as juvenile records and shall not be inspected by or disclosed to the public, except:

(XV) TO THE PRINCIPAL OF A SCHOOL, OR SUCH PRINCIPAL'S DESIGNEE, IN WHICH THE JUVENILE IS OR WILL BE ENROLLED AS A STUDENT AND, IF THE STUDENT IS OR WILL

BE ENROLLED IN A PUBLIC SCHOOL, TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE STUDENT IS OR WILL BE ENROLLED, OR SUCH SUPERINTENDENT'S DESIGNEE.

(XVI) TO ASSESSMENT CENTERS FOR CHILDREN.

SECTION 6. 19-1-304, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

19-1-304. Juvenile delinquency records. (2.5) Parole records. PAROLE RECORDS SHALL BE OPEN TO INSPECTION BY THE PRINCIPAL OF A SCHOOL, OR SUCH PRINCIPAL'S DESIGNEE, IN WHICH THE JUVENILE IS OR WILL BE ENROLLED AS A STUDENT AND, IF THE STUDENT IS OR WILL BE ENROLLED IN A PUBLIC SCHOOL, BY THE SUPERINTENDENT OF THE SCHOOL DISTRICT IN WHICH THE STUDENT IS OR WILL BE ENROLLED, OR SUCH SUPERINTENDENT'S DESIGNEE. PAROLE RECORDS SHALL ALSO BE OPEN TO INSPECTION BY ASSESSMENT CENTERS FOR CHILDREN.

SECTION 7. 19-1-103, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to read:

19-1-103. Definitions. As used in this title or in the specified portion of this title, unless the context otherwise requires:

(10.5) "ASSESSMENT CENTER FOR CHILDREN", AS USED IN SECTIONS 19-1-303 AND 19-1-304, MEANS A MULTI-DISCIPLINARY, COMMUNITY-BASED CENTER THAT PROVIDES SERVICES TO CHILDREN AND THEIR FAMILIES, INCLUDING, BUT NOT LIMITED TO, DETENTION SCREENING, CASE MANAGEMENT, AND THERAPEUTIC INTERVENTION RELATING TO DELINQUENCY, ABUSE OR NEGLECT, FAMILY CONFLICT, AND TRUANCY.

(34.6) "CRIMINAL JUSTICE AGENCY", AS USED IN SECTION 19-1-303, SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 24-72-302 (3), C.R.S.

(94.3) "SCHOOL", AS USED IN SECTIONS 19-1-303 AND 19-1-304, MEANS A PUBLIC, PAROCHIAL, OR NONPUBLIC SCHOOL THAT PROVIDES A BASIC ACADEMIC EDUCATION IN COMPLIANCE WITH SCHOOL ATTENDANCE LAWS FOR STUDENTS IN GRADES ONE TO TWELVE. "BASIC ACADEMIC EDUCATION" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-33-104 (2) (b), C.R.S.

SECTION 8. 13-10-113, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

13-10-113. Fines and penalties. (8) IF, AS A CONDITION OF OR IN CONNECTION WITH ANY SENTENCE IMPOSED PURSUANT TO THIS SECTION, A MUNICIPAL COURT JUDGE REQUIRES A JUVENILE WHO IS YOUNGER THAN EIGHTEEN YEARS OF AGE TO ATTEND SCHOOL, THE MUNICIPAL COURT SHALL NOTIFY THE SCHOOL DISTRICT IN WHICH THE JUVENILE IS ENROLLED OF SUCH REQUIREMENT.

SECTION 9. 19-1-304 (5), Colorado Revised Statutes, is amended to read:

19-1-304. Juvenile delinquency records. (5) Direct filings - arrest and criminal records open. Whenever a petition filed in juvenile court alleges that a juvenile

between the ages of ~~fourteen~~ TWELVE to eighteen years has committed an offense that would constitute unlawful sexual behavior, as defined in section 18-3-412.5 (1) (b), C.R.S., or a crime of violence, as defined in section 16-11-309, C.R.S., if committed by an adult or whenever charges filed in district court allege that a juvenile has committed such an offense, then the arrest and criminal records information, as defined in section 24-72-302 (1), C.R.S., and including a juvenile's physical description, concerning such juvenile shall be made available to the public. The information is available only from the investigative law enforcement agency, the agency responsible for filing a petition, and the court, and shall not include records of investigation as such records are described in section 24-72-305 (5), C.R.S. Basic identification information, as defined in section 24-72-302 (2), C.R.S., along with the details of the alleged delinquent act or offense, shall be provided immediately to the school district in which the juvenile is enrolled. Such information shall be used by the board of education for purposes of section 22-33-105 (5), C.R.S., but information made available to the school district and not otherwise available to the public shall remain confidential.

SECTION 10. 22-32-109.3 (1), Colorado Revised Statutes, is amended, and the said 22-32-109.3 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

22-32-109.3. Board of education - specific duties - student records. (1) Except as otherwise provided in ~~subsection (2)~~ SUBSECTIONS (2) AND (3) of this section, each school district, as required under section 24-72-204 (3), C.R.S., shall maintain the confidentiality of the addresses and telephone numbers of students enrolled in public elementary and secondary schools within the school district and any medical, psychological, sociological, and scholastic achievement data collected concerning individual students.

(3) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION, EITHER THE PRINCIPAL OF A SCHOOL, OR SUCH PRINCIPAL'S DESIGNEE, OR, IF THE STUDENT IS ENROLLED IN A PUBLIC SCHOOL, THE SUPERINTENDENT OF A SCHOOL DISTRICT IN WHICH THE STUDENT IS ENROLLED, OR SUCH SUPERINTENDENT'S DESIGNEE, SHALL PROVIDE ATTENDANCE AND DISCIPLINARY RECORDS TO A CRIMINAL JUSTICE AGENCY PURSUANT TO THE PROVISIONS OF SECTION 19-1-303 (2), C.R.S.

SECTION 11. 22-33-105 (5) (a), Colorado Revised Statutes, is amended to read:

22-33-105. Suspension, expulsion, and denial of admission. (5) (a) Whenever a petition filed in juvenile court alleges that a child at least ~~fourteen~~ TWELVE years of age but under eighteen years of age has committed an offense that would constitute UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 18-3-412.5 (1) (b), C.R.S., OR a crime of violence, as defined in section 16-11-309, C.R.S., if committed by an adult or whenever charges filed in district court allege that a child has committed such an offense, basic identification information concerning such child and the details of the alleged delinquent act or offense shall be provided immediately to the school district in which the child is enrolled in accordance with the provisions of section 19-1-304 (5), C.R.S. Upon receipt of such information, the board of education of the school district or its designee shall determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or of school personnel in the school and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students,

or create a dangerous and unsafe environment for students, teachers, and other school personnel. The determination may be made in executive session to the extent allowed by section 24-6-402 (4) (h), C.R.S. If the board of education or its designee, in accordance with the provisions of this subsection (5), makes a determination that the student should not be educated in the school, it may proceed with suspension or expulsion in accordance with subsection (2) of this section and section 22-33-106. Alternatively, the board of education or its designee may determine that it will wait until the conclusion of the juvenile proceedings to consider the expulsion matter, in which case it shall be the responsibility of the district to provide the student with an appropriate alternate education program, including but not limited to an on-line program authorized pursuant to section 22-33-104.6, or a home-based education program during the period pending the resolution of the juvenile proceedings. Information made available to the school district and not otherwise available to the public pursuant to the provisions of section 19-1-304, C.R.S., shall remain confidential.

SECTION 12. 22-33-106.5 (2), Colorado Revised Statutes, is amended to read:

22-33-106.5. Information concerning offenses committed by students. (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, OR, FOR A PERSON UNDER EIGHTEEN YEARS OF AGE BUT AT LEAST TWELVE YEARS OF AGE, FOR AN OFFENSE THAT WOULD CONSTITUTE UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 18-3-412.5 (1) (b) C.R.S., IF COMMITTED BY AN ADULT the adjudicating or convicting court shall notify the school district in which the person is enrolled of the person's adjudication or conviction.

SECTION 13. 22-33-107.5 (1), Colorado Revised Statutes, is amended, to read:

22-33-107.5. Notice of failure to attend. (1) Except as otherwise provided in subsection (2) of this section, a school district shall notify the appropriate court or parole board if a student fails to attend all or any portion of a school day, where the school district has received notice from the court or parole board:

(a) Pursuant to section 19-2-508 (3) (a) (VI), C.R.S., that the student is required to attend school as a condition of release pending an adjudicatory trial; ~~or~~

(b) Pursuant to section 16-11-204 (2.3), 17-22.5-404 (4.5), 19-2-907 (4), 19-2-925 (5), or 19-2-1002 (1) or (3), C.R.S., that the student is required to attend school as a condition of or in connection with any sentence imposed by the court, including a condition of probation or parole; OR

(c) PURSUANT TO SECTION 13-10-113 (8), C.R.S., THAT THE STUDENT IS REQUIRED TO ATTEND SCHOOL AS A CONDITION OF OR IN CONNECTION WITH ANY SENTENCE IMPOSED BY A MUNICIPAL COURT.

SECTION 14. 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 7, 2000