

# An Act

SENATE BILL 00-133

BY SENATOR Arnold, Chlouber, Powers, and Teck;  
also REPRESENTATIVE Gotlieb, Allen, Fairbank, Hagedorn, Hefley,  
Kaufman, Kester, King, Lee, McKay, McPherson, Miller, Plant, Scott,  
Spence, Stengel, Tapia, and T. Williams.

CONCERNING SAFE SCHOOLS, AND MAKING AN APPROPRIATION IN  
CONNECTION THEREWITH.

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

**SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-32-109.1. Board of education - specific powers and duties - safe schools.** (1) **Mission statement.** EACH SCHOOL DISTRICT BOARD OF EDUCATION SHALL ADOPT A MISSION STATEMENT FOR THE SCHOOL DISTRICT, WHICH STATEMENT SHALL INCLUDE MAKING SAFETY A PRIORITY IN EACH PUBLIC SCHOOL OF THE SCHOOL DISTRICT.

(2) **Safe school plan.** IN ORDER TO PROVIDE A LEARNING ENVIRONMENT THAT IS SAFE, CONDUCTIVE TO THE LEARNING PROCESS, AND FREE FROM UNNECESSARY DISRUPTION, FOLLOWING CONSULTATION WITH THE SCHOOL DISTRICT ACCOUNTABILITY COMMITTEE AND SCHOOL ADVISORY COUNCILS, OR SCHOOL ACCOUNTABILITY COMMITTEE, WHICHEVER IS

APPLICABLE, PARENTS, TEACHERS, ADMINISTRATORS, STUDENTS, 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:

(a) **Conduct and discipline code.** A CONCISELY WRITTEN CONDUCT AND DISCIPLINE CODE THAT SHALL BE ENFORCED UNIFORMLY, FAIRLY, AND CONSISTENTLY FOR ALL STUDENTS. COPIES OF THE CODE SHALL BE PROVIDED TO EACH STUDENT UPON ENROLLMENT AT THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL LEVELS AND SHALL BE POSTED OR KEPT ON FILE AT EACH PUBLIC SCHOOL IN THE SCHOOL DISTRICT. THE CODE SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO:

(I) GENERAL POLICIES ON STUDENT CONDUCT, SAFETY, AND WELFARE;

(II) GENERAL POLICIES AND PROCEDURES FOR DEALING WITH STUDENTS WHO CAUSE A DISRUPTION IN THE CLASSROOM, ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS, INCLUDING A SPECIFIC POLICY ALLOWING A TEACHER TO REMOVE A DISRUPTIVE STUDENT FROM HIS OR HER CLASSROOM AND, UPON THE THIRD SUCH REMOVAL FROM A TEACHER'S CLASS, TO REMOVE THE DISRUPTIVE STUDENT FROM SUCH TEACHER'S CLASS FOR THE REMAINDER OF THE TERM OF THE CLASS. THE GENERAL POLICIES AND PROCEDURES SHALL INCLUDE A DUE PROCESS PROCEDURE, WHICH AT A MINIMUM SHALL REQUIRE THAT, AS SOON AS POSSIBLE AFTER A REMOVAL, THE TEACHER OR THE SCHOOL PRINCIPAL SHALL CONTACT THE PARENT OR LEGAL GUARDIAN OF THE STUDENT TO REQUEST HIS OR HER ATTENDANCE AT A STUDENT-TEACHER CONFERENCE REGARDING THE REMOVAL. A BEHAVIOR PLAN MAY BE DEVELOPED AFTER THE FIRST SUCH REMOVAL FROM CLASS, AND SHALL BE DEVELOPED AFTER THE SECOND SUCH REMOVAL FROM CLASS. ANY POLICY OR PROCEDURE ADOPTED SHALL COMPLY WITH APPLICABLE FEDERAL AND STATE LAWS, INCLUDING, BUT NOT LIMITED TO LAWS REGARDING STUDENTS WITH DISABILITIES.

(III) PROVISIONS FOR THE INITIATION OF EXPULSION PROCEEDINGS FOR STUDENTS WHO QUALIFY AS HABITUALLY DISRUPTIVE BY CAUSING A DISRUPTION IN THE CLASSROOM, ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS FOR A THIRD

TIME DURING A SINGLE SCHOOL YEAR OR CALENDAR YEAR;

(IV) POLICIES AND PROCEDURES FOR THE USE OF ACTS OF REASONABLE AND APPROPRIATE PHYSICAL INTERVENTION OR FORCE IN DEALING WITH DISRUPTIVE STUDENTS; EXCEPT THAT NO BOARD SHALL ADOPT A DISCIPLINE CODE THAT INCLUDES PROVISIONS THAT ARE IN CONFLICT WITH THE DEFINITION OF CHILD ABUSE IN SECTION 18-6-401 (1), C.R.S., AND SECTION 19-1-103 (1), C.R.S.;

(V) GENERAL POLICIES AND PROCEDURES FOR DETERMINING THE CIRCUMSTANCES UNDER AND THE MANNER IN WHICH DISCIPLINARY ACTIONS, INCLUDING SUSPENSION AND EXPULSION, SHALL BE IMPOSED IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 22-33-105 AND 22-33-106;

(VI) A SPECIFIC POLICY CONCERNING GANG-RELATED ACTIVITIES IN THE SCHOOL, ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS;

(VII) WRITTEN PROHIBITION, CONSISTENT WITH SECTION 22-33-106, OF STUDENTS FROM BRINGING DANGEROUS WEAPONS, DRUGS, OR OTHER CONTROLLED SUBSTANCES TO SCHOOL, ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS AND FROM USING DRUGS, OTHER CONTROLLED SUBSTANCES, OR TOBACCO PRODUCTS ON SCHOOL GROUNDS, IN SCHOOL VEHICLES, OR AT SCHOOL ACTIVITIES OR SANCTIONED EVENTS;

(VIII) A WRITTEN POLICY CONCERNING SEARCHES ON SCHOOL GROUNDS, INCLUDING STUDENT LOCKERS; AND

(IX) A DRESS CODE POLICY THAT DEFINES AND PROHIBITS STUDENTS FROM WEARING APPAREL THAT IS DEEMED DISRUPTIVE TO THE CLASSROOM ENVIRONMENT OR TO THE MAINTENANCE OF A SAFE AND ORDERLY SCHOOL. THE DRESS CODE POLICY MAY REQUIRE STUDENTS TO WEAR A SCHOOL UNIFORM OR MAY ESTABLISH MINIMUM STANDARDS OF DRESS.

(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:

(I) THE TOTAL ENROLLMENT FOR THE SCHOOL;

(II) THE AVERAGE DAILY ATTENDANCE RATE AT THE SCHOOL;

(III) DROPOUT RATES FOR GRADES SEVEN THROUGH TWELVE, IF SUCH GRADES ARE TAUGHT AT THE SCHOOL; AND

(IV) THE NUMBER OF CONDUCT AND DISCIPLINE CODE VIOLATIONS, 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 DISOBEDIENT OR OPENLY AND PERSISTENTLY DEFIANT AND INTERFERING WITH THE ORDERLY FLOW OF INFORMATION IN A CLASSROOM;

(F) COMMISSION OF AN ACT ON SCHOOL GROUNDS THAT, IF

COMMITTED BY AN ADULT, WOULD BE CONSIDERED CRIMINAL ASSAULT, OTHER THAN THIRD DEGREE ASSAULT;

(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;

(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.

(V) FOR PURPOSES OF SUBPARAGRAPH (IV) OF THIS PARAGRAPH (b), "ACTION TAKEN" MEANS THE SPECIFIC TYPE OF DISCIPLINE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING CATEGORIES OF DISCIPLINE:

(A) IN-SCHOOL SUSPENSION;

(B) OUT-OF-SCHOOL SUSPENSION;

(C) CLASSROOM REMOVAL IN ACCORDANCE WITH BOARD POLICY;

(D) EXPULSION;

(E) REFERRAL TO A LAW ENFORCEMENT AGENCY; OR

(F) ANY OTHER FORM OF DISCIPLINE, WHICH SHALL BE OFFICIALLY IDENTIFIED AS PART OF A BOARD POLICY;

(VI) THE CONDUCT AND DISCIPLINE CODE VIOLATIONS REQUIRED TO BE REPORTED PURSUANT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH (b) SHALL SPECIFICALLY IDENTIFY EACH CONDUCT AND DISCIPLINE CODE

VIOLATION BY A STUDENT WITH A DISABILITY AND EACH ACTION TAKEN WITH RESPECT TO EACH VIOLATION BY A STUDENT WITH A DISABILITY.

(VII) THE AVERAGE CLASS SIZE FOR EACH PUBLIC ELEMENTARY, MIDDLE SCHOOL OR JUNIOR HIGH SCHOOL, AND SENIOR HIGH SCHOOL IN THE STATE CALCULATED AS THE TOTAL NUMBER OF STUDENTS ENROLLED IN THE SCHOOL DIVIDED BY THE NUMBER OF FULL-TIME TEACHERS IN THE SCHOOL. FOR PURPOSES OF THIS SUBPARAGRAPH (VI), "FULL-TIME TEACHER" MEANS A PERSON WHO IS LICENSED PURSUANT TO ARTICLE 60.5 OF THIS TITLE OR AUTHORIZED BY A LETTER OF AUTHORIZATION ISSUED PURSUANT TO SECTION 22-60.5-111 TO TEACH, AND IS PRIMARILY ENGAGED IN TEACHING DURING A SUBSTANTIAL MAJORITY OF THE INSTRUCTIONAL MINUTES PER SCHOOL DAY.

(3) **Agreements with state agencies.** EACH BOARD OF EDUCATION SHALL COOPERATE AND, TO THE EXTENT POSSIBLE, DEVELOP WRITTEN AGREEMENTS WITH LAW ENFORCEMENT OFFICIALS, THE JUVENILE JUSTICE SYSTEM, AND SOCIAL SERVICES, AS ALLOWED UNDER STATE AND FEDERAL LAW, TO KEEP EACH SCHOOL ENVIRONMENT SAFE. EACH BOARD OF EDUCATION SHALL ADOPT A POLICY WHEREBY PROCEDURES WILL BE USED FOLLOWING INSTANCES OF ASSAULT UPON, DISORDERLY CONDUCT TOWARD, HARASSMENT OF, THE MAKING KNOWINGLY OF A FALSE ALLEGATION OF CHILD ABUSE AGAINST, OR ANY ALLEGED OFFENSE UNDER THE "COLORADO CRIMINAL CODE" DIRECTED TOWARD A SCHOOLTEACHER OR SCHOOL EMPLOYEE OR INSTANCES OF DAMAGE OCCURRING ON THE PREMISES TO THE PERSONAL PROPERTY OF A SCHOOLTEACHER OR SCHOOL EMPLOYEE BY A STUDENT. SUCH PROCEDURES SHALL INCLUDE, AT A MINIMUM, THE FOLLOWING PROVISIONS:

(a) SUCH SCHOOLTEACHER OR SCHOOL EMPLOYEE SHALL FILE A COMPLAINT WITH THE SCHOOL ADMINISTRATION AND THE BOARD OF EDUCATION.

(b) THE SCHOOL ADMINISTRATION SHALL, AFTER RECEIPT OF SUCH REPORT AND PROOF DEEMED ADEQUATE TO THE SCHOOL ADMINISTRATION, SUSPEND THE STUDENT FOR THREE DAYS, SUCH SUSPENSION TO BE IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED THEREFOR, AND SHALL INITIATE PROCEDURES FOR THE FURTHER SUSPENSION OR EXPULSION OF THE STUDENT WHERE INJURY OR PROPERTY DAMAGE HAS OCCURRED.

(c) THE SCHOOL ADMINISTRATION SHALL REPORT THE INCIDENT TO

THE DISTRICT ATTORNEY OR THE APPROPRIATE LOCAL LAW ENFORCEMENT AGENCY OR OFFICER, WHO SHALL, UPON RECEIVING SUCH REPORT, INVESTIGATE THE INCIDENT TO DETERMINE THE APPROPRIATENESS OF FILING CRIMINAL CHARGES OR INITIATING DELINQUENCY PROCEEDINGS.

(4) **Crisis management policy.** EACH BOARD OF EDUCATION SHALL ESTABLISH A CRISIS MANAGEMENT POLICY THAT, AT A MINIMUM, SETS FORTH WRITTEN PROCEDURES FOR TAKING ACTION AND COMMUNICATING WITH LOCAL LAW ENFORCEMENT AGENCIES, COMMUNITY EMERGENCY SERVICES, PARENTS, STUDENTS, AND THE MEDIA IN THE EVENT OF A CRISIS. EACH POLICY SHALL PROVIDE FOR SCHOOL DISTRICT EMPLOYEE CRISIS MANAGEMENT TRAINING.

(5) **Safety and security policy.** EACH BOARD OF EDUCATION SHALL ADOPT A POLICY REQUIRING ANNUAL SCHOOL BUILDING INSPECTIONS TO ADDRESS THE REMOVAL OF HAZARDS AND VANDALISM AND ANY OTHER BARRIERS TO SAFETY AND SUPERVISION.

(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.

(7) **Open school policy.** EACH BOARD OF EDUCATION SHALL ADOPT AN OPEN SCHOOL POLICY TO ALLOW PARENTS AND MEMBERS OF THE SCHOOL DISTRICT BOARD OF EDUCATION REASONABLE ACCESS TO OBSERVE CLASSES, ACTIVITIES, AND FUNCTIONS AT A PUBLIC SCHOOL UPON REASONABLE NOTICE TO THE SCHOOL ADMINISTRATOR'S OFFICE.

(8) **Employee screenings.** EACH BOARD OF EDUCATION SHALL ADOPT A POLICY OF MAKING INQUIRIES UPON GOOD CAUSE TO THE DEPARTMENT OF EDUCATION FOR THE PURPOSES OF SCREENING LICENSED EMPLOYEES AND NONLICENSED EMPLOYEES HIRED ON OR AFTER JANUARY 1, 1991. LICENSED EMPLOYEES EMPLOYED BY SCHOOL DISTRICTS ON OR AFTER JANUARY 1, 1991, SHALL BE SCREENED UPON GOOD CAUSE TO CHECK

FOR ANY NEW INSTANCES OF CRIMINAL ACTIVITY LISTED IN SECTION 22-32-109.9 (1) (a). NONLICENSED EMPLOYEES EMPLOYED BY A SCHOOL DISTRICT ON OR AFTER JANUARY 1, 1991, SHALL BE SCREENED UPON GOOD CAUSE TO CHECK FOR ANY NEW INSTANCES OF CRIMINAL ACTIVITY LISTED IN SECTION 22-32-109.8 (2) (a).

(9) **Immunity.** (a) A SCHOOL DISTRICT BOARD OF EDUCATION OR ANY PERSON ACTING IN GOOD FAITH IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION IN CARRYING OUT THE POWERS OR DUTIES AUTHORIZED BY SAID SUBSECTION SHALL BE IMMUNE FROM CIVIL OR CRIMINAL LIABILITY FOR SUCH ACTIONS; EXCEPT THAT A PERSON ACTING WILLFULLY OR WANTONLY IN VIOLATION OF SAID SUBSECTION SHALL NOT BE IMMUNE FROM LIABILITY PURSUANT TO SAID SUBSECTION.

(b) A TEACHER OR ANY OTHER PERSON ACTING IN GOOD FAITH AND IN COMPLIANCE WITH THE CONDUCT AND DISCIPLINE CODE ADOPTED BY THE BOARD OF EDUCATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION SHALL BE IMMUNE FROM CIVIL LIABILITY; EXCEPT THAT A PERSON ACTING WILLFULLY AND WANTONLY SHALL NOT BE IMMUNE FROM LIABILITY PURSUANT TO THIS PARAGRAPH (b). THE COURT SHALL DISMISS ANY CIVIL ACTION RESULTING FROM ACTIONS TAKEN BY A TEACHER OR ANY OTHER PERSON PURSUANT TO THE CONDUCT AND DISCIPLINE CODE ADOPTED BY THE BOARD OF EDUCATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION UPON A FINDING BY THE COURT THAT THE PERSON ACTED IN GOOD FAITH AND IN COMPLIANCE WITH SUCH CONDUCT AND DISCIPLINE CODE AND WAS THEREFORE IMMUNE FROM CIVIL LIABILITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9). THE COURT SHALL AWARD COURT COSTS AND REASONABLE ATTORNEY FEES TO THE PREVAILING PARTY IN SUCH A CIVIL ACTION.

(c) IF A CRIMINAL ACTION IS BROUGHT AGAINST A TEACHER OR ANY OTHER PERSON FOR ACTIONS TAKEN PURSUANT TO THE CONDUCT AND DISCIPLINE CODE ADOPTED BY THE BOARD OF EDUCATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION, IT SHALL BE AN AFFIRMATIVE DEFENSE IN SUCH CRIMINAL ACTION THAT THE TEACHER OR SUCH OTHER PERSON WAS ACTING IN GOOD FAITH AND IN COMPLIANCE WITH THE CONDUCT AND DISCIPLINE CODE AND WAS NOT ACTING IN A WILLFUL OR WANTON MANNER IN VIOLATION OF THE CONDUCT AND DISCIPLINE CODE.

(d) AN ACT OF A TEACHER OR ANY OTHER PERSON SHALL NOT BE CONSIDERED CHILD ABUSE PURSUANT TO SECTIONS 18-6-401 (1) AND



19-3-303 (1), C.R.S., IF:

(I) THE ACT WAS PERFORMED IN GOOD FAITH AND IN COMPLIANCE WITH THE CONDUCT AND DISCIPLINE CODE ADOPTED BY THE BOARD OF EDUCATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION; OR

(II) THE ACT WAS AN APPROPRIATE EXPRESSION OF AFFECTION OR EMOTIONAL SUPPORT, AS DETERMINED BY THE BOARD OF EDUCATION.

(e) A TEACHER OR ANY OTHER PERSON WHO ACTS IN GOOD FAITH AND IN COMPLIANCE WITH THE CONDUCT AND DISCIPLINE CODE ADOPTED BY THE BOARD OF EDUCATION PURSUANT TO PARAGRAPH (a) OF SUBSECTION (2) OF THIS SECTION SHALL NOT HAVE HIS OR HER CONTRACT NONRENEWED OR BE SUBJECT TO ANY DISCIPLINARY PROCEEDINGS, INCLUDING DISMISSAL, AS A RESULT OF SUCH LAWFUL ACTIONS, NOR SHALL THE ACTIONS OF THE TEACHER OR OTHER PERSON BE REFLECTED IN ANY WRITTEN EVALUATION OR OTHER PERSONNEL RECORD CONCERNING SUCH TEACHER OR OTHER PERSON.

**(10) Compliance with safe school reporting requirements.** IF THE STATE BOARD DETERMINES THAT A SCHOOL DISTRICT OR ONE OR MORE OF THE PUBLIC SCHOOLS IN A SCHOOL DISTRICT IS IN WILLFUL NONCOMPLIANCE WITH THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION, THE STATE'S SHARE OF THE SCHOOL DISTRICT'S TOTAL PROGRAM, AS DETERMINED PURSUANT TO ARTICLE 54 OF THIS TITLE, MAY BE SUBJECT TO FORFEITURE UNTIL THE SCHOOL DISTRICT AND EACH SCHOOL IN THE DISTRICT ATTAINS COMPLIANCE WITH THE PROVISIONS OF PARAGRAPH (b) OF SUBSECTION (2) OF THIS SECTION.

**SECTION 2.** 22-32-109 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-32-109. Board of education - specific duties.** (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(cc) TO ADOPT A DRESS CODE POLICY FOR TEACHERS AND OTHER SCHOOL EMPLOYEES.

**SECTION 3. Repeal.** 22-32-109 (1) (w) and (1) (x), Colorado

Revised Statutes, are repealed.

**SECTION 4. Repeal.** 22-32-110 (2), (3), (3.5), and (4), Colorado Revised Statutes, are repealed.

**SECTION 5.** 24-72-204 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**24-72-204. Allowance or denial of inspection - grounds - procedure - appeal.** (3) (e) (I) THE PROVISIONS OF THIS PARAGRAPH (e) SHALL APPLY TO ALL PUBLIC SCHOOLS AND SCHOOL DISTRICTS. NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF PARAGRAPH (a) OF THIS SUBSECTION (3), UNDER POLICIES ADOPTED BY EACH LOCAL BOARD OF EDUCATION, CONSISTENT 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, INFORMATION DIRECTLY RELATED TO A STUDENT AND MAINTAINED BY A PUBLIC SCHOOL OR BY A PERSON ACTING FOR THE PUBLIC SCHOOL SHALL BE AVAILABLE FOR RELEASE IF THE DISCLOSURE MEETS ONE OR MORE OF THE FOLLOWING CONDITIONS:

(A) THE DISCLOSURE IS TO OTHER SCHOOL OFFICIALS, INCLUDING TEACHERS, WORKING IN THE SCHOOL AT WHICH THE STUDENT IS ENROLLED WHO HAVE SPECIFIC AND LEGITIMATE EDUCATIONAL INTERESTS IN THE INFORMATION FOR USE IN FURTHERING THE STUDENT'S ACADEMIC ACHIEVEMENT OR MAINTAINING A SAFE AND ORDERLY LEARNING ENVIRONMENT;

(B) THE DISCLOSURE IS TO OFFICIALS OF A SCHOOL AT WHICH THE STUDENT SEEKS OR INTENDS TO ENROLL OR THE DISCLOSURE IS TO OFFICIALS AT A SCHOOL AT WHICH THE STUDENT IS CURRENTLY ENROLLED OR RECEIVING SERVICES, AFTER MAKING A REASONABLE ATTEMPT TO NOTIFY THE STUDENT'S PARENT OR LEGAL GUARDIAN OR THE STUDENT IF HE OR SHE IS AT LEAST EIGHTEEN YEARS OF AGE OR ATTENDING AN INSTITUTION OF POSTSECONDARY EDUCATION, AS PRESCRIBED BY FEDERAL REGULATION;

(C) THE DISCLOSURE IS TO STATE OR LOCAL OFFICIALS OR AUTHORITIES IF THE DISCLOSURE CONCERNS THE JUVENILE JUSTICE SYSTEM AND THE SYSTEM'S ABILITY TO SERVE EFFECTIVELY, PRIOR TO ADJUDICATION, THE STUDENT WHOSE RECORDS ARE DISCLOSED AND IF THE

OFFICIALS AND AUTHORITIES TO WHOM THE RECORDS ARE DISCLOSED CERTIFY IN WRITING THAT THE INFORMATION SHALL NOT BE DISCLOSED TO ANY OTHER PARTY, EXCEPT AS OTHERWISE PROVIDED BY LAW, WITHOUT THE PRIOR WRITTEN CONSENT OF THE STUDENT'S PARENT OR LEGAL GUARDIAN OR OF THE STUDENT IF HE OR SHE IS AT LEAST EIGHTEEN YEARS OF AGE OR IS ATTENDING AN INSTITUTION OF POSTSECONDARY EDUCATION;

(D) THE DISCLOSURE IS TO COMPLY WITH A JUDICIAL ORDER OR A LAWFULLY ISSUED SUBPOENA, IF A REASONABLE EFFORT IS MADE TO NOTIFY THE STUDENT'S PARENT OR LEGAL GUARDIAN OR THE STUDENT IF HE OR SHE IS AT LEAST EIGHTEEN YEARS OF AGE OR IS ATTENDING A POSTSECONDARY INSTITUTION ABOUT THE ORDER OR SUBPOENA IN ADVANCE OF COMPLIANCE, SO THAT SUCH PARENT, LEGAL GUARDIAN, OR STUDENT IS PROVIDED AN OPPORTUNITY TO SEEK PROTECTIVE ACTION, UNLESS THE DISCLOSURE IS IN COMPLIANCE WITH A FEDERAL GRAND JURY SUBPOENA OR ANY OTHER SUBPOENA ISSUED FOR A LAW ENFORCEMENT PURPOSE AND THE COURT OR THE ISSUING AGENCY HAS ORDERED THAT THE EXISTENCE OR CONTENTS OF THE SUBPOENA OR THE INFORMATION FURNISHED IN RESPONSE TO THE SUBPOENA NOT BE DISCLOSED;

(E) THE DISCLOSURE IS IN CONNECTION WITH AN EMERGENCY IF KNOWLEDGE OF THE INFORMATION IS NECESSARY TO PROTECT THE HEALTH OR SAFETY OF THE STUDENT OR OTHER INDIVIDUALS, AS SPECIFICALLY PRESCRIBED BY FEDERAL REGULATION.

(II) NOTHING IN THIS PARAGRAPH (e) SHALL PREVENT PUBLIC SCHOOL ADMINISTRATORS, TEACHERS, OR STAFF FROM DISCLOSING INFORMATION DERIVED FROM PERSONAL KNOWLEDGE OR OBSERVATION AND NOT DERIVED FROM A STUDENT'S RECORD MAINTAINED BY A PUBLIC SCHOOL OR A PERSON ACTING FOR THE PUBLIC SCHOOL.

**SECTION 6.** 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, OR THE PRINCIPAL'S DESIGNEE, OF A SCHOOL IN WHICH THE JUVENILE IS OR WILL BE ENROLLED AS A STUDENT.

**SECTION 7.** 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)~~ (XI) of this paragraph (c):

(XI) TO THE PRINCIPAL, OR THE PRINCIPAL'S DESIGNEE, OF A SCHOOL IN WHICH THE JUVENILE IS OR WILL BE ENROLLED AS A STUDENT.

**SECTION 8.** 19-1-304, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

**19-1-304. Juvenile delinquency records.** (5.5) WHENEVER A PETITION IS FILED IN JUVENILE COURT, THE PROSECUTING ATTORNEY, ON OR BEFORE THE NEXT SCHOOL DAY, SHALL NOTIFY THE PRINCIPAL OF THE SCHOOL IN WHICH THE JUVENILE IS ENROLLED AND SHALL PROVIDE SUCH PRINCIPAL WITH THE ARREST AND CRIMINAL RECORDS INFORMATION, AS DEFINED IN SECTION 24-72-302 (1), C.R.S.

**SECTION 9.** 19-1-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

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

(94.3) "SCHOOL", AS USED IN SECTION 19-1-304, MEANS A PUBLIC OR PAROCHIAL OR OTHER 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 10.** 22-63-202 (4), Colorado Revised Statutes, is

amended to read:

**22-63-202. Employment contracts - contracts to be in writing - duration - damage provision.** (4) (a) Notwithstanding the provisions of section 24-72-204 (3) (a), C.R.S., upon a request from a school district or a school concerning a person applying for a position as a teacher, a school district may disclose to the requesting school district or school the reason or reasons why a teacher left employment with the original school district. UPON THE SPECIFIC REQUEST OF A SCHOOL DISTRICT AT WHICH A TEACHER HAS APPLIED FOR EMPLOYMENT, A SCHOOL DISTRICT MAY DISCLOSE ANY PERTINENT PERFORMANCE RECORD OR DISCIPLINARY RECORD OF A TEACHER THAT SPECIFICALLY RELATES TO ANY NEGLIGENT ACTION OF THE TEACHER THAT WAS FOUND TO HAVE ENDANGERED THE SAFETY AND SECURITY OF A STUDENT OR ANY DISCIPLINARY RECORD THAT RELATES TO BEHAVIOR BY THE TEACHER THAT WAS FOUND TO HAVE CONTRIBUTED TO A STUDENT'S VIOLATION OF THE SCHOOL DISTRICT'S CONDUCT AND DISCIPLINE CODE. The information disclosed pursuant to this paragraph (a) shall only be disclosed to personnel authorized to review the personnel file in the school district or school and to the person applying for a position as a teacher.

(b) No employment contract executed pursuant to this section shall contain a provision that restricts or prohibits a school district from disclosing to another school district or school the reason or reasons why a teacher left employment with the original school district OR FROM DISCLOSING TO ANOTHER SCHOOL DISTRICT ANY OF THE TEACHER'S DISCIPLINARY OR PERFORMANCE RECORDS PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (4).

**SECTION 11.** Part 2 of article 33 of title 22, Colorado Revised Statutes, is amended to read:

PART 2  
EXPULSION PREVENTION PROGRAMS

**22-33-201. Legislative declaration.** The general assembly hereby finds that EXCEPT WHEN A STUDENT'S BEHAVIOR WOULD CAUSE IMMINENT HARM TO OTHERS IN THE SCHOOL OR WHEN AN INCIDENT REQUIRES AUTOMATIC EXPULSION AS DEFINED BY STATE LAW OR A SCHOOL'S CONDUCT AND DISCIPLINE CODE, expulsion should be the last step taken after several attempts to deal with a student who has discipline problems. The general assembly further finds that school districts should work with the student's

parent or guardian and with state agencies and community-based nonprofit organizations to develop alternatives to help students who are at risk of expulsion before expulsion becomes a necessary step and to support students who are unable to avoid mandatory expulsion.

**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.

**22-33-202. Identification of at-risk students.** (1) Each school district shall adopt policies to identify students who are at risk of suspension or expulsion from school. Students identified may include those who have been or are likely to be declared habitually truant or are likely to be declared habitually disruptive. The school district shall provide students who are identified as at risk of suspension or expulsion with A PLAN TO PROVIDE the necessary support services to help them avoid expulsion. The school district shall work with the student's parent or guardian in providing said services and may provide said services through agreements with appropriate local governmental agencies, appropriate state agencies, community-based organizations, and institutions of higher education entered into pursuant to section 22-33-204. The failure of the school district to identify a student for participation in an expulsion prevention program or the failure of such program to remediate a student's behavior shall not be grounds to prevent school personnel from proceeding with appropriate disciplinary measures or used in any way as a defense in an expulsion proceeding.

(2) EACH SCHOOL DISTRICT MAY PROVIDE EDUCATIONAL SERVICES TO STUDENTS WHO ARE IDENTIFIED AS AT RISK OF SUSPENSION OR EXPULSION FROM SCHOOL. ANY SCHOOL DISTRICT THAT PROVIDES EDUCATIONAL SERVICES TO STUDENTS WHO ARE AT RISK OF SUSPENSION OR EXPULSION MAY APPLY FOR MONEYS THROUGH THE EXPELLED AND AT RISK STUDENT

SERVICES GRANT PROGRAM ESTABLISHED IN SECTION 22-33-205 TO ASSIST IN PROVIDING SUCH EDUCATIONAL SERVICES.

**22-33-203. Educational alternatives for expelled students.**

(1) Upon expelling a student, the school district shall provide information to the student's parent or guardian concerning the educational alternatives available to the student during the period of expulsion. If the parent or guardian chooses to provide a home-based educational program for the student, the school district shall assist the parent in obtaining appropriate curricula for the student if requested by the parent or guardian.

(2) (a) Except as otherwise provided in paragraph (b) of this subsection (2), upon request of a student or the student's parent or guardian, the school district shall provide, 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~~ THE SCHOOL IN WHICH HE OR SHE WAS ENROLLED PRIOR TO EXPULSION, to successfully complete the GED, OR TO ENROLL IN A NONPUBLIC, NONPAROCHIAL SCHOOL OR IN AN ALTERNATIVE SCHOOL, INCLUDING BUT NOT LIMITED TO A CHARTER SCHOOL OR A PILOT SCHOOL ESTABLISHED PURSUANT TO ARTICLE 38 OF THIS TITLE. 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) 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 educational services EITHER DIRECTLY OR in cooperation with one or more other school districts, boards of cooperative services, CHARTER SCHOOLS, NONPUBLIC, NONPAROCHIAL

SCHOOLS, or pilot schools established pursuant to article 38 of this title under contract with the expelling school district. ANY PROGRAM OF EDUCATIONAL SERVICES PROVIDED BY A NONPUBLIC, NONPAROCHIAL SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-107, C.R.S.

(II) 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).

(d) If an expelled student is receiving educational services delivered by a school district other than the expelling school district, BY A CHARTER SCHOOL IN A SCHOOL DISTRICT OTHER THAN THE EXPELLING SCHOOL DISTRICT, by a board of cooperative services, BY A NONPUBLIC, NONPAROCHIAL SCHOOL, or by a pilot school pursuant to an agreement entered into pursuant to subparagraph (I) of paragraph (c) of this subsection (2), the expelling school district shall transfer ~~eighty~~ NINETY-FIVE percent of the district per pupil ~~operating~~ revenues, AS DEFINED IN SECTION 22-30.5-112 (2) (a.5) (II) to the school district, CHARTER SCHOOL, NONPUBLIC, NONPAROCHIAL SCHOOL, board of cooperative services, or pilot school that is providing educational services, reduced in proportion to the amount of time remaining in the school year at the time the student begins receiving educational services.

(e) Any school district, CHARTER SCHOOL, NONPUBLIC, NONPAROCHIAL SCHOOL, BOARD OF COOPERATIVE SERVICES, OR PILOT SCHOOL that is providing educational services ~~within the school district~~ to expelled students pursuant to this subsection (2) may apply for moneys through the expelled student services grant program established in section 22-33-205 to assist in providing 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.

**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 AND FAITH-BASED organizations, WITH NONPUBLIC, NONPAROCHIAL SCHOOLS, 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. ANY SERVICES PROVIDED PURSUANT TO AN AGREEMENT WITH A NONPUBLIC, NONPAROCHIAL SCHOOL SHALL BE SUBJECT TO APPROVAL BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-2-107, C.R.S. Services provided through such agreements may include, but are not limited to:

(a) Educational services required to be provided under section 22-33-203 (2) AND ANY EDUCATIONAL SERVICES PROVIDED TO AT-RISK STUDENTS IDENTIFIED PURSUANT TO SECTION 22-33-202;

(b) Counseling services;

(c) Drug or alcohol-addiction treatment programs;

(d) Family preservation services.

(e) and (f) (Deleted by amendment, L. 98, p. 570, § 3, effective April 30, 1998.)

(2) At a minimum, each agreement entered into pursuant to this section shall specify the services to be provided under the agreement, the entity that will coordinate and oversee provision of the services, and the responsibilities of each entity entering into the agreement. In addition, each agreement shall require each entity entering into the agreement to contribute the services or funds for the provision of the services specified in the agreement. The agreement shall specify the services or the amount and source of funds that each entity will provide and the mechanism for providing said services or funds.

(3) Each school district shall use a portion of its per pupil operating revenue ~~received pursuant to article 54 of this title~~ to provide services under agreements entered into pursuant to this section for each student who is at risk of suspension or expulsion or who is suspended or expelled. In addition, the school district may use federal moneys, moneys received from any other state appropriation, and moneys received from any other public or private grant to provide said services.

**22-33-205. Services for expelled and at risk students - grants - criteria.** (1) (a) There is hereby established in the department of education the expelled AND AT RISK student services grant program, referred to in this section as the "program". The program shall provide grants to school districts, TO CHARTER SCHOOLS, TO ALTERNATIVE SCHOOLS WITHIN SCHOOL DISTRICTS, TO NONPUBLIC, NONPAROCHIAL SCHOOLS, TO BOARDS OF COOPERATIVE SERVICES, and to pilot schools established pursuant to article 38 of this title to assist them in providing educational services to expelled students pursuant to section 22-33-203 (2) and to students at risk of expulsion. ~~Any school district that provides 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.~~

(b) In addition to school districts, CHARTER SCHOOLS, ALTERNATIVE SCHOOLS WITHIN SCHOOL DISTRICTS, NONPUBLIC, NONPAROCHIAL SCHOOLS, BOARDS OF COOPERATIVE SERVICES, and pilot schools, the department of military affairs may apply for a grant pursuant to the provisions of this section to assist the department with a program to provide educational services to expelled students; EXCEPT THAT NONPUBLIC, NONPAROCHIAL SCHOOLS MAY ONLY APPLY FOR A GRANT PURSUANT TO THE PROVISIONS OF THIS SECTION TO FUNDED EDUCATIONAL SERVICES THAT HAVE BEEN APPROVED

BY THE STATE BOARD PURSUANT TO SECTION 22-2-107, C.R.S. The department shall follow application procedures established by the department of education pursuant to subsection (2) of this section. The department of education shall determine whether to award a grant to the department of military affairs and the amount of the grant.

(c) Grants awarded pursuant to this section shall be paid for out of any 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, A CHARTER SCHOOL, AN ALTERNATIVE SCHOOL WITHIN A SCHOOL DISTRICT, A NONPUBLIC, NONPAROCHIAL SCHOOL, A BOARD OF COOPERATIVE SERVICES, 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, AND THE CRITERIA THAT WILL BE USED TO EVALUATE THE EFFECTIVENESS OF THE EDUCATIONAL SERVICES PROVIDED.

(b) The state board shall determine which of the applying school districts, CHARTER SCHOOLS, ALTERNATIVE SCHOOLS WITHIN SCHOOL DISTRICTS, NONPUBLIC, NONPAROCHIAL SCHOOLS, BOARDS OF COOPERATIVE SERVICES, 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 costs incurred by the ~~applying school district~~ APPLICANT in providing educational services to expelled OR AT RISK students PURSUANT TO THE PROVISIONS OF THIS PART 2 during the school year preceding the school year for which the grant is requested;

(II) (Deleted by amendment, L. 98, p. 570, § 4, effective April 30, 1998.)

(III) The number of expelled OR AT RISK students WHO ARE receiving educational services through the ~~applying pilot school~~ APPLICANT under agreements entered into pursuant to ~~section 22-33-203 (2)~~ THE PROVISIONS OF THIS PART 2 during the school year preceding the year for which the grant is requested;

(IV) The quality of educational services to be provided by the ~~school district or pilot school~~ APPLICANT 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~~ APPLICANT in relation to the cost of the educational services provided under the plan; AND

(VII) IF THE APPLICANT IS SEEKING TO RENEW A GRANT OR HAS BEEN AWARDED A GRANT PURSUANT TO THIS SECTION IN THE PREVIOUS FIVE YEARS, THE DEMONSTRATED EFFECTIVENESS OF THE EDUCATIONAL SERVICES FUNDED BY THE PREVIOUS GRANT.

(3) THE STATE BOARD SHALL ANNUALLY AWARD AT LEAST FORTY-FIVE PERCENT OF ANY MONEYS APPROPRIATED FOR THIS GRANT PROGRAM TO APPLICANTS WHO PROVIDE EDUCATIONAL SERVICES TO STUDENTS FROM MORE THAN ONE SCHOOL DISTRICT.

**SECTION 12.** 22-33-106 (1) (c.5), 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) (I) Declaration as an habitually disruptive student pursuant to the provisions of this paragraph (c.5), which expulsion shall be mandatory.

(II) For purposes of this paragraph (c.5), "habitually disruptive student" means a child who has been suspended pursuant to paragraph (a), (b), (c), or (d) of this subsection (1) three times during the course of the school year for causing a material and substantial disruption in the classroom, on school grounds, on school vehicles, or at school activities or events, because of behavior that was initiated, willful, and overt on the part of the child. ANY STUDENT WHO IS ENROLLED IN A PUBLIC SCHOOL MAY BE SUBJECT TO BEING DECLARED AN HABITUALLY DISRUPTIVE STUDENT.

(III) The student and the parent, LEGAL guardian, or legal custodian

shall have been notified in writing of each suspension counted toward declaring the student as habitually disruptive pursuant to this paragraph (c.5) AND THE STUDENT AND PARENT, LEGAL GUARDIAN, OR LEGAL CUSTODIAN SHALL HAVE BEEN NOTIFIED IN WRITING AND BY TELEPHONE OR OTHER MEANS AT THE HOME OR THE PLACE OF EMPLOYMENT OF THE PARENT OR LEGAL GUARDIAN OF THE DEFINITION OF "HABITUALLY DISRUPTIVE STUDENT" AND THE MANDATORY EXPULSION OF SUCH STUDENTS.

~~(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 second suspension for a material and substantial disruption. 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 13.** 22-1-120 (3), Colorado Revised Statutes, is amended to read:

**22-1-120. Rights of free expression for public school students.**

(3) Nothing in this section shall be interpreted to authorize the publication or distribution IN ANY MEDIA by students of the following:

- (a) Expression ~~which~~ THAT is obscene;
- (b) Expression ~~which~~ THAT is libelous, slanderous, or defamatory under state law;
- (c) Expression ~~which~~ THAT is false as to any person who is not a public figure or involved in a matter of public concern; or
- (d) Expression ~~which~~ THAT creates a clear and present danger of the commission of unlawful acts, the violation of lawful school regulations, or the material and substantial disruption of the orderly operation of the school or ~~which~~ THAT violates the rights of others to privacy OR THAT THREATENS VIOLENCE TO PROPERTY OR PERSONS.

**SECTION 14.** 22-2-107 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

**22-2-107. State board - powers.** (1) The state board has the power:

(s) TO APPROVE PROGRAMS BY NONPUBLIC, NONPAROCHIAL SCHOOLS TO PROVIDE EDUCATIONAL SERVICES TO STUDENTS PURSUANT TO SECTION 22-33-203, C.R.S., AND TO APPROVE SERVICES TO BE PROVIDED TO AT RISK STUDENTS PURSUANT TO AGREEMENTS ENTERED INTO PURSUANT TO SECTION 22-33-204, C.R.S.

**SECTION 15. Appropriation.** In addition to any other appropriation, for the fiscal year beginning July 1, 2000, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, the sum of two million dollars, or so much thereof as may be necessary for implementation of part 2 of article 33 of title 22, Colorado Revised Statutes.

**SECTION 16. 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.

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Ray Powers  
PRESIDENT OF  
THE SENATE

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Russell George  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Patricia K. Dicks  
SECRETARY OF  
THE SENATE

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Judith M. Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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Bill Owens  
GOVERNOR OF THE STATE OF COLORADO