

**Colorado House Bill 12-1345:
School Finance Bill**

Summary of the provisions of Section 21: Disciplinary Measures in Public Schools

1. **Section 21 (1) (a)** The use of inflexible “zero-tolerance” policies has resulted in unnecessary expulsions, out-of-school suspension and referrals to law enforcement agencies.
2. **22-32-109.1 (1.5)** School district shall adopt a mission statement that includes “making safety for all students and staff a priority in each public school of the district” and create a “Safe School Plan”, including a Conduct and Discipline Code and Safe School Reporting Requirements
 - **22-32-109.1 (1) (a)** “Action taken means a specific type of discipline including but not limited to the following categories of discipline”:
 - In school suspension
 - Out-of-school suspension
 - Classroom removal in accordance with board policy
 - Expulsion
 - Referral to a law enforcement agency, or
 - Any other form of discipline, which shall be officially identified as part of board policy
 - **22-32-101.1 (1) (b) (IV)** “The number of conduct and discipline code violations, each of which violations...including, but not limited to specific information identifying the number of, and the action taken with respect to, each of the following types of violations”:
 - Possessing a dangerous weapon
 - Use or possession of alcohol
 - Use, possession or sale of a drug or controlled
 - Use or possession of a tobacco product
 - Being willfully disobedient or openly and persistently defiant or repeated interfering with the school’s ability to provide educational opportunities, and a safe environment for, other students
 - First degree assault
 - Second degree assault
 - Third degree assault
 - Vehicular assault
 - Behavior...that is detrimental to the welfare or safety of other students or of school personnel
 - Willful destruction or defacement of school property
 - Other violations of the code of conduct and discipline that resulted
 - Referral to law enforcement:
 - **Section 21 (1) (f) (I)** Encouraged to include...which violations of the code require a referral to law enforcement
 - **Section 21 (1) (f) (II)** Encouraged to include...which violations of the code may result in a referral to law enforcement, subject to the discretion of a school administration or a local board of education
3. Amends ground for suspension and expulsion
 - **22-33-106 (1.5)** Firearm is only mandatory offense
 - **22-33-106** *May* suspend or expel for: habitually disruptive student; possession of dangerous weapon; use, possession or sale of drug or controlled substance; robbery; third degree assault; false accusation of criminal activity
4. **22-32-109.1 (II) (A)** Impose proportionate disciplinary interventions and consequences
5. **22-32-109.1 (2) (II) (B)** Use prevention, intervention, restorative justice, peer mediation, counseling and other approaches to address misconduct

6. **22-33-106 (1.2)** School districts are encouraged to consider the following when suspending or expelling a student, or referring a student to law enforcement (**Section 21 (III)**):
 - Student's age
 - Disciplinary history
 - Whether the student has a disability
 - Seriousness of violation
 - Whether the violation committed threatened safety of any student or staff member
 - Whether a lesser intervention would properly address the violation committed
7. **22-32-109.1 (2) (B)** Disruptive Student:
 - A student who causes a disruption on school grounds, in a school vehicle or at a school activity or sanctioned event,
 - Conduct and Discipline Code must contain a specific policy allowing a teacher to remove a disruptive student from his or her classroom.
 - Upon the third such removal from a teacher's class, the teacher may remove the disruptive student from the teacher's class for the remainder of the term of the class
 - Disruptive student shall not be removed from a teacher's class for the remainder of the term unless a behavior plan has been developed and implemented
 - May be developed after first removal, but must be developed after second
 - Student and parent, legal guardian or legal custodian shall be notified in writing of each disruption counted toward declaring the student as habitually disruptive
8. Habitually Disruptive:
 - **22-33-106 (1) (c.5) (II)** Definition changed from "student who has been suspended...three times during the school year" to "student who has caused a material and substantial disruption...three or more times during the course of the school year."
 - **22-33-106 (1) (c.5) (III)** Student and parent, legal guardian or legal custodian shall be notified in writing of each disruption counted toward declaring the student as habitually disruptive
9. **22-33-105 (2) (III)** Shall allow student to make up school work during the period of suspension for full or partial academic credit
 - Intent is to provide an opportunity to reintegrate into the educational program and to help prevent the student from dropping out of school.
10. **22-32-109.1 (1) (b)** Includes updated Bully Prevention and Education (HB 11-1254) definition and components
11. **Section 21 (2) (a) (b)** Legislative services agencies shall conduct a post-enactment review of this act four years after this act becomes law and report their conclusions to the education committees