

ARTICLE 32
SCHOOL DISTRICT BOARDS - POWERS
AND DUTIES

22-32-101. Corporate status of school districts.

Each regularly organized school district heretofore or hereafter formed is declared to be a body corporate with perpetual existence, and in its name it may hold property for any purpose authorized by law, sue and be sued, and be a party to contracts for any purpose authorized by law.

Source: L. 64: p. 573, § 1. C.R.S. 1963: § 123-30-1.

22-32-102. Corporate status - when questioned.

Except when the corporate status of a school district has been dissolved as provided by law, each school district which has undisputedly exercised the prerogatives and privileges of a legally formed school district during a period of twelve consecutive months following the first election of its school directors shall be deemed to be a de jure school district, and the corporate status thereof shall not thereafter be questioned.

Source: L. 64: p. 573, § 2. C.R.S. 1963: § 123-30-2.

22-32-103. Board of education - general powers and duties.

(1) Each school district shall be governed by a board of education consisting of the number of school directors prescribed by law. Such board of education shall possess all powers delegated to a board of education or to a school district by law, and shall perform all duties required by law.

(2) Each school director shall have access to all school records at all times.

Source: L. 64: p. 573, § 3. C.R.S. 1963: § 123-30-3.

22-32-104. Organization of board of education - definition.

(1) Within fifteen days after a school district receives the official abstract of votes pursuant to section 1-10-102, C.R.S., the incumbent secretary of the school district shall call a special meeting of the board of education of the district for the purpose of selecting officers of the board. At the meeting the incumbent president of the board shall preside until a successor has been

elected and qualified.

(2) The officers of a board of education of a school district shall be a president, a vice-president, a secretary, and a treasurer, and, at the discretion of the board, an assistant secretary and an assistant treasurer. One person may simultaneously hold the offices of secretary and treasurer, or the offices of assistant secretary and assistant treasurer if there be such offices.

(3) The president and vice-president shall be members of the board, shall be elected by a majority of the board, and shall each hold office for a term of two years and until a successor has been elected and qualified. Whenever a vacancy occurs in either office, the remaining members of the board shall elect a successor to fill the vacancy for the unexpired term. A vacancy shall occur in either office under the same conditions and in the same manner prescribed for a vacancy occurring in the office of a school director. Whenever a vacancy occurs in the office of a school director who is also president or vice-president of the board, nothing contained in this section shall be construed to mean that the person appointed to fill the vacant office of school director shall also be entitled to serve as such officer of the board.

(4) (a) The secretary and treasurer, and the assistant secretary and assistant treasurer if there be such offices, shall be appointed by the board. They may or may not be members of the board and shall hold their offices at the pleasure of the board.

(b) Except as provided in paragraph (d) of this subsection (4), no person shall enter upon the office of secretary or treasurer, or assistant secretary or assistant treasurer if there are such offices, until he or she has given a surety bond, in form satisfactory to the board, in the amount of five thousand dollars, conditioned upon the faithful performance of his or her duties as required by law and prescribed by the bylaws of the board of education. In addition, except as provided in paragraph (d) of this subsection (4), the treasurer, and the assistant treasurer if there be such office, shall give bond in such further amount, in such form, and for such purposes as the board may require.

(c) The board may also appoint and authorize any other person to act as custodian of moneys belonging to the district. Except as provided in paragraph (d) of this subsection (4), such person shall give surety bonds, in such amount and form and for such purposes as the board may require.

(d) In lieu of the bonds required by paragraphs (b) and (c) of this subsection (4), a school district may purchase crime insurance coverage on behalf of the officers and employees to protect the school district from any malfeasance on the part of the officer while in office or employees.

(5) The officers and members of the board of education of a school district may be compensated for their services in an amount determined by written resolution adopted by a majority vote of the board in a public meeting; except that no officer or member of the board may have his or her compensation increased during the term in office to which he or she has

been elected or appointed. All officers and members of the board shall be reimbursed for necessary expenses incurred in the performance of their duties in an official capacity in amounts approved by a majority vote of the board in a public meeting.

(6) (a) Any compensation provided to officers and members of the board pursuant to section 22-32-104 (5) shall not be higher than one hundred fifty dollars per day for not more than five days of service per week, excluding federal and state holidays. The board may only receive compensation for days when official board duties are performed. For purposes of this subsection (6)(a), "official board duties" means board meetings and other official activities and duties, including those that are conducted with a majority of the board present.

(b) After January 1, 2022, any compensation provided to officers and members of the board pursuant to section 22-32-104 (5) and subsection (6)(a) of this section may be adjusted by the board in accordance with changes in the United States department of labor's bureau of labor statistics consumer price index for Denver-Aurora-Lakewood for all items and all urban consumers, or its successor index.

Source: L. 64: p. 574, § 4. C.R.S. 1963: § 123-30-4. L. 77: (4)(c) added, p. 575, § 4, effective June 10. L. 94: (1) amended, p. 1187, § 80, effective July 1. L. 2006: (1) amended, p. 1024, § 5, effective May 25. L. 2007: (1) amended, p. 1984, § 39, effective August 3. L. 2016: (4)(b) and (4)(c) amended and (4)(d) added, (HB 16-1013), ch. 28, p. 64, § 1, effective March 18. L. 2021: (5) amended and (6) added, (HB 21-1055), ch. 145, p. 857, § 1, effective May 17.

22-32-105. Duties - president and vice-president.

(1) The president of the board shall preside at all meetings of the board. He shall sign any written contract to which the school district may be a party when such contract has been authorized by the board, and he shall sign all official reports of the district except when otherwise provided by law.

(2) In the absence or inability of the president, the vice-president shall have and perform all of the powers and duties of the president.

Source: L. 64: p. 575, § 5. C.R.S. 1963: § 123-30-5.

22-32-106. Duties - secretary.

(1) The secretary of the board shall cause written notice to be given to each member of the board of all special meetings of the board. He shall cause minutes of each meeting of the board to be kept and preserved. He shall cause all notices of election to be published and posted when so required by law. He shall be custodian of the seal of the district, shall attest any written contract to which the district may be a party when such contract has been authorized by the

board, and shall affix the seal thereto. He shall perform such other duties as may be assigned to him by the board.

(2) In the absence or inability of the secretary, the assistant secretary, if any, or an officer of the board designated by the president if there is no assistant secretary, shall perform the duties of the secretary.

Source: L. 64: p. 575, § 6. C.R.S. 1963: § 123-30-6.

22-32-107. Duties - treasurer.

(1) The treasurer of the board shall account for all moneys belonging to the district, or coming into its possession, and shall render a report thereof when so required by the board.

(2) In all cases where moneys belonging to a district remain in the custody of the county treasurer, all warrants or orders drawn on the county treasurer in payment of lawfully incurred and properly authorized obligations of the district shall bear the written or facsimile signature of the treasurer of the board and, if required by the board, the written countersignature of any other person designated by the board.

(3) In all cases where the moneys belonging to a district are withdrawn from the custody of the county treasurer, such withdrawn moneys and all other moneys belonging to the district shall be deposited by the treasurer of the board or such other custodians authorized and appointed by the board to the credit of the district in one or more depositories designated by the board. All checks in payment of lawfully incurred and properly authorized obligations of the district drawn on any such depository shall bear the written or facsimile signature of the treasurer or custodian and, if required by the board, the written countersignature of any other person designated by the board.

(4) The board, by appropriate resolution, may authorize the treasurer or any custodian employed by the district to deposit, or cause to be deposited, any moneys derived from food services or operation of a lunchroom or from other school activities or any other moneys received by the district, in such depository as it may designate, and may likewise authorize the treasurer or custodians employed by the district to sign checks drawn on any such depository in payment of lawfully incurred and properly approved expenditures.

(5) The treasurer shall perform such other duties as may be assigned to him by the board.

(6) In the absence or inability of the treasurer, the assistant treasurer, if any, or an officer of the board designated by the president, if there is no assistant treasurer or other custodians appointed by the board, shall perform the duties of the treasurer.

Source: L. 64: p. 575, § 7. C.R.S. 1963: § 123-30-7. L. 77: (3), (4), and (6) amended, p. 575, § 5, effective June 10.

22-32-108. Meetings of the board of education - legislative intent.

(1) Regular meetings of the board of education of a school district shall be held at the time and place provided for in its bylaws. Special meetings may be called by the president at any time, and shall be called by him upon written request of a majority of the members of the board.

(2) (a) The secretary of the board shall cause written notice of any special meeting to be mailed or delivered to each member of the board stating the time, place, and purpose of the meeting; if the notice is delivered, it shall be in the hands of the member no later than twenty-four hours prior to the hour set for the meeting, and if it is mailed, it shall be mailed no later than seventy-two hours prior to the hour set for the meeting.

(b) Notwithstanding any provision of paragraph (a) of this subsection (2) to the contrary, if the department of education determines that a school district is rural, based on the geographic size of the school district and the distance of the school district from the nearest large, urbanized area, and the school district enrolls six thousand five hundred or fewer students in kindergarten through twelfth grade, the secretary of the board for the school district may comply with the provisions of paragraph (a) of this subsection (2) by delivering the written notice of a special meeting to each board member by electronic mail at least twenty-four hours before the hour set for the meeting.

(3) Any member may waive notice of the time, place, and purpose of a special meeting at any time before, during, or after such meeting, and attendance thereat shall be deemed to be a waiver.

(4) At any special meeting, no business other than that stated in the notice of said meeting shall be transacted, unless all members are present and shall consent to consider and transact other business.

(5) (a) All regular and special meetings of the board shall be open to the public, but the board may require any person who disturbs good order to leave. At any regular or special meeting the board may proceed in executive session in accordance with the requirements of this paragraph (a) and paragraph (d) of this subsection (5). Only those persons invited by the board may be present during executive session, and the board shall not make final policy decisions while in executive session. At the special meeting of the board called pursuant to section 22-32-104 (1), each board member shall sign an affidavit stating that the board member is aware of and will comply with the confidentiality requirements and restrictions applicable to executive sessions of the board, as described in section 24-6-402, C.R.S., regardless of whether the board member participates in the executive session in person or electronically in accordance with the board policy adopted pursuant to subsection (7) of this section. The school district shall keep and preserve the affidavits with the minutes of board meetings and other board documents.

(b) The board shall make a recording of each regular and special meeting of the board at which votes are taken and recorded and shall make the recording available to the public. The

board, at its discretion, shall use appropriate technology that is available within the school district at the time the recording is made and shall, at a minimum, make an audio recording. An individual or entity may request a copy of a recording and shall pay the costs the board incurs in providing the copy, pursuant to section 24-72-205, C.R.S.

(c) The board shall institute a policy requiring, at a minimum, retaining recordings of board meetings made pursuant to this subsection (5) for a minimum of ninety days.

(d) In the case of a meeting of a board of education during which an executive session is held, the minutes of the meeting must indicate the topic of the discussion at the executive session as well as the amount of time each topic was discussed while the board was meeting in executive session. The minutes along with the amount of time each topic was discussed must be posted on the website of the board not later than ten business days following the meeting at which the minutes are approved by the board. If the board does not maintain a website, the minutes must be published in the same manner as the board regularly provides public notice. The board shall comply with all other requirements pertaining to the holding of a meeting in executive session including, without limitation, those specified in section 24-6-402 (2)(d.5)(II)(A), C.R.S.

(e) Notwithstanding section 24-6-402 (2)(d.5)(II)(E), C.R.S., the record of an executive session of a board of education that is electronically recorded pursuant to section 24-6-402 (2)(d.5)(II)(A), C.R.S., including, without limitation, the actual electronic recording of the executive session, must be retained for at least ninety days after the date of the executive session.

(6) All voting at any meeting shall be by roll call. The names of the members shall be called alphabetically, and each member present shall orally vote "Aye" or "No" upon each question unless excused from voting by the board for good cause. Election of the president and vice-president may be by secret ballot.

(7) (a) The board may adopt a policy authorizing board members to attend and participate in regular or special meetings electronically. At a minimum, the policy must ensure that a meeting at which one or more board members participate electronically is open to the public and that the members who participate electronically are included in the recording made in accordance with paragraph (b) of subsection (5) of this section. A member who participates electronically in conformance with the policy is considered present for purposes of subsections (4) and (6) of this section.

(b) It is the intent of the general assembly that a board that adopts a policy authorized in subsection (7)(a) of this section to allow board members to attend and participate electronically in regular or special board meetings ensures that the policy:

(I) Requires a quorum of the board, including members physically present and members attending electronically, to convene a meeting;

(II) Allows members of the board to attend the meeting electronically only when there are extenuating circumstances, as described in the board's policy;

(III) Leaves discretion to the board to decide the maximum number of board meetings that a member may attend electronically before the member's position is declared to be vacant;

(IV) Requires the board to have technology in place that ensures that members of the public can hear the comments made by a board member who attends the meeting electronically and that the board member can hear comments made by the public;

(V) Clearly describes the methods by which a board member may attend a meeting electronically, which methods may include attendance via telephone, video conferencing, or other electronic means; and

(VI) Requires the board to have a procedure in place to ensure that a board member who attends the meeting electronically has real-time access to any materials that are presented and available to members who are physically present at the meeting.

Source: L. 64: p. 576, § 8. C.R.S. 1963: § 123-30-8. L. 2009: (5) amended, (HB 09-1082), ch. 67, p. 234, § 1, effective August 5. L. 2013: (5)(a) amended and (7) added, (SB 13-015), ch. 52, p. 175, § 1, effective August 7. L. 2014: (5)(a) amended and (5)(d) and (5)(e) added, (SB 14-182), ch. 393, p. 1985, § 1, effective June 6. L. 2015: (2) amended, (HB 15-1321), ch. 217, p. 798, § 5, effective May 22. L. 2020: IP(7)(b), (7)(b)(I), (7)(b)(IV), and (7)(b)(V) amended and (7)(b)(VI) added, (HB 20-1301), ch. 25, p. 91, § 1, effective March 18.

22-32-108.5. Board of education - distribution of additional mill levy revenue - legislative declaration - definitions.

(1) (a) The general assembly recognizes that section 15 of article IX of the state constitution grants to each school district board of education control of instruction in the schools of the school district. The power of local control of instruction applies to all of the schools of the school district and therefore imposes on the school district board of education the responsibility to ensure the equitable treatment of all of the students enrolled in all of the schools of the school district.

(b) The general assembly further finds that section 2 of article IX of the state constitution requires the general assembly to provide for the maintenance of a thorough and uniform system of free public schools throughout the state. Requiring each school district board of education to equitably use and distribute its resources to meet the needs of all students enrolled in all of the schools of the school district supports greater uniformity in providing public education services within each school district and throughout the state.

(c) The general assembly finds, therefore, that each school district board of education has the duty to ensure that the school district uses and allocates its resources in a manner that results in the equitable treatment of all students enrolled in the school district, according to their individual needs, regardless of the type of school of the school district in which each student is enrolled.

(2) As used in this section, unless the context otherwise requires:

(a) "Additional mill levy revenue" means the amount of property tax revenue that a school district collects from mills that are authorized by voters before, on, or after June 2, 2017, and that a school district levies in addition to the school district's total program mill levy established in section 22-54-106 (2) or (2.1), whichever is applicable, not including mills that a school district may levy for purposes of incurring or repaying bonded indebtedness or for paying amounts due pursuant to installment sales agreements, financed purchase of an asset agreements, or certificate of participation agreements entered into as of June 2, 2017, for which additional mill levy revenue was contractually committed as of June 2, 2017.

(b) "Alternative education campus" means a public school that is designated by the state board of education as an alternative education campus pursuant to section 22-7-604.5.

(c) "Charter school" means a charter school authorized by a school district as provided in part 1 of article 30.5 of this title 22.

(d) "Innovation school" means a school in which a local school board implements an innovation plan as provided in section 22-32.5-104 or a school that is included in an innovation school zone, as defined in section 22-32.5-103.

(e) "Local school board" means the school district board of education of a participating school district.

(f) "Participating school district" means a school district that, on or after June 2, 2017:

(I) Collects additional mill levy revenue; and

(II) Is designated as a school district of innovation as provided in article 32.5 of this title 22 or authorizes at least one charter school as provided in part 1 of article 30.5 of this title 22.

(g) "Per pupil mill levy share" means an amount equal to the total amount of additional mill levy revenue that a participating school district collects for a budget year divided by the school district's funded pupil count, as determined pursuant to article 54 of this title 22, for that budget year.

(h) "Per pupil program share" means an amount equal to the amount of additional mill levy revenue allocated to a program in a participating school district's plan, divided by the total number of students enrolled in the schools of the participating school district who are eligible to participate in the program, multiplied by the number of eligible students enrolled in a charter school or school of innovation that chooses to receive the per pupil program share in lieu of participating in the program.

(i) "Plan" means the plan for using and distributing additional mill levy revenue as described in this section that is adopted by a local school board.

(j) "Type" means the status of a school of the school district as a traditional, charter, innovation, or magnet school or as operating under some other organizational or governance structure. "Type" does not include a school's status as an alternative education campus or other alternative high school or status based on the grade levels the school serves or the type of performance plan the school operates under as described in part 4 of article 11 of this title 22.

(3) For the 2019-20 budget year and for each budget year thereafter, the local school board of each participating school district shall either implement a plan for using and distributing the additional mill levy revenue that the participating school district collects for each budget year, as described in subsection (4) of this section, or distribute to each charter school and innovation school of the participating school district an amount equal to at least ninety-five percent of the participating school district's per pupil mill levy share for the applicable budget year multiplied by the number of students enrolled in the charter school or the innovation school for the applicable budget year, as described in subsection (5) of this section.

(4) (a) A local school board that chooses to adopt a plan must adopt the plan by July 1, 2018. Subject to statutory limits or requirements that apply to specific mill levy authorizations and any purposes specifically approved by voters in approving additional mill levy revenue, the plan must ensure that the additional mill levy revenue is distributed to, or otherwise used for programs that benefit, the schools of the participating school district based on meeting the needs of and equitably supporting the education of all of the students enrolled in all of the schools of the participating school district, regardless of the type of school in which each student is enrolled. For each program included in the plan, a charter school or innovation school may choose to receive the per pupil program share in lieu of participating in the program, in which case the participating school district shall distribute to the charter school or innovation school the per pupil program share. The charter school or innovation school shall use the per pupil program share to provide a program or services, as selected by the charter school or innovation school, to benefit the students for whom it received the per pupil program share. The local school board shall ensure that the determination of the amount of additional mill levy revenue that a school of the participating school district receives as a distribution or through participation in a program is not based on and does not take into account the school's type. The local school board shall ensure that equitable distribution of the additional mill levy revenue is fully implemented in the 2019-20 budget year and in each budget year thereafter.

(b) Through the plan, a local board of education may use the additional mill levy revenue to provide additional per pupil funding to students enrolled in alternative education campuses, students who qualify for free or reduced-price meals under the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., students identified as English language learners pursuant to section 22-24-105, and students who have individualized education programs under part 1 of article 20 of this title 22, so long as the amount distributed for the benefit of each student is the same regardless of the type of school in which the student is enrolled.

(c) Each plan must require the local school board to equitably distribute all of the participating school district's additional mill levy revenue that is not distributed for specific programs or student populations, as provided in subsections (4)(a) and (4)(b) of this section, to the schools of the participating school district in direct proportion to the number of students enrolled in each school. The distribution must include all of the schools of the participating school district without regard to type of school.

(d) Each plan must:

(I) Identify the amount of additional mill levy revenue that the participating school district spends on administrative services or other district-level uses as specifically authorized in this subsection (4);

(II) Describe each of the administrative services or other district-level uses; and

(III) Specify how the administrative services or other district-level uses benefit all of the students enrolled in the schools of the participating school district.

(e) Each local school board that adopts a plan shall periodically review the plan and update it as necessary to ensure that the additional mill levy revenue that the participating school district collects is equitably distributed as provided in subsections (4)(a) to (4)(c) of this section to the schools of the participating school district to benefit all of the students enrolled in all of the schools of the participating school district.

(f) Notwithstanding any provision of this subsection (4) to the contrary, a local school board may, but is not required to, distribute a portion of the additional mill levy revenue to a multi-district online school of the participating school district.

(5) (a) Beginning in the 2019-20 budget year and in each budget year thereafter, the local school board of a participating school district that chooses not to adopt a plan shall distribute to each charter school and innovation school of the participating school district an amount equal to at least ninety-five percent of the participating school district's per pupil mill levy share for the applicable budget year multiplied by the number of students enrolled in the charter school or the innovation school for the applicable budget year. In counting the number of pupils enrolled in a charter school or innovation school, the school district shall count a pupil enrolled in kindergarten or in a preschool program as at least a half-day pupil and may, at the school district's discretion, count a pupil who is included in the school district's online pupil enrollment, as defined in section 22-54-103.

(b) If a local school board has in place or adopts a written policy that directs the participating school district to distribute any portion of its additional mill levy revenue to specifically benefit students enrolled in alternative education campuses, students who qualify for free or reduced-price meals under the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., students who are identified as English language learners under section

22-24-105, or students who have individualized education programs under part 1 of article 20 of this title 22, the participating school district may continue distributing the revenue for these purposes, so long as:

(I) The amount distributed for each student is the same regardless of the type of school in which the student is enrolled; and

(II) The participating school district distributes any amount of additional mill levy revenue that remains after distribution for these purposes in accordance with subsection (5)(a) of this section.

(6) If a local school board distributes a portion of the total additional mill levy revenue that it collects for the 2016-17 budget year to the charter schools or innovation schools of the participating school district by percentage, by distribution of a per pupil amount, or by a combination of percentage and per pupil amount, the local school board shall ensure that the percentage of the total additional mill levy revenue and the per pupil amount that is distributed to the charter schools and innovation schools of the participating school district is not reduced for the 2017-18 and 2018-19 budget years. An authorizing school district or the charter school may renegotiate contract provisions concerning services or fees for services as a material revision to the charter contract, subject to the provisions of section 22-30.5-105 (4), which renegotiation shall not include negotiations regarding reauthorization of the charter school.

(7) The amount of additional mill levy revenue that a charter school receives pursuant to this section is in addition to the amount of money that the charter school receives from the school district pursuant to part 1 of article 30.5 of this title 22. The amount of additional mill levy revenue that an innovation school receives pursuant to this section is in addition to any amount of money that the innovation school receives through the school's innovation plan as provided in article 32.5 of this title 22.

(8) Notwithstanding any provision of this section to the contrary, if a school district authorizes a charter school that is physically located within the geographic boundaries of another school district, the chartering school district is not required to include in the plan described in subsection (4) of this section or in the distribution described in subsection (5) of this section any amount of additional mill levy revenue for students who are enrolled in the charter school but do not reside within the boundaries of the school district.

(9) Beginning July 1, 2018, each participating school district shall:

(a) If the local school board chooses to adopt a plan, post a copy of the plan on the participating school district's website as provided in section 22-44-304 and annually update the plan as necessary; or

(b) If the local school board chooses not to adopt a plan, for the 2018-19 budget year, post a statement of intent to distribute the additional mill levy revenue as provided in subsection (5) of this section and, for the 2019-20 budget year and annually for each budget year thereafter, post

the total amount of additional mill levy revenue collected by the participating school district for each property tax year, the amount distributed to support specific student populations as described in subsection (5)(b) of this section, and the total amount distributed to support said student populations and on a per-pupil basis to each charter school and innovation school, as a percentage and as a dollar amount.

(10) A charter school that receives any amount of additional mill levy revenue pursuant to this section shall ensure that the charter school admissions policy is in compliance with section 22-30.5-104 (3).

Source: L. 2017: Entire section added, (HB 17-1375), ch. 287, p. 1586, § 1, effective June 2. **L. 2020:** (2)(a) amended, (HB 20-1418), ch. 197, p. 953, § 35, effective June 30. **L. 2021:** (2)(a) amended, (HB 21-1316), ch. 325, p. 2000, § 12, effective July 1. **L. 2024:** (2)(g) amended, (HB 24-1448), ch. 236, p. 1532, § 41, effective May 23.

22-32-109. Board of education - specific duties - definitions.

(1) In addition to any other duty required to be performed by law, each board of education has the following specific duties:

(a) To adopt written bylaws, not inconsistent with law, for its organization and operation;

(b) To adopt policies and prescribe rules and regulations necessary and proper for the efficient administration of the affairs of the district, including procedures for competitive bidding in the purchase of goods and services, except professional services, for the district;

(c) To cause a true and correct copy of all current bylaws, policies, and rules and regulations adopted or prescribed by the board to be made available for public inspection at the administrative office of the district during reasonable business hours;

(d) To cause to be filed with the department of education the name, address, and length of term of office of each school director; and the name, address, identification of office, and date of election or appointment of the president, vice-president, secretary, and treasurer, and of the assistant secretary and assistant treasurer if there are such offices;

(e) To cause minutes of all proceedings of the board, except those of an executive session, to be recorded in convenient form, which record shall be open for public inspection at the administrative office of the district during reasonable business hours;

(f) (I) To employ all personnel required to maintain the operations and carry out the educational program of the district and to fix and order paid their compensation. Prior to the employment of any person, the board shall make an inquiry to the department of education in accordance with the provisions of section 22-32-109.7 (1). A board of a district of innovation, as defined in section 22-32.5-103 (2), may delegate the duty specified in this paragraph (f) to an

innovation school, as defined in section 22-32.5-103 (3), or to a school in an innovation school zone, as defined in section 22-32.5-103 (4).

(II) and (III) Repealed.

(g) To require any employee or other person who may receive into his custody moneys which properly belong to the district to deliver such moneys to the treasurer of the district, or to deposit such moneys in a depository designated by the board;

(h) To require each employee who is likely to have in his or her temporary custody at any one time an amount of school district moneys in excess of fifty dollars to be bonded in an amount at least sufficient to cover the amount of school district moneys which is likely to be in his or her temporary custody at any time, or to be bonded in such greater amount as the board may determine. A blanket form of surety bond may be utilized to cover more than one such employee. The district shall pay the costs for any such bonds. In lieu of the bonds required by this paragraph (h), the district may purchase crime insurance coverage to protect the district from any malfeasance on the part of such employee.

(i) To cause to be kept complete and accurate financial records of the school district by funds and accounts, maintained on the basis of generally recognized principles of governmental accounting;

(j) To cause to be kept the stubs of, or a register of, all warrants or orders drawn upon school district moneys in the various funds, showing the number of each warrant or order, the date issued, the object or purpose for which drawn, the amount and to whom payable, or, in lieu thereof, similar records as normally provided in accounting procedures through the use of automatic processing;

(k) To cause a statement of the financial condition of the district to be published and posted as required by law, to cause all accounts to be audited as required by law, and to review from time to time during each fiscal year the financial position of the district;

(l) To cause all statements of account and all canceled warrants and orders to be kept on file for six years;

(m) To cause such records as relate to the affairs or business of the district to be preserved and disposed of only in the manner provided by law;

(n) (I) To determine, prior to the end of a school year, the length of time which the schools of the district shall be in session during the next following school year, but in no event shall said schools be scheduled to have fewer than one thousand eighty hours of planned teacher-pupil instruction and teacher-pupil contact during the school year for secondary school pupils in high school, middle school, or junior high school or less than nine hundred ninety hours of such instruction and contact for elementary school pupils or fewer than four hundred fifty hours of such instruction for a half-day kindergarten program or fewer than nine hundred hours of such

instruction for a full-day kindergarten program. In no case shall a school be in session for fewer than one hundred sixty days without the specific prior approval of the commissioner of education. In extraordinary circumstances, if it appears to the satisfaction of the commissioner that compliance with the provisions of this subparagraph (I) would require the scheduling of hours of instruction and contact at a time when pupil attendance will be low and the benefits to pupils of holding such hours of instruction will be minimal in relation to the cost thereof, the commissioner may waive the provisions of this subparagraph (I) upon application therefor by the board of education of the district.

(II) (A) The actual hours of teacher-pupil instruction and teacher-pupil contact specified in subparagraph (I) of this paragraph (n) may be reduced to no fewer than one thousand fifty-six hours for secondary school pupils, no fewer than nine hundred sixty-eight hours for elementary school pupils, no fewer than four hundred thirty-five hours for half-day kindergarten pupils, or no fewer than eight hundred seventy hours for full-day kindergarten pupils, for parent-teacher conferences, staff in-service programs, and closing deemed by the board to be necessary for the health, safety, or welfare of students.

(B) Prior to the beginning of the school year, each district shall provide for the adoption of a district calendar which is applicable to all schools within the district or shall provide for the adoption of a school calendar for each individual school within the district. The district calendar or individual school calendars may be adopted by the board of education, the district administration, the school administration, or any combination thereof. A copy of the calendar shall be provided to the parents or guardians of all children enrolled in schools within the district. Such calendar shall include the dates for all staff in-service programs scheduled for the school year. The board, district administration, or school administration shall allow for public input from parents and teachers prior to scheduling the dates for staff in-service programs. Any change in the calendar, excluding changes resulting from emergency closings or other unforeseen circumstances, shall be preceded by adequate and timely notice from the board, district administration, or school administration of not less than thirty days.

(o) When so directed by the state board of education, but no more often than once during any twelve-month period, to cause a census of all persons resident within the district who have not attained the age of twenty-one years, or any age group thereof, to be taken on a prescribed date, upon such forms as shall be supplied by the state board;

(p) To appoint an attendance officer as required by the "School Attendance Law of 1963", article 33 of this title;

(q) To cause to be prepared, executed, and filed with the state board of education any report required by law or by regulation;

(r) To comply with the rules and regulations adopted by the state board of education pursuant to article 4 of title 24, C.R.S.;

(s) To cause to be erected and maintained a suitable flagstaff with the attachments necessary for the display of flags upon the administration building or, if none, on the principal school building or the grounds thereof and to cause suitable flags of standard bunting, not less than three by five feet in size, of the United States and the state of Colorado to be displayed upon said flagstaff at all times during the day while school is in session, except during inclement weather;

(t) To determine the educational programs to be carried on in the schools of the district and to prescribe the textbooks for any course of instruction or study in such programs;

(u) To provide free textbooks for an indigent child enrolled in a school of the district without requiring a loss or damage deposit, and to insure that no child is denied the use of textbooks because of refusal of his parents to pay for the same;

(v) To cause an educational program to be maintained and operated within or, if the board makes a specific determination that such is necessary for the efficient operation of the district, outside the territorial limits of the district for the school-age children resident therein; but nothing in this paragraph (v) shall be construed in a manner to prohibit the maintenance of ungraded levels of instruction therein;

(w) and (x) Repealed.

(y) (I) To adopt written bylaws relating to conflicts of interest for members of a board of education of a school district.

(II) Upon filing a copy of the adopted written bylaws with the department of education and upon acknowledgment of receipt thereof by the department, a board shall be considered to be exempt from the requirements of section 18-8-308 (1) and (2), C.R.S. A board member not voting because of a disclosed conflict shall be exempt from the provisions of section 22-32-108 (6).

(III) The commissioner of education shall, in writing, notify the secretary of state of the exemption.

(z) To provide for a periodic in-service program for all district teachers which shall provide information about the "Child Protection Act of 1987", part 3 of article 3 of title 19, C.R.S., instruction designed to assist teachers in recognizing child abuse or neglect, and instruction designed to provide teachers with information on how to report suspected incidents of child abuse or neglect and how to assist the child-victim and his family;

(aa) To adopt and implement preschool through elementary and secondary education standards as required in part 10 of article 7 of this title;

(bb) (I) To adopt a policy mandating a prohibition against the use of all tobacco products on school property and at school-sponsored activities by students, teachers, staff, and visitors pursuant to the provisions of section 25-14-103.5, C.R.S., and to adopt such rules as are

necessary to enforce such prohibition; except that no such policy shall require the expulsion of any student solely for such tobacco use;

(II) To the extent funds are available, to operate and maintain an educational program to assist students, faculty, and staff to avoid and discontinue the use of tobacco at each school under the board's direction and control;

(cc) To adopt a dress code policy for teachers and other school employees;

(dd) To adopt and revise, as necessary, policies to remove barriers to access and success in school for homeless children;

(ee) To adopt a policy to prohibit school personnel from recommending or requiring the use of a psychotropic drug for any student. School personnel shall not test or require a test for a child's behavior without prior written permission from the parents or guardians or the child and prior written disclosure as to the disposition of the results or the testing therefrom. Through such policy, school personnel should be encouraged to discuss concerns about a child's behavior with the parent or legal guardian of such child and such discussions may include a suggestion by school personnel that the parent or legal guardian speak with an appropriate health-care professional.

(ff) To adopt a policy on or before October 1, 2005, to:

(I) Provide on or before December 31 of each school year, the names and mailing addresses of students enrolled in the eighth grade to the Colorado commission on higher education for use in mailing the notice of postsecondary educational opportunities and higher education admission guidelines as required in section 23-1-119.1, C.R.S.; and

(II) Provide to the parent of a student enrolled in the eighth grade, prior to the student's enrollment in his or her ninth-grade courses, a list of courses the school district has available that satisfy the Colorado commission on higher education's higher education admission guidelines;

(gg) To include a provision in any contract entered into by the school district with a college preparation program operating within the school district that the college preparation program shall provide to the Colorado commission on higher education, on or before December 31 of each school year, a report specifying each student, by unique identifying number, to the extent permissible by federal law, who was enrolled in the program during the previous school year; who completed the program during the previous school year; and who enrolled in an institution of higher education within six months after completing the program. The provisions of this paragraph (gg) shall apply to contracts entered into or renewed on or after August 10, 2005.

(hh) To provide the opportunity for a student enrolled in a public school of the district to develop a plan for academic remediation upon the request of the student's parent or legal guardian;

(ii) To adopt a policy within ninety days after April 28, 2006, to ensure that the right of school district employees and students to display reasonably the flag of the United States shall not be infringed with respect to the display:

(I) On an individual's person; or

(II) On an individual's personal property or property that is under the temporary control of an employee or a student, including but not limited to a desk top or a locker;

(jj) To identify any areas in which one or more of the principals of the schools of the school district require further training or development. The board of education shall contract for or otherwise assist the identified principals in participating in professional development programs to assist the identified principals in improving their skills in the identified areas.

(kk) (I) To undertake a community-based process to develop a blueprint for the education system in the community and to determine the skills students will need to be successful after graduation. Each board of education shall seek input from the community at large, which may include, but need not be limited to, students, parents, business persons, neighboring school districts, and regional boards of cooperative services. Each board of education shall use this blueprint, together with the guidelines for high school graduation requirements developed by the state board pursuant to section 22-2-106 (1)(a.5), to establish local high school graduation requirements applicable to students enrolling in ninth grade beginning in the 2014-15 school year. To assist the state board of education in fulfilling its duties under part 10 of article 7 of this title, each board of education shall provide to the state board of education information concerning the blueprint and the input received in developing the blueprint. A board of education that has undertaken a comprehensive community-based process and has revised its high school graduation requirements within the previous two years shall not be required to develop a new blueprint for the education system in its community or make any revisions to its high school graduation requirements.

(II) Each board of education shall report its blueprint for the education system in the community and its new or revised high school graduation requirements to the public through the accreditation process, as determined by the state board. In its report, the board of education shall demonstrate how its high school graduation requirements meet or exceed any minimum standards or core competencies or skills identified in the guidelines for high school graduation requirements developed by the state board pursuant to section 22-2-106 (1)(a.5).

(ll) (I) To adopt written policies specifying that:

(A) The schools in the district are subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, sexual orientation, gender identity, gender expression, national origin, religion, ancestry, or need for special education services;

(B) Enrollment in a school in the district must be open to any child who resides within the state; except that a school is not required to make alterations in the structure of the facility used by the school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law; and

(C) Enrollment decisions shall be made in a nondiscriminatory manner.

(II) As used in this subsection (1)(II):

(A) "Protective hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

(B) "Race" includes hair texture, hair type, hair length, or a protective hairstyle that is commonly or historically associated with race.

(mm) To adopt and implement policies as described in section 22-11-307 for accreditation of the public schools of the school district;

(nn) Repealed.

(oo) (I) To adopt policies to require each school of the school district, including the charter schools, to assist each student and his or her parent or legal guardian to develop and maintain the student's individual career and academic plan, referred to in this paragraph (oo) as an "ICAP", no later than the beginning of ninth grade. The board of education may require the schools of the school district to assist the student and his or her parent or legal guardian to develop and maintain the student's ICAP in any grade prior to ninth grade. Each student's ICAP shall comply with the requirements specified in section 22-2-136 and the rules promulgated by the state board of education pursuant to said section.

(II) The board of education shall further require each school of the school district to assist each student who is enrolled in the school and has an ICAP to use the plan effectively to direct the student's course selections and performance expectations in at least grades nine through twelve; to assist the student in meeting his or her academic and career goals as described in the ICAP; and to enable the student to demonstrate postsecondary and workforce readiness prior to or upon graduation from high school at a level that allows the student to progress toward his or her postsecondary education goals, if any, without requiring remedial educational services or courses.

(III) At a minimum, each public school shall ensure that, in developing and maintaining each student's ICAP, the counselor or teacher explains to the student's parent or legal guardian, by electronic mail or other written form, and to the student:

(A) The requirements for and benefits of concurrently enrolling in courses with an institution of higher education pursuant to the "Concurrent Enrollment Programs Act", article 35 of this title 22. Based on a request from the student or the student's parent or legal guardian, the counselor or

teacher shall assist the student in course planning to enable the student to concurrently enroll in courses with an institution of higher education.

(B) The various career pathways created pursuant to section 24-46.3-104 and the types of certificates and jobs to which each pathway leads;

(B.5) The teaching career pathway created pursuant to section 23-60-110, the career opportunities to which the pathway leads, and information concerning participation in the TREP program created in section 22-35-108.5;

(C) The skills and educational opportunities available through military enlistment. In discussing military enlistment with a student and his or her parent, each public school is encouraged to provide to the student information concerning the military enlistment test.

(D) The availability and importance of completing the free application for federal student aid or the Colorado application for state financial aid, or successor forms for accessing federal and state financial aid, and the availability of help in completing the forms, if requested;

(pp) To annually distribute to each district charter school and to each district employee informational materials relating to federal student loan repayment programs and student loan forgiveness programs, including updated materials, received from the department of education pursuant to section 22-2-112 (1)(t). In addition to annual distribution, each board shall distribute the informational materials to newly hired district employees as part of its employee orientation process. The board may distribute the informational materials to district employees through an e-mail to employees or as part of a mailing or regular communication to employees.

(2) Any board conducting a complete educational program outside the territorial limits of the district in accordance with the provisions of paragraph (v) of subsection (1) of this section shall obtain the written consent of the board of the school district in which said educational program is to be conducted prior to establishing said educational program. No board shall conduct a complete educational program outside the territorial limits of the district unless the geographic and topographical characteristics of the district make the conducting of such educational program within the territorial limits of the district unduly burdensome on the district and the students.

Source: L. 64: p. 577, § 9. C.R.S. 1963: § 123-30-9. L. 73: pp. 1254, 1274, 1314, §§ 6, 1, 7. L. 74: (1)(n) amended, p. 363, § 2, effective March 19. L. 75: (1)(w) amended, p. 702, § 2, effective July 1. L. 77: (1)(w) amended, p. 1049, § 1, effective May 16; (1)(n) amended, p. 1071, § 2, effective May 24. L. 79: (1)(v) amended and (2) added, p. 782, § 1, effective June 7; (1)(x) added, p. 784, § 1, effective July 1. L. 80: (1)(n) amended, p. 553, § 7, effective April 30. L. 84: (1)(n) amended, p. 604, § 2, effective April 2; (1)(y) added, p. 594, § 1, effective July 1; (1)(z) added, p. 595, § 1, effective January 1, 1985. L. 86: (1)(n) amended, p. 801, § 2, effective July 1. L. 87: (1)(z) amended, p. 819, § 28, effective October 1. L. 88: (1)(n) R&RE, p. 811, § 9, effective May 24. L. 90: (1)(f) and IP(1)(x)(I) amended, p. 1029, § 18, effective July 1. L. 93:

(1)(aa) added, p. 1048, § 5, effective June 3; (1)(n)(II) amended, p. 1336, § 1, effective June 6; (1)(w) amended, p. 451, § 2, effective July 1. **L. 94:** (1)(bb) added, p. 676, § 3, effective April 19. **L. 97:** (1)(aa) amended, p. 461, § 7, effective August 6. **L. 2000:** (1)(n)(II)(A) amended, p. 375, § 32, effective April 10; (1)(cc) added and (1)(w) and (1)(x) repealed, p. 1963, §§ 2, 3, effective June 2; (1)(f) amended, p. 1594, § 1, effective July 1. **L. 2001:** (1)(n)(I) and (1)(n)(II)(A) amended, p. 561, § 3, effective May 29; (1)(f)(II)(A) amended, p. 1271, § 25, effective June 5. **L. 2002:** (1)(f)(III) added, p. 189, § 1, effective April 3; (1)(dd) added, p. 206, § 6, effective July 1. **L. 2003:** (1)(f)(II) amended, p. 2178, § 1, effective June 3; (1)(ee) added, p. 2526, § 1, effective June 5. **L. 2005:** (1)(hh) added p. 520, § 2, effective May 24; (1)(ff) and (1)(gg) added, p. 444, § 1, effective August 8. **L. 2006:** (1)(ii) added, p. 701, § 51, effective April 28; (1)(jj) added, p. 1240, § 4, effective May 26. **L. 2007:** (1)(kk) added, p. 678, § 4, effective May 2. **L. 2008:** (1)(kk)(I) amended, p. 768, § 3, effective May 14; (1)(f)(I) amended, p. 1431, § 2, effective May 28; (1)(ll) added, p. 1601, § 23, effective May 29. **L. 2009:** (1)(mm) added, (SB 09-163), ch. 293, p. 1541, § 40, effective May 21; (1)(nn) added, (SB 09-256), ch. 294, p. 1557, § 16, effective May 21. **L. 2010:** (1)(kk)(I) amended, (HB 10-1013), ch. 399, p. 1912, § 34, effective June 10. **L. 2012:** (1)(nn) amended and (1)(oo) added, (HB 12-1345), ch. 188, p. 725, § 12, effective May 19; (1)(kk)(I) amended, (HB 12-1240), ch. 258, p. 1308, § 2, effective June 4; (1)(nn) amended, (HB 12-1043), ch. 209, p. 898, § 1, effective August 8. **L. 2014:** (1)(nn) and (1)(oo) amended, (HB 14-1363), ch. 302, p. 1265, § 15, effective May 31. **L. 2015:** (1)(aa) amended, (HB 15-1323), ch. 204, p. 724, § 33, effective May 20. **L. 2016:** (1)(h) amended, (HB 16-1013), ch. 28, p. 65, § 2, effective March 18. **L. 2017:** (1)(oo)(III) amended, (HB 17-1041), ch. 51, p. 161, § 2, effective August 9. **L. 2019:** (1)(pp) added, (SB 19-057), ch. 35, p. 114, § 5, effective August 2. **L. 2020:** IP(1) and (1)(ll) amended, (HB 20-1048), ch. 8, p. 17, § 6, effective September 14; (1)(nn) repealed, (HB 20-1396), ch. 138, p. 599, § 3, effective September 14. **L. 2021:** (1)(ll)(I)(A) amended, (HB 21-1108), ch. 156, p. 892, § 24, effective September 7; (1)(oo)(III)(B) amended and (1)(oo)(III)(B.5) added, (SB 21-185), ch. 246, p. 1335, § 10, effective September 7. **L. 2022:** (1)(oo)(III)(B.5) and (1)(oo)(III)(C) amended and (1)(oo)(III)(D) added, (HB 22-1366), ch. 244, p. 1815, § 6, effective May 26. **L. 2024:** (1)(ll)(II)(B) amended, (HB 24-1451), ch. 354, p. 2412, § 4, effective June 3.

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions.

(1) **Definitions.** As used in this section, unless the context otherwise requires:

(a) "Action taken" means a specific type of discipline, including but not limited to the following categories of discipline:

(I) In-school suspension;

(II) Out-of-school suspension;

(III) Classroom removal in accordance with board policy;

(IV) Expulsion;

(V) Referral to law enforcement; or

(VI) Any other form of discipline, which shall be officially identified as part of a board policy.

(b) "Bullying" means any written or oral expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student. Bullying is prohibited against any student for any reason, including, but not limited to, any bullying behavior that is directed toward a student on the basis of the student's academic performance; any bullying behavior that is directed toward a student against whom federal and state laws prohibit discrimination upon any of the bases described in section 22-32-109 (1)(II)(I)(A); or a pattern of bullying behavior that is directed toward a student on the basis of the student's weight, height, or body size. This definition is not intended to infringe upon any right guaranteed to any person by the first amendment to the United States constitution or to prevent the expression of any religious, political, or philosophical views.

(b.5) "Community partners" means, collectively, local fire departments, state and local law enforcement, local 911 agencies, interoperable communications providers, the safe2tell program described in section 24-31-606, C.R.S., local emergency medical service personnel, local mental health organizations, local public health agencies, local emergency management personnel, local or regional homeland security personnel, and school resource officers.

(b.7) "Corporal punishment" has the same meaning as set forth in section 22-1-140.

(c) "Dangerous weapon" has the same meaning as set forth in section 22-33-102 (4).

(d) "Full-time teacher" means a person who is licensed pursuant to article 60.5 of this title, or is authorized pursuant to section 22-60.5-111 to teach, and is primarily engaged in teaching during a majority of the instructional minutes per school day.

(e) "Habitually disruptive student" has the same meaning as set forth in section 22-33-106 (1)(c.5).

(e.5) "Law enforcement" includes any law enforcement agency, law enforcement officer, or school resource officer.

(f) (I) "Referral to law enforcement" means a communication between a school administrator, teacher, or other school employee and law enforcement that:

(A) Is initiated by the school administrator, teacher, or other school employee; and

(B) Concerns behavior by a student that the school administrator, teacher, or other school

employee believes may constitute a violation of the school conduct and discipline code or a criminal or delinquent offense and for which the school administrator, teacher, or other school employee requests an investigation or other involvement by law enforcement.

(II) "Referral to law enforcement" does not include:

(A) Contact with law enforcement that is made for the purpose of education, prevention, or intervention regarding a student's behavior;

(B) Routine or incidental communication between a school administrator, teacher, or other school employee and law enforcement; or

(C) Any incident or communication that is initiated by law enforcement.

(g) "Restorative justice" has the same meaning as set forth in section 22-32-144 (3).

(g.3) "School" means a public school of a school district, a charter school, or an institute charter school.

(g.5) "School resource officer" means a peace officer, as described in section 16-2.5-101, C.R.S., who has specialized training, as described in section 24-31-312, C.R.S., to work with school staff and students and who is assigned to a public school or charter school for the purpose of creating a safe learning environment and responding to all-hazard threats that may impact the school.

(h) "School vehicle" shall have the same meaning as set forth in section 42-1-102 (88.5), C.R.S.

(1.5) **Mission statement.** Each school district board of education shall adopt a mission statement for the school district, which statement shall include making safety for all students and staff a priority in each public school of the school district.

(2) **Safe school plan.** To provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) **Conduct and discipline code.** (I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code shall be

provided to each student upon enrollment at the preschool, elementary, middle, and high school levels and be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(A) General policies on student conduct, safety, and welfare;

(B) General policies and procedures for dealing with students who cause a disruption on school grounds, in a school vehicle, or at a school activity or sanctioned event, including a specific policy allowing a teacher to remove a disruptive student from his or her classroom. The policy shall state that, 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; except that a disruptive student shall not be removed from a teacher's class for the remainder of the term of the class unless the principal of the student's school or his or her designee has developed and implemented a behavior plan for the student. A behavior plan may be developed after the first such removal from class and shall be developed after the second removal from 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. Any policy or procedure adopted shall comply with applicable federal and state laws, including but not limited to laws regarding students with disabilities.

(C) Provisions for the initiation of suspension or expulsion proceedings for students who qualify as habitually disruptive students;

(D) Policies and procedures for the use of acts of reasonable and appropriate physical intervention or force in dealing with disruptive students; except that a board shall not adopt a discipline code that includes provisions that are in conflict with the description of child abuse in section 18-6-401 (1) or 19-1-103 (1). Each conduct and discipline code must state that, in accordance with section 22-1-140, a person employed by or volunteering in a public school shall not impose corporal punishment on a child.

(E) 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, 22-33-106, and 22-33-106.1;

(F) A specific policy concerning gang-related activities on school grounds, in school vehicles, and at school activities or sanctioned events;

(G) Written prohibition, consistent with section 22-33-106, of students from bringing or possessing dangerous weapons, drugs, or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned event and from using drugs or other controlled substances on school grounds, in a school vehicle, or at a school activity or sanctioned

event;

(H) Written prohibition of students from using or possessing tobacco products on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(I) A written policy concerning searches on school grounds, including searches of student lockers;

(J) A dress code policy that 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;

(K) On and after August 8, 2001, a specific policy concerning bullying prevention and education. Each school district shall ensure that the school district's policy, at a minimum, incorporates the approaches, policies, and practices outlined in the model bullying prevention and education policy developed pursuant to section 22-2-144.

(L) Information concerning the school district's policies for the use of restraint and seclusion on students, including a reference to section 26-20-111 and information concerning the process for filing a complaint regarding the use of restraint or seclusion, as such process is set forth by rule of the state board pursuant to section 22-32-147.

(II) In creating and enforcing a school conduct and discipline code pursuant to subsection (2)(a)(I) of this section, each school district board of education, on and after August 1, 2013, shall:

(A) Impose proportionate disciplinary interventions and consequences, including but not limited to in-school suspensions, in response to student misconduct, which interventions and consequences are designed to reduce the number of expulsions, out-of-school suspensions, and referrals to law enforcement, except for such referrals to law enforcement as are required by state or federal law;

(B) Include plans for the appropriate use of prevention, intervention, restorative justice, peer mediation, counseling, or other approaches to address student misconduct, which approaches are designed to minimize student exposure to the criminal and juvenile justice system. The plans shall state that a school administration shall not order a victim's participation in a restorative justice practice or peer mediation if the alleged victim of an offending student's misconduct alleges that the misconduct constitutes unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.; a crime in which the underlying factual basis involves domestic violence, as defined in section 18-6-800.3 (1), C.R.S.; stalking as defined in section 18-3-602, C.R.S.; or violation of a protection order, as defined in section 18-6-803.5, C.R.S.;

(C) Ensure that the implementation of the code complies with all state and federal laws concerning the education of students with disabilities, as defined in section 22-20-103 (5);

(D) Ensure that, in implementing the code, each school of the school district shows due consideration of the impact of certain violations of the code upon victims of such violations, in accordance with the provisions of Title IX of the United States Code and other state and federal laws; and

(E) Ensure that, in implementing the code, each school of the school district complies with the requirements of section 22-33-106.1.

(b) **Safe school reporting requirements.** A policy whereby the principal of each public school in a school district is required to submit annually, in a manner and by a date specified by rule of the state board, and in accordance with standardized methods and any revised reporting categories identified and adopted through the stakeholder process set forth in section 22-1-138, a written report to the board of education of the school district concerning the learning environment in the school during that school year. The board of education of the school district shall annually compile the reports from every school in the district and submit the compiled report to the department of education in a format specified by rule of the state board. The compiled report must be easily accessible by the general public through a link on the department of education's website home page. The report must include, but need not be limited to, the following specific information for the preceding school year, including any disciplinary incident specified in subsection (2)(b)(IV)(E) or (2)(b)(IV)(K) of this section that requires additional reporting on the incident:

(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;

(IV) The number of conduct and discipline code violations. Each violation must be reported only in the most serious category that is applicable to that violation, 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:

(A) Possessing a dangerous weapon on school grounds, in a school vehicle, or at a school activity or sanctioned event without the authorization of the school or the school district;

(B) Use or possession of alcohol on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(C) Use, possession, or sale of a drug or controlled substance, other than marijuana, on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(C.5) The unlawful use, possession, or sale of marijuana on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(D) Use or possession of a tobacco product on school grounds, in a school vehicle, or at a school activity or sanctioned event;

(E) Being willfully disobedient or openly and persistently defiant or repeatedly interfering with the school's ability to provide educational opportunities to, and a safe environment for, other students. In addition to providing information on such disciplinary incidents in the compiled report required by this subsection (2)(b), the report filing must include any additional information deemed necessary by the department of education pursuant to the process required pursuant to section 22-1-138. Information included in reporting for incidents currently categorized as disobedience or defiance may include, but is not limited to, school and district code; location of incidents; description of the behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incident; and descriptive information of the student or students involved in the incidents, including, but not limited to, gender, grade level, ethnicity, race, and whether the student has federal section 504 accommodations or an individualized education plan. Information on the report must be submitted in accordance with the department of education's data privacy and reporting requirements.

(F) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered first degree assault, as described in section 18-3-202, C.R.S., second degree assault, as described in section 18-3-203, C.R.S., or vehicular assault, as described in section 18-3-205, C.R.S.;

(G) Behavior on school grounds, in a school vehicle, or at a school activity or sanctioned event that is detrimental to the welfare or safety of other students or of school personnel, including but not limited to behavior that creates a threat of physical or emotional harm to the student or to other students;

(G.5) Bullying;

(H) Willful destruction or defacement of school property;

(I) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event that, if committed by an adult, would be considered third degree assault, as described in section 18-3-204, C.R.S., or disorderly conduct, as described in section 18-9-106 (1)(d), C.R.S., but not disorderly conduct involving firearms or other deadly weapons, as described in section 18-9-106 (1)(e) and (1)(f), C.R.S.;

(J) Commission of an act on school grounds, in a school vehicle, or at a school activity or sanctioned event 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. In addition to providing information on such disciplinary incidents in the compiled report required by this subsection (2)(b), the report filing must include

any additional information deemed necessary by the department of education pursuant to the process required pursuant to section 22-1-138. Information included in reporting for incidents currently categorized as disobedience or defiance may include, but is not limited to, school and district code; location of the incidents; description of the behaviors that constituted the violations; interventions or de-escalation strategies attempted leading up to the incidents; and descriptive information of the student or students involved in the incidents, including, but not limited to, gender, grade level, ethnicity, race, and whether the student has federal section 504 accommodations or an individualized education plan. Information on the report must be submitted in accordance with the department of education's data privacy and reporting requirements.

(V) and (VI) (Deleted by amendment, L. 2012.)

(VII) The average class size for each public elementary school, 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;

(VIII) The school's policy concerning bullying prevention and education, including information related to the development and implementation of any bullying prevention programs; and

(IX) The number of acts of sexual violence on school grounds, in a school vehicle, or at a school activity or sanctioned event. Any information provided as a part of this subparagraph (IX) for the safe school reporting requirements must be reported as aggregate data and must not include any personally identifying information. For the purposes of this subparagraph (IX), "sexual violence" means a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent.

(b.5) In addition to the items specified in subsection (2)(b) of this section, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall annually review and submit data to the department of education concerning the number and types of disciplinary incidents and the disciplinary actions taken in response to such incidents. The department of education shall collect the data described in subsection (2)(b)(IV) of this section at the individual student level and report disaggregated student data on the type of disciplinary incidents and action taken. Such student data must be disaggregated by gender, grade level, race, ethnicity, disability, whether the student has federal section 504 accommodations or an individualized education plan, English language learner status, free and reduced-price lunch status, and homeless status, to the maximum extent possible in compliance with the "Colorado Privacy Act", established pursuant to part 13 of article 1 of title 6, the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, and the "Student Data Transparency and Security Act", created in article 16 of this title 22. The department of education shall not publicly report individual student data for any purpose, shall include the application of data suppression policies to avoid the re-identification of any individual in any public reports, and shall ensure compliance with standards for reporting data

for a student with a federal section 504 accommodation or an individualized education plan.

(c) **Internet safety plan.** (I) Each school district is encouraged to provide a comprehensive, age-appropriate curriculum that teaches safety in working and interacting on the internet in grades kindergarten through twelve. At a minimum, the curriculum may address the following topics:

(A) Interaction with persons in the cybercommunity;

(B) Personal safety in interacting with persons on the internet;

(C) Recognition and avoidance of online bullying;

(D) Technology, computer virus issues, and ways to avoid computer virus infection;

(E) Predator identification;

(F) Intellectual property, including education concerning plagiarism and techniques to avoid committing plagiarism and laws concerning downloading of copyrighted materials including music;

(G) Privacy and the internet;

(H) Online literacy, including instruction in how to identify credible, factual, trustworthy websites; and

(I) Homeland security issues related to internet use.

(II) Each school district is encouraged to structure the internet safety plan so as to incorporate the internet safety topics into the teaching of the regular classroom curricula, rather than isolating the topics as a separate class. Each school district is encouraged to use available internet safety curricula resources, including but not limited to materials available through nonprofit internet safety foundations that are endorsed by the federal government. Each school district is also encouraged to work with local law enforcement for the jurisdiction in which the school district is located in developing the internet safety curricula, especially with regard to topics that address personal safety on the internet, internet predator identification, privacy issues, and homeland security issues. Each school district is also encouraged to collaborate with parents and teachers in developing the internet safety curricula, including collaborating with district and statewide organizations that represent parents and teachers.

(III) Each school district is encouraged to begin implementing the internet safety plan with the 2005-06 school year and to annually review and, as necessary, revise the plan. Each school district is encouraged to identify a person who is responsible for overseeing implementation of the internet safety plan within each public school of the school district to ensure that each public school complies with the requirements of the plan.

(IV) If a school district chooses to adopt an internet safety plan and to identify a person who

is responsible for overseeing implementation of the plan, the person is encouraged to annually submit an internet safety plan implementation report to the school district board of education specifying the level of implementation achieved by each public school of the school district and providing an overview of the internet safety curricula adopted and implemented in each public school of the school district. The school district board of education of each school district that chooses to adopt an internet safety plan is encouraged to submit to the department of education an annual report summarizing the internet safety plan implementation report and is encouraged to make the annual summary report available on the school district website.

(2.5) (a) **Safe school plan - child sexual abuse and assault prevention plan.** Each school district is encouraged, as part of its safe school plan, to adopt a child sexual abuse and assault prevention plan. Each school district is encouraged to include in the plan delivery of a comprehensive, age-appropriate curricula for kindergarten through twelfth grade regarding child sexual abuse and assault awareness and prevention. The curricula may address, but need not be limited to:

(I) The skills to recognize:

(A) Child sexual abuse and assault;

(B) Boundary violations and unwanted forms of touching and contact; and

(C) Behaviors that an offender uses to groom or desensitize a victim; and

(II) Strategies to:

(A) Promote disclosure;

(B) Reduce self-blame; and

(C) Mobilize bystanders.

(b) Each school district is encouraged to include in the child sexual abuse and assault prevention plan professional development for school personnel and parents in preventing, identifying, and responding to child sexual abuse and assault. Professional development may include providing training in preventing, identifying, and responding to child sexual abuse and assault, including using the child abuse reporting hotline system created pursuant to section 26-5-111, C.R.S., and distributing resources to raise the awareness of school personnel and parents regarding child sexual abuse and assault and preventing child sexual abuse and assault.

(c) A school district is encouraged to use curricula and professional development materials, training, and other resources available from the school safety resource center pursuant to section 24-33.5-1809, C.R.S.

(d) As used in this subsection (2.5), "school personnel" includes teachers, administrators, school resource officers, and other employees of a school district or a public school.

(3) **Agreements with state agencies.** Each board of education shall cooperate and, to the extent possible, develop written agreements with law enforcement, 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 school teacher or school employee or instances of damage occurring on the premises to the personal property of a school teacher or school employee by a student. Such procedures shall include, at a minimum, the following provisions:

(a) Such school teacher 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 appropriate local law enforcement, which shall, upon receiving such report, investigate the incident to determine the appropriateness of filing criminal charges or initiating delinquency proceedings.

(4) **School response framework - school safety, readiness, and incident management plan.** Each board of education shall establish a school response framework that shall consist of policies described in this subsection (4). By satisfying the requirements of this subsection (4), a school or school district shall be in compliance with the national incident management system, referred to in this subsection (4) as "NIMS", developed by the federal emergency management agency. At a minimum, the policies shall require:

(a) (I) Each school district, on or before July 1, 2009, to establish a date by which each school of the school district shall be in compliance with the requirements of this subsection (4); except that the date may be changed by the school board for cause.

(II) Each school district shall make the dates established pursuant to subparagraph (I) of this paragraph (a) available to the public upon request.

(b) Each school district to adopt the national response framework released by the federal department of homeland security and NIMS formally through orders or resolutions;

(c) Each school district to institutionalize the incident command system as taught by the emergency management institute of the federal emergency management agency;

(d) Each school district, on or before July 1, 2009, to start to develop a school safety, readiness, and incident management plan, including, to the extent possible, emergency

communications, that coordinates with any statewide or local emergency operation plans. In developing the plan, a school district may collaborate with community partners. The school safety, readiness, and incident management plan shall, at a minimum, identify for each public school in the school district:

(I) Safety teams and backups who are responsible for interacting with community partners and assuming key incident command positions; and

(II) Potential locations for various types of operational locations and support functions or facilities;

(e) To the extent possible, each school district to enter into memoranda of understanding with the community partners specifying responsibilities for responding to incidents;

(f) To the extent possible, each public school to create an all-hazard exercise program based on NIMS and to conduct tabletop exercises and other exercises in collaboration with community partners from multiple disciplines and, if possible, multiple jurisdictions to practice and assess preparedness and communications interoperability with community partners;

(g) To the extent possible, each public school, in collaboration with its school district, to hold coordinated exercises among school employees and community partners, including at a minimum:

(I) Orientation meetings to inform all parties about emergency operation plans and procedures;

(II) All-hazard drills, in addition to fire drills, to improve individual and student emergency procedures and to test communications interoperability; and

(III) Tabletop exercises to discuss and identify roles and responsibilities in different scenarios;

(h) Each public school to conduct a written evaluation following the exercises and certain incidents as identified by the school or school district and identify and address lessons learned and corrective actions in updating response plans and procedures;

(i) Each public school, at least every academic term, to inventory emergency equipment and test communications equipment and its interoperability with affected state and local agencies;

(j) Each school district to adopt written procedures for taking action and communicating with local law enforcement agencies, community emergency services, parents, students, and the media in the event of certain incidents as identified by the school or school district;

(k) Key emergency school personnel, including but not limited to safety teams and backups, to complete courses provided by the federal emergency management agency's emergency management institute or by institutions of higher education in the state system of community and

technical colleges;

(l) School district employee safety and incident management training, including provisions stating that completion of any courses identified by the department of public safety pursuant to section 24-33.5-1606.5 (3), C.R.S., as related to NIMS count toward the professional development requirements of a person licensed pursuant to article 60.5 of this title;

(m) Each school district to work with community partners to update and revise all standard operating procedures, ensuring that all aspects of NIMS are incorporated, including but not limited to policies and principles, planning, procedures, training, response, exercises, equipment, evaluation, and corrective actions;

(n) Each school district to coordinate with community partners to assess overall alignment and compliance with NIMS; identify requirements already met; establish a baseline for NIMS compliance; and determine action steps, including developing a plan and timeline, to achieve and maintain all NIMS goals;

(o) Each school district to develop a timeline and strategy for compliance with the requirements of this subsection (4) and to strategically plan, schedule, and conduct all activities with community partners; and

(p) School resource officers to be familiar with the school response framework outlined in this subsection (4), the all-hazard exercise program, and the interoperable communications of the school to which he or she is assigned.

(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, each board of education shall establish policies consistent with section 24-72-204 (3) and with applicable provisions of the federal "Family Educational 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 must comply with the rules established by the state board pursuant to section 22-2-139 (9).

(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 a teacher or any other 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 criminal prosecution or civil liability for such actions; except that a teacher or any other person acting willfully or wantonly in violation of said subsection shall not be immune from criminal prosecution or civil liability pursuant to said subsection. A teacher or any other person claiming immunity from criminal prosecution under this paragraph (a) may file a motion that shall be heard prior to trial. At the hearing, the teacher or other person claiming immunity shall bear the burden of establishing the right to immunity by a preponderance of the evidence.

(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 teacher or any other person does not claim or is not granted immunity from criminal prosecution pursuant to paragraph (a) of this subsection (9) and 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 the 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 19-1-103 (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. A teacher or any other person aggrieved by an alleged violation of this paragraph (e) may file a civil action in the appropriate district court within two years after the alleged violation.

(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.

(11) Repealed.

Source: **L. 2000:** Entire section added, p. 1957, § 1, effective June 2. **L. 2001:** (2)(b)(VII) amended, p. 1272, § 26, effective June 5; IP(2), (2)(a)(VIII), and (2)(a)(IX) amended and (2)(a)(X) and (2)(b)(VIII) added, pp. 494, 495, §§ 2, 3, effective August 8. **L. 2002:** IP(2) and IP(9)(d) amended, p. 1020, § 30, effective June 1. **L. 2004:** (2)(b)(VII) amended, p. 1285, § 18, effective May 28. **L. 2005:** (2)(c) added, p. 261, § 2, effective April 14. **L. 2006:** (2)(b)(IV) amended, p. 405, § 2, effective April 6. **L. 2007:** (9)(a), (9)(c), and (9)(e) amended, p. 686, § 1, effective May 3. **L. 2008:** (4) amended, p. 802, § 3, effective May 14. **L. 2009:** IP(2) amended, (SB 09-163), ch. 293, p. 1541, § 41, effective May 21; (2)(a)(III) amended, (HB 09-1243), ch. 290, p. 1423, § 2, effective May 21. **L. 2010:** (2)(a)(II) and (2)(a)(X) amended, (HB 10-1232), ch. 163, p. 569, § 4, effective April 28; (6) amended, (HB 10-1274), ch. 271, p. 1250, § 5, effective May 25. **L. 2011:** (2)(a)(IX), (2)(a)(X), and (2)(b)(IV)(G) amended, (HB 11-1254), ch. 173, p. 652, § 2, effective May 13; IP(4), IP(4)(d), (4)(f), (4)(g)(II), and (4)(i) amended, (SB 11-173), ch. 310, p. 1514, § 2, effective June 10; (6) amended, (HB 11-1303), ch. 264, p. 1161, § 46, effective August 10. **L. 2012:** IP(4)(d) amended, (SB 12-079), ch. 58, p. 213, § 6, effective March 24; (1), IP(2), (2)(a), and (2)(b) amended and (1.5) added, (HB 12-1345), ch. 188, p. 732, § 22, effective May 19; (4)(l) amended, (HB 12-1283), ch. 240, p. 1132, § 40, effective July 1. **L. 2013:** (1)(b.5), (1)(g.5), and (4)(p) added and IP(2), IP(4)(d), (4)(n), and (4)(o) amended, (SB 13-138), ch. 253, p. 1341, § 3, effective May 23. **L. 2014:** (1)(b.5) amended, (SB 14-002), ch. 241, p. 893, § 4, effective August 6. **L. 2015:** (1)(a)(V), (1)(b.5), (1)(f), IP(2), IP(2)(b), IP(2)(b)(IV), (2)(b)(IV)(C), (2)(b)(VII), (2)(b)(VIII), (2)(c)(II), IP(3), and (3)(c) amended and (1)(e.5), (2)(b)(IV)(C.5), (2)(b)(IX), and (11) added, (HB 15-1273), ch. 323, p. 1317, § 2,

effective June 5; (2.5) added, (SB 15-020), ch. 277, p. 1133, § 3, effective June 5. **L. 2017:** (6) amended, (SB 17-294), ch. 264, p. 1395, § 47, effective May 25; (2)(a)(I)(L) added, (HB 17-1276), ch. 270, p. 1491, § 6, effective August 9. **L. 2019:** IP(11)(a) amended, (SB 19-241), ch. 390, p. 3467, § 19, effective August 2; IP(2)(a)(I), (2)(a)(I)(E), IP(2)(a)(II), (2)(a)(II)(C), and (2)(a)(II)(D) amended and (2)(a)(II)(E) added, (HB 19-1194), ch. 160, p. 1889, § 9, effective July 1, 2020. **L. 2020:** (1)(b) amended, (HB 20-1048), ch. 8, p. 20, § 12, effective September 14. **L. 2021:** (2)(a)(I)(K) and (2)(b)(IV)(G) amended and (2)(b)(IV)(G.5) added, (HB 21-1221), ch. 209, p. 1086, § 3, effective June 7. **L. 2022:** (1)(g.3) and (2)(b.5) added and IP(2), IP(2)(b), (2)(b)(IV)(E), and (2)(b)(IV)(K) amended, (HB 22-1376), ch. 243, p. 1801, § 5, effective May 26. **L. 2023:** (1)(b.7) added and IP(2)(a)(I) and (2)(a)(I)(D) amended, (HB 23-1191), ch. 93, p. 350, § 3, effective April 20. **L. 2024:** (1)(b) amended, (HB 24-1285), ch. 397, p. 2727, § 2, effective August 7.

22-32-109.2. Board of education - specific duties - adoption of policy.

(1) In carrying out the duties specified in section 22-32-109 (1)(t), on and after July 1, 1990, each board of education is required to formally adopt a policy concerning the delivery of all educational programs and courses of instruction or study that expose pupils to any psychiatric or psychological methods or procedures involving the diagnosis, assessment, or treatment of any behavioral or mental health disorder.

(2) Prior to taking action pursuant to subsection (1) of this section, a board of education shall provide an adequate opportunity to allow review by and receive recommendations from members of the board, the personnel of the school district, the parents of pupils enrolled in the school district, and members of the public.

(3) The department of education shall prepare model policies to provide guidance to boards of education adopting policies under subsection (1) of this section.

Source: **L. 90:** Entire section added, p. 1098, § 63, effective May 31. **L. 2017:** (1) amended, (SB 17-242), ch. 263, p. 1319, § 171, effective May 25.

22-32-109.3. Board of education - specific duties - student records.

(1) Except as otherwise provided in 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.

(2) Notwithstanding the provisions of subsection (1) of this section, the address and telephone number and any medical, psychological, sociological, and scholastic achievement data

concerning any student are released only under the following conditions:

(a) As provided in section 24-72-204 (3), C.R.S.;

(b) To district or municipal court personnel, the division of youth services, county departments of human or social services, the youthful offender system, and any other juvenile justice agency within fifteen days after receipt by the school district of a court order authorizing release of such information.

(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.

Source: L. 96: Entire section added, p. 1683, § 9, effective January 1, 1997. **L. 2000:** (1) amended and (3) added, p. 321, § 10, effective April 7. **L. 2017:** IP(2) and (2)(b) amended, (HB 17-1329), ch. 381, p. 1980, § 49, effective June 6. **L. 2018:** (2)(b) amended, (SB 18-092), ch. 38, p. 438, § 91, effective August 8.

22-32-109.4. Colorado School Collective Bargaining Agreement Sunshine Act - board of education - specific duties.

(1) This section shall be known and may be cited as the "Colorado School Collective Bargaining Agreement Sunshine Act".

(2) "Collective bargaining agreement" means, for the purpose of this section, a master agreement, and any amendments, addendums, memorandums, or any other documents modifying the master agreement.

(3) In addition to any other duty required to be performed by law, each board of education shall cause, within thirty days following August 8, 2001, a true and correct copy of each collective bargaining agreement entered into by the board of education and in effect as of said date and all subsequent collective bargaining agreements entered into by the board of education, within thirty working days following the date of ratification of each agreement, to be:

(a) Posted on the website of the school district;

(b) Repealed.

(c) Made available for public inspection during regular business hours in a convenient and identified location at the main administrative office of the school district; and

(d) Filed with the board of trustees of the largest public library located within the school district.

(4) Any meeting of a board of education at which a collective bargaining agreement is discussed is open to the public and any notice required by section 24-6-402 (2)(c) must be given prior to the meeting; except that a board of education may hold an executive session in accordance with the requirements of section 24-6-402 (4)(e)(III) for the purpose of developing the strategy of the school district for negotiations relating to a collective bargaining agreement.

Source: **L. 2001:** Entire section added, p. 168, § 1, effective August 8. **L. 2010:** IP(3) amended, (HB 10-1036), ch. 79, p. 269, § 2, effective April 12. **L. 2012:** (3)(a) amended and (3)(b) repealed, (HB 12-1240), ch. 258, p. 1312, § 15, effective June 4. **Initiated 2014:** (4) added, L. 2015, p. 2204, § 2, effective upon proclamation of the governor, December 17, 2014. **L. 2019:** (4) amended, (HB 19-1201), ch. 98, p. 360, § 2, effective September 1.

22-32-109.5. Board of education - specific duties - testing requirements - developmental education placement or assessment tests - intervention plans.

(1) In carrying out its duties under section 22-32-109 (1)(t) in determining educational programs, if a board of education imposes any special proficiency test for graduation from the twelfth grade beyond the regular requirements for satisfactory completion of the courses and hours prescribed for graduation, the results of such tests shall be used by school districts to design regular or special classes to meet the needs of all children as indicated by overall test results. If a board determines to impose such a proficiency test, such test shall be given at least twice during each school year, and initial testing shall take place in the ninth grade.

(2) Any child who does not satisfactorily fulfill the requirements of a special proficiency test imposed under the provisions of subsection (1) of this section shall be provided with remedial or tutorial services during the school day in the subject area in which the test indicates deficiencies for graduation purposes. Such child shall be provided with these services from the time of the initial testing until such time as the results of the special proficiency test are satisfactory. Parents of children not satisfactorily fulfilling the requirements of a special proficiency test shall be provided with all special proficiency test scores for their child a minimum of once each semester.

(3) Repealed.

(4) (a) Each school district may administer to students enrolled in grades nine through twelve in the schools of the school district the developmental education placement or assessment tests that are administered to matriculated first-time freshman students pursuant to section 23-1-113. The school district may administer the tests to a student at any time and as often as it deems necessary while the student is enrolled in any of grades nine through twelve, but the department of education shall allocate money to each school district to offset the costs incurred in administering each of the test units only once per student while he or she is enrolled in those grades.

(b) If a school district chooses to administer the developmental education placement or assessment tests, each student's individual career and academic plan must include the scores achieved by the student on the developmental education placement or assessment tests and, based on an analysis of the scores, the student's level of postsecondary and workforce readiness at the time he or she takes the tests. If a student's scores indicate that he or she is at risk of being unable to demonstrate postsecondary and workforce readiness prior to or upon graduating from high school, school personnel shall work with the student and the student's parent or legal guardian to create an intervention plan that identifies the necessary courses and education support services that the student requires to be able to achieve postsecondary and workforce readiness prior to or upon graduating from high school and to be prepared to continue into the postsecondary education option, if any, selected by the student in his or her individual career and academic plan without need for remedial educational services. If appropriate, the school, the student, and the student's parent or legal guardian may choose to enroll the student in gateway courses in English or mathematics, as defined in section 23-1-113 (11)(b.5), with additional supports through supplemental academic instruction, as defined in section 23-1-113 (11)(e), at an institution of higher education through the "Concurrent Enrollment Programs Act", article 35 of this title 22.

Source: L. 75: Entire section added, p. 698, § 1, effective July 18. L. 93: (3) added, p. 1048, § 6, effective June 3. L. 2012: (4) added, (HB 12-1345), ch. 188, p. 725, § 13, effective May 19. L. 2019: (4) amended, (HB 19-1206), ch. 133, p. 601, § 10, effective April 25.

22-32-109.6. Board of education - specific duties - class size reduction plans - alternative student achievement plans - definitions.

(1) (a) The general assembly hereby finds and declares that:

(I) The voters approved section 17 of article IX of the state constitution with the intent that the increased funding of public education be used for specific and accountable purposes to improve the state's public schools;

(II) Elementary school teachers support reducing class size in early grades; and

(III) Parents have indicated that reducing class size, especially in early grades, is one of their top priorities for public schools.

(b) It is the general assembly's duty to ensure that the one-percent increase in statewide base per pupil funding required by section 17 of article IX of the state constitution be used in a manner intended by the voters.

(2) As used in this section, unless the context otherwise requires:

(a) "Class" means a non-elective class in kindergarten or the first, second, or third grade or

any combination of kindergarten or the first, second, or third grades in a public school, which class provides instruction in one or more of the areas of reading, writing, mathematics, science, history, or geography.

(b) and (c) Repealed.

(d) "One-percent increase" means the one-percent increase in the statewide base per pupil funding for state fiscal years 2001-02 through 2010-11 required by section 17 of article IX of the state constitution.

(e) Repealed.

(f) "Teacher" means a person who is licensed pursuant to article 60.5 of this title, or is authorized pursuant to section 22-60.5-111, to teach and is primarily engaged in teaching kindergarten or the first, second, or third grade.

(3) and (4) Repealed.

Source: **L. 2001:** Entire section added, p. 335, § 1, effective April 16. **L. 2004:** (2)(f) amended, p. 1286, § 19, effective May 28. **L. 2007:** (2)(b), (2)(c), (2)(e), (3), and (4) repealed, p. 745, § 28, effective May 9. **L. 2015:** (2)(a) amended, (HB 15-1323), ch. 204, p. 725, § 34, effective May 20.

22-32-109.7. Board of education - specific duties - employment of personnel - definitions.

(1) Prior to the employment of any person by a school district, the board of education shall make an inquiry concerning such person to the department of education for the purpose of determining:

(a) Whether such person has been convicted of, has pled nolo contendere to, or has received a deferred sentence or deferred prosecution for:

(I) A felony; or

(II) A misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children;

(b) Whether such person has been dismissed by, or has resigned from, a school district or charter school as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior or an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, which was supported by a preponderance of the evidence according to information provided to the department by a school district pursuant to subsection (3) of this section and confirmed by the department pursuant to the provisions of section 22-2-119 (1)(b);

(c) If a holder of a license or authorization issued pursuant to the provisions of article 60.5 of this title, whether such person's license or authorization has ever been denied, annulled, suspended, or revoked pursuant to the provisions of section 22-60-110 (2)(b), as it existed prior to July 1, 1999, or pursuant to article 60.5 of this title, following a conviction, a plea of nolo contendere, or a deferred sentence for a crime involving unlawful sexual behavior or unlawful behavior involving children.

(1.5) During the employment of any person by a school district, the board of education may make an inquiry concerning such person to the department of education for the purposes described in subsection (1) of this section.

(2) (a) The board of education shall also contact previous employers of such applicant for the purpose of obtaining information or recommendations which may be relevant to such person's fitness for employment.

(b) Any previous employer of an applicant for employment who provides information to a school district or who makes a recommendation concerning an applicant, whether at the request of the school district or the applicant, shall be immune from civil liability unless:

(I) The information is false and the previous employer knows such information is false or acts with reckless disregard concerning the veracity of such information; and

(II) The school district acts upon such information to the detriment of:

(A) The applicant because the school district refused to employ such person based, in whole or in part, on negative information concerning such person later determined to be false; or

(B) The school district because the school district employed the applicant based, in whole or in part, on positive information concerning such person later determined to be false.

(c) Any school district which relies on information provided by or a recommendation made by a previous employer in making an employment decision shall be immune from civil liability unless the information is false and such school district knows the information is false or acts with reckless disregard concerning the veracity of such information.

(3) (a) If an employee of a school district is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, including unlawful sexual behavior, which is supported by a preponderance of the evidence, within ten business days after the dismissal or resignation, the board of education of the school district shall notify the department of education and provide any information requested by the department concerning the circumstances of the dismissal or resignation. The district shall also notify the employee that information concerning the employee's dismissal or resignation is being forwarded to the department of education. A public school district or charter school shall not enter into a settlement agreement that would restrict the school district or charter school from sharing any relevant information related to a conviction for

child abuse or a sexual offense against a child as defined by section 13-80-103.9 (1)(c) pertaining to the employee with the department, another school district, or charter school pertaining to the incident upon which the dismissal or resignation is based. This subsection (3)(a) does not authorize a public school district or charter school to enter into a settlement agreement that would prohibit the public school district or charter school from sharing any other information required by law to be available to the department, another school district, or a charter school.

(b) If an employee of a school district is dismissed or resigns as a result of an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, that is supported by a preponderance of the evidence, the school district shall notify the department and provide any information requested by the department concerning the circumstances of the dismissal or resignation. The school district shall also notify the employee that information concerning the employee's dismissal or resignation is being forwarded to the department. A school district shall not enter into a settlement agreement that would restrict the school district from sharing any relevant information related to an allegation of a sexual act involving a student who is eighteen years of age or older, regardless of whether the student consented to the sexual act, that is supported by a preponderance of the evidence pertaining to the employee with the department, another school district, or charter school pertaining to the incident upon which the dismissal or resignation is based. This subsection (3)(b)(I) does not authorize a school district to enter into a settlement agreement that would prohibit the school district from sharing any other information required by law to be available to the department, another school district, or a charter school.

(3.5) Whenever a school district learns from a source other than the department of education that a current or past employee of the school district has been convicted of, pled nolo contendere to, or has received a deferred sentence or deferred prosecution for a felony or a misdemeanor crime involving unlawful sexual behavior or unlawful behavior involving children, the school district shall notify the department of education.

(4) Any information received by a board of education pursuant to subsection (1) or (2) of this section shall be confidential information and not subject to the provisions of part 2 of article 72 of title 24, C.R.S. Any person who releases information obtained pursuant to the provisions of said subsections or who makes an unauthorized request for information from the department shall be subject to the penalties set forth in section 24-72-206, C.R.S.; except that any person who releases information received from the department of education concerning information contained in the records and reports of child abuse or neglect maintained by the state department of human services shall be deemed to have violated section 19-1-307 (4), C.R.S.

(5) For purposes of this section, unless the context otherwise requires:

(a) "Sexual act" means sexual contact, sexual intrusion, or sexual penetration as those terms are defined in section 18-3-401.

(b) "Student" means any person enrolled at the school where the employee is employed at the time of the allegation, but does not include another student.

Source: **L. 90:** Entire section added, p. 1029, § 19, effective July 1. **L. 93:** (1)(b) and (3) amended, p. 633, § 1, effective July 1. **L. 99:** (1)(a) amended and (1.5) and (3.5) added, p. 1100, § 1, effective July 1. **L. 2000:** (1)(c) amended, p. 1856, § 56, effective August 2. **L. 2003:** (4) amended, p. 1409, § 16, effective January 1, 2004. **L. 2006:** (1)(c) amended, p. 922, § 1, effective July 1. **L. 2008:** (3) amended, p. 2225, § 2, effective June 5. **L. 2021:** (1)(b) and (3) amended and (5) added, (SB 21-017), ch. 417, p. 2772, § 2, effective September 7.

22-32-109.8. Applicants selected for nonlicensed positions - submittal of form and fingerprints - prohibition against employing persons - department database.

(1) Except as otherwise provided in subsection (10) of this section, any person applying to any school district for any position of employment for which a license issued pursuant to article 60.5 of this title 22 is not required and who is selected for such position of employment by such school district shall submit a complete set of fingerprints of such applicant taken by a qualified law enforcement agency, authorized employee of a school district or board of cooperative services and notarized, or any third party approved by the Colorado bureau of investigation in a completed form as specified in subsection (2) of this section. At the request of a school district, a law enforcement agency that has fingerprinting equipment that meets the federal bureau of investigation image quality standards shall take the fingerprints of an applicant pursuant to this section if an approved third-party vendor is not operating within twenty miles of the school district within the law enforcement agency's jurisdiction. A school district employee or board of cooperative services employee may use any fingerprinting equipment that meets the federal bureau of investigation image quality standards. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The fingerprints and form must be submitted to the school district at the time requested by such school district.

(2) On a form provided by the school district, a selected applicant shall certify, under penalty of perjury, either:

(a) That he has never been convicted of committing any felony or misdemeanor; but not including any misdemeanor traffic offense or traffic infraction; or

(b) That he has been convicted of committing any felony or misdemeanor; but not including any misdemeanor traffic offense or traffic infraction. Such certification shall specify such felony or misdemeanor for which convicted, the date of such conviction, and the court entering the judgment of conviction.

(3) In addition to any other requirements established by law, the submittal of fingerprints and the form pursuant to subsection (1) of this section shall be a prerequisite to the employment of a person in a nonlicensed position in a school district, and no person shall be so employed who has not complied with the provisions of subsection (1) of this section.

(4) (a) Any school district to which fingerprints are submitted pursuant to subsection (1) of this section shall forward such fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation.

(b) When the results of a fingerprint-based criminal history record check of an applicant performed pursuant to this subsection (4) reveal a record of arrest without a disposition, the school district shall require that applicant to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d).

(5) (a) A school district may employ a person in a nonlicensed position in the school district prior to receiving the results regarding the selected applicant's fingerprint-based criminal history record check or name-based judicial record check; however:

(I) The school district may terminate the person's employment if the results are inconsistent with the information provided by the person in the form submitted pursuant to subsection (1) of this section; and

(II) The school district shall terminate the person's employment if the results of a fingerprint-based criminal history record check or name-based judicial record check completed on or after August 10, 2011, disclose a conviction for an offense described in subsection (6.5) of this section.

(b) The school district shall notify the proper district attorney of inconsistent results as described in subparagraph (I) of paragraph (a) of this subsection (5) for purposes of action or possible prosecution.

(6) (a) When a school district finds good cause to believe that a nonlicensed person employed by the school district has been convicted of a felony or misdemeanor other than a misdemeanor traffic offense or traffic infraction subsequent to his or her employment, the school district shall require the person to submit to the school district a complete set of his or her fingerprints taken by a qualified law enforcement agency, an authorized employee of the school district or board of cooperative services, or any third party approved by the Colorado bureau of investigation. At the request of a school district, a law enforcement agency that has fingerprinting equipment that meets the federal bureau of investigation image quality standards shall take the fingerprints of an employee pursuant to this section if an approved third-party vendor is not operating within twenty miles of the school district within the law enforcement agency's jurisdiction. A school district employee or board of cooperative services employee may

use any fingerprinting equipment that meets the federal bureau of investigation image quality standards. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the applicant. The fingerprints shall be submitted within twenty days after receipt of written notification from the school district. The school district shall forward the fingerprints of the person to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation. If the results of the fingerprint-based criminal history record check completed on or after August 10, 2011, disclose a conviction for an offense described in subsection (6.5) of this section, the school district shall terminate the person's employment.

(a.5) When the results of a fingerprint-based criminal history record check of an employee performed pursuant to this subsection (6) reveal a record of arrest without a disposition, the school district shall require that employee to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d).

(b) School districts shall not charge nonlicensed personnel any fees for the direct and indirect costs of the school district for fingerprint processing performed pursuant to the provisions of this subsection (6).

(6.5) (a) Except as provided in paragraph (d) of this subsection (6.5), a person employed in or applying to a school district for employment in a nonlicensed position is disqualified from employment if:

(I) The applicant or employee has been convicted of, or convicted of attempt, solicitation, or conspiracy to commit, one of the following offenses:

(A) Felony child abuse, as described in section 18-6-401, C.R.S.;

(B) A crime of violence, as defined in section 18-1.3-406 (2), C.R.S.;

(C) A felony involving unlawful sexual behavior, as defined in section 16-22-102 (9), C.R.S.;

(D) Except as provided in paragraph (b) of this subsection (6.5), a felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3, C.R.S.;

(E) Except as provided in paragraph (b) of this subsection (6.5), a felony drug offense described in part 4 of article 18 of title 18, C.R.S., committed on or after August 25, 2012;

(F) Felony indecent exposure, as described in section 18-7-302, C.R.S.; or

(G) An offense in any other state, the United States, or any territory subject to the

jurisdiction of the United States, which, if committed in this state, would constitute an offense described in sub-subparagraphs (A) to (F) of this subparagraph (I);

(II) The applicant or employee fails to submit fingerprints on a timely basis following receipt of the written request from the school district pursuant to subsection (1) or (6) of this section.

(b) The disqualification from employment pursuant to sub-subparagraphs (D) and (E) of subparagraph (I) of paragraph (a) of this subsection (6.5) shall only apply for a period of five years following the date the offense was committed, and, for the offense described in sub-subparagraph (D) of subparagraph (I) of paragraph (a) of this subsection (6.5), the person shall have successfully completed any domestic violence treatment required by the court prior to employment. An employee terminated from employment solely on the basis of the disqualification contained in sub-subparagraphs (D) and (E) of subparagraph (I) of paragraph (a) of this subsection (6.5) may reapply for employment after five years have passed since the date the offense was committed.

(c) Nothing in this subsection (6.5) shall require a second or subsequent fingerprint-based criminal history record check to be conducted for an employee for whom a fingerprint-based criminal history record check has been completed prior to August 10, 2011.

(d) (I) Notwithstanding the disqualification from employment set forth in this subsection (6.5), a school district may employ a person convicted of an offense listed in sub-subparagraphs (D) and (E) of subparagraph (I) of paragraph (a) of this subsection (6.5) after conducting an assessment of the current safety risk posed by the person.

(II) A person who is or would be disqualified from employment pursuant to sub-subparagraphs (D) and (E) of subparagraph (I) of paragraph (a) of this subsection (6.5) may submit a written request to the school district for reconsideration of the disqualification from employment. Reconsideration shall be based upon the school district's assessment of the current safety risk in hiring the person or in continuing the person's employment after considering:

- (A) The seriousness and nature of the disqualifying offense;
- (B) The time elapsed since the date the offense was committed;
- (C) The nature of the position held or sought by the person; and
- (D) Any other relevant information.

(III) The decision of the school district shall be final.

(7) For purposes of this section, a person is deemed to be convicted of committing a felony or misdemeanor as described in this section if the person has been convicted under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States of an unlawful act which, if committed within this state, would be a felony or misdemeanor.

(8) For purposes of this section:

(a) "Convicted" means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a guilty plea accepted by a court, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court.

(a.5) "Nonlicensed" means a person does not hold, or a position of employment does not require, a license issued pursuant to article 60.5 of this title.

(b) "Position of employment" means any job or position in which any person may be engaged in the service of a school district for salary or hourly wages, whether full time or part time and whether temporary or permanent.

(9) All costs arising from the taking of fingerprints and from any fingerprint processing performed by the Colorado bureau of investigation pursuant to the provisions of this section shall be borne by school districts. Except as otherwise provided in paragraph (b) of subsection (6) of this section, school districts may charge such selected applicants a nonrefundable fee in an amount equal to the direct and indirect costs of such school district for the administration of this section. Said fees shall be credited to the fingerprint processing account and shall be used for the purposes set forth in this section and may not be expended by the school district for any other purpose; however, said fees shall not be used for the purposes set forth in subsection (6) of this section. Any moneys in said account which are not expended during a budget year shall be carried forward and budgeted for the purposes set forth in this section in the next budget year. Such fee may be paid by the selected applicant over a period of sixty days after employment.

(10) (a) The provisions of this section shall not apply to any person who is enrolled as a student in any school district and who is applying to the same school district in which such student is enrolled for a position of employment for which a license issued pursuant to article 60.5 of this title is not required.

(b) (Deleted by amendment, L. 2002, p. 974, § 9, effective June 1, 2002.)

(c) Subsections (1) to (4) of this section do not apply to a person who has submitted to a fingerprint-based criminal history record check pursuant to section 22-2-119.3.

(11) (a) Each school district shall submit to the department of education the name, date of birth, and social security number from the human resource electronic data communications and reporting system required by section 22-44-105 (4)(a) for each nonlicensed person employed by the district.

(b) The department of education shall create and maintain a database of all the information submitted pursuant to this subsection (11).

(c) At the beginning of each semester, a school district shall notify the department of

education when a nonlicensed employee is no longer employed by the school district, and the department shall purge at least annually the employees' information from the database created pursuant to paragraph (b) of this subsection (11).

(d) On or before August 30 each year, the department of education shall submit a list of all persons employed by each school district in the state for the preceding school year to the Colorado bureau of investigation. The list shall include each employee's name and date of birth.

(12) Nothing in this section shall create for a person a property right in or entitlement to employment or continued employment with a school district or impair a school district's right to terminate employment for a nondiscriminatory reason.

Source: **L. 90:** Entire section added, p. 1113, § 3, effective June 7. **L. 92:** (1), IP(2), (5), (8), and (9) amended and (10) added, p. 517, § 1, effective July 1. **L. 93:** (10) amended, p. 71, § 1, effective March 26. **L. 2000:** (1) and (10)(a) amended, p. 1856, § 57, effective August 2. **L. 2002:** (1), (4), (6)(a), and (10) amended, p. 974, § 9, effective June 1. **L. 2004:** (11) added, p. 381, § 1, effective April 8. **L. 2006:** (11)(d) amended, p. 607, § 24, effective August 7. **L. 2011:** (3), (5), (6), (7), and (8) amended and (6.5) and (12) added, (HB 11-1121), ch. 242, p. 1055, § 4, effective August 10. **L. 2017:** (1) and (6)(a) amended, (SB 17-189), ch. 149, p. 502, § 10, effective August 9. **L. 2018:** (1) amended and (10)(c) added, (SB 18-229), ch. 232, p. 1451, § 3, effective August 8. **L. 2019:** (1) and (6)(a) amended, (HB 19-1186), ch. 94, p. 345, § 4, effective April 10; (4), IP(5)(a), and (5)(a)(II) amended and (6)(a.5) added, (HB 19-1166), ch. 125, p. 548, § 26, effective April 18. **L. 2022:** (4)(b), IP(5)(a), (5)(a)(II), and (6)(a.5) amended, (HB 22-1270), ch. 114, p. 521, § 27, effective April 21.

22-32-109.9. Licensed personnel - submittal of fingerprints.

(1) (a) When any school district finds good cause to believe that any licensed personnel employed by such school district has been convicted of any felony or misdemeanor, other than a misdemeanor traffic offense or traffic infraction, subsequent to such employment, such school district shall require such person to submit a complete set of his or her fingerprints taken by a qualified law enforcement agency, an authorized employee of the school district or board of cooperative services, or any third party approved by the Colorado bureau of investigation. At the request of a school district, a law enforcement agency that has fingerprinting equipment that meets the federal bureau of investigation image quality standards shall take the fingerprints of an employee pursuant to this section if an approved third-party vendor is not operating within twenty miles of the school district within the law enforcement agency's jurisdiction. A school district employee or board of cooperative services employee may use any fingerprinting equipment that meets the federal bureau of investigation image quality standards. If an approved third party takes the person's fingerprints, the fingerprints may be electronically captured using Colorado bureau of investigation-approved livescan equipment. Third-party vendors shall not keep the applicant information for more than thirty days unless requested to do so by the

applicant. The fingerprints must be submitted within twenty days of receipt of written notification from the school district.

(b) For purposes of this subsection (1), a person is deemed to be convicted of committing a felony or misdemeanor if such person has been convicted under the laws of any other state, the United States, or any territory subject to the jurisdiction of the United States of an unlawful act which, if committed within this state, would be a felony or misdemeanor.

(c) For purposes of this subsection (1), "convicted" means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, and the imposition of a deferred or suspended sentence by the court.

(2) (a) Any school district to which fingerprints are submitted pursuant to subsection (1) of this section shall forward such fingerprints to the Colorado bureau of investigation for the purpose of conducting a state and national fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation.

(b) When the results of a fingerprint-based criminal history record check of an employee performed pursuant to this section reveal a record of arrest without a disposition, the school district shall require that employee to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d).

(3) All costs arising from the taking of fingerprints and from any fingerprint processing performed by the Colorado bureau of investigation pursuant to subsection (1) of this section and costs arising from the performance of a name-based judicial record check must be borne by school districts. School districts shall not charge licensed personnel any fees for the direct and indirect costs of the school district for fingerprint processing or criminal history record checks performed pursuant to subsection (1) of this section.

Source: L. 90: Entire section added, p. 1113, § 3, effective June 7. L. 93: (1)(a)(I) amended, p. 71, § 2, effective March 26. L. 2000: (1)(a) and (3) amended, p. 1856, § 58, effective August 2. L. 2002: (1)(a) and (2) amended, p. 975, § 10, effective June 1. L. 2017: (1)(a) amended, (SB 17-189), ch. 149, p. 503, § 11, effective August 9. L. 2019: (1)(a) amended, (HB 19-1186), ch. 94, p. 346, § 5, effective April 10; (2) and (3) amended, (HB 19-1166), ch. 125, p. 548, § 27, effective April 18. L. 2022: (2)(b) and (3) amended, (HB 22-1270), ch. 114, p. 521, § 28, effective April 21.

22-32-110. Board of education - specific powers - definitions.

(1) In addition to any other power granted to a board of education of a school district by law, each board of education of a school district has the following specific powers, to be exercised in

its judgment:

(a) To take and hold in the name of the district so much real and personal property located within or outside the territorial limits of the district as may be reasonably necessary for any purpose authorized by law;

(b) To purchase on such terms, including but not limited to installment purchase plans, as the board sees fit and necessary or to lease or rent, with or without an option to purchase, undeveloped or improved real property located within or outside the territorial limits of the district or equipment on such terms as the board sees fit for use as school sites, buildings, or structures, or for any school purpose authorized by law; to determine the location of each school site, building, or structure; and to construct, erect, repair, alter, and remodel buildings and structures;

(c) To provide furniture, equipment, library books, and everything needed to carry out the education program;

(d) To construct, purchase, or remodel teacherages for the employees, or any classification thereof, of the district;

(e) To sell and convey district property which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve; and to lease any such property, pending sale thereof, under an agreement of lease, with or without an option to purchase the same. No finding that the property may not be needed within the foreseeable future shall be necessary if the property is sold and conveyed to a state agency or political subdivision of this state or if the board anticipates that the district will become the tenant of the property under a lease, with or without an option to purchase. A board of education of a school district may only include, by title, covenant, deed, or otherwise, a use restriction on the sale, conveyance, or lease of any district property pursuant to this subsection (1)(e) that restricts the property from being used as a public or nonpublic school for any grade from preschool through the twelfth grade, after providing public notice of its intent to include such use restriction and after discussing the issue in public at a regularly scheduled meeting of the board of education.

(f) To rent or lease district property not needed for its purposes for terms not exceeding ten years, or in the case of unimproved real property leased to a lessee that is a charter school as defined in section 22-30.5-403 (3), for a term not exceeding thirty years, or in the case of a charter school using debt financing, for a term not exceeding the term of the debt financing, subject to all land use and building and zoning plans, codes, resolutions, and regulations, and to permit the use of district property by community organizations upon such terms and conditions as it may approve. No finding that the property is not needed for the district's purposes shall be necessary if the board anticipates that the district will become the subtenant of the property under a sublease, and under such circumstances the term of the lease may exceed ten years but may not exceed fifty years. A board of education of a school district may only include, in a lease

or otherwise, a use restriction on the rental or lease of any district property pursuant to this subsection (1)(f) that restricts the property from being used as a public or nonpublic school for any grade from preschool through the twelfth grade, after providing public notice of its intent to include such use restriction and after discussing the issue in public at a regularly scheduled meeting of the board of education.

(f.5) Subject to prior approval by the commissioner of education as provided in section 22-2-112 (5), to lease district property to a state institution of higher education for use by the institution for a term agreed to by the district and the institution. In addition to or in lieu of monetary lease payments, the board of education may agree to receive in-kind services provided by the institution to the district or its employees or graduates who reside within Colorado, such as reduced tuition rates and scholarships for the school district's employees or graduates who reside within Colorado. If the school district receives in-kind services as provided in this paragraph (f.5), the dollar value of the in-kind services that the school district receives must equal the dollar amount of the lease payment for which the in-kind service is substituted. No later than December 31, 2018, and no later than December 31 every three years thereafter, the school district shall submit to the education committees of the house of representatives and the senate, or any successor committees, a report specifying the amount of bonded indebtedness incurred to build a building that is leased to an institution of higher education as provided in this paragraph (f.5), an accounting of the value of any in-kind services received, and the impact on the school district as a result of the lease.

(g) To employ a chief executive officer to administer the affairs and the programs of the district, pursuant to a contract;

(h) To discharge or otherwise terminate the employment of any personnel. A board of a district of innovation, as defined in section 22-32.5-103 (2), may delegate the power specified in this paragraph (h) to an innovation school, as defined in section 22-32.5-103 (3), or to a school in an innovation school zone, as defined in section 22-32.5-103 (4).

(i) To reimburse employees of the district for expenses incurred in the performance of their duties either within or without the territorial limits of the district;

(j) To procure group life, health, or accident insurance covering employees of the district pursuant to section 10-7-203, C.R.S.;

(k) (I) To adopt written policies, rules, and regulations, not inconsistent with law, that may relate to the efficiency, in-service training, professional growth, safety, official conduct, and welfare of the employees, or any classification thereof, of the district. The practices of employment, promotion, and dismissal shall be unaffected by the employee's religion, creed, color, sex, sexual orientation, gender identity, gender expression, marital status, racial or ethnic background, national origin, ancestry, or participation in community affairs.

(II) As used in this subsection (1)(k):

(A) "Protective hairstyle" includes such hairstyles as braids, locs, twists, tight coils or curls, cornrows, Bantu knots, Afros, and headwraps.

(B) "Racial or ethnic background" includes hair texture, hair type, hair length, or a protective hairstyle that is commonly or historically associated with race.

(l) To determine which schools of the district shall be operated and maintained;

(m) To fix the attendance boundaries of each school in the district;

(n) To provide for the necessary expenses of the board in the exercise of its powers and the performance of its duties; to maintain membership in established school board organizations; and to reimburse a board member for necessary expenses incurred by him in the performance of his official duties, whether within or without the territorial limits of the district;

(o) To provide textbooks to all school-age pupils enrolled in the public schools. The use of such textbooks may be provided free of charge or for a reasonable rental fee for the use of some or all of the textbooks. The rental fee shall be based solely on the purchase price and normal life expectancy of each book rented.

(p) To require pupils enrolled in the public schools of the district to possess suitable supplies;

(q) To procure supplies and equipment required to carry on the musical, dramatic, athletic, and equivalent programs of the district;

(r) To exclude from each school and school library any books, magazines, papers, or other publications which, in the judgment of the board, are of immoral or pernicious nature;

(s) To procure such insurance coverage on the building, structures, and equipment owned by the district, or in which the district has an insurable interest, as may, in the judgment of the board, be adequate from time to time;

(t) To procure such casualty insurance coverage on the personal property owned by the district, or in which the district has an insurable interest, as may, in the judgment of the board, be adequate from time to time;

(u) To procure public liability insurance covering the school district and the directors and employees thereof;

(v) To procure liability and property damage insurance on school vehicles, as defined in section 42-1-102 (88.5), C.R.S., and to procure accident insurance covering the medical expenses incurred by any pupil who is injured while being furnished transportation by the school district pursuant to section 22-32-113, including injury received in the course of entering or alighting from any school vehicle or other means of transportation furnished by the school district;

(w) To contract for the transportation of pupils enrolled in the public schools of the district and to require any such contractor operating a bus or motor vehicle for such purpose to procure liability and property damage insurance on such bus or motor vehicle and pay all premiums for such insurance, without the right of contribution from the school district to the insurer;

(x) To elect to have moneys belonging to the school district withdrawn from the custody of the county treasurer and paid over to the treasurer of the board in the manner provided by law;

(y) To accept gifts, donations, or grants of any kind made to the district and to expend or use said gifts, donations, or grants in accordance with the conditions prescribed by the donor; but no gift, donation, or grant shall be accepted by the board if subject to any condition contrary to law;

(z) To cause a census to be taken of all persons resident within the district who have not attained the age of twenty-one years, or any age group thereof, whenever determined by the board, notwithstanding any census theretofore or thereafter required to be taken by the state board of education;

(aa) To authorize the use of facsimile signatures on teacher contracts, bonds, and bond coupons by appropriate resolution;

(bb) Repealed.

(cc) To provide, in the discretion of the local board, out of federal grants made available specifically for this purpose, special educational services and arrangements, such as dual enrollment, educational radio and television, and mobile educational services, for the benefit of educationally deprived children in the district who attend nonpublic schools, without the requirement of full-time public school attendance and without discrimination on the ground of race, color, religion, sex, or national origin;

(dd) To provide, in the discretion of the local board, out of federal grants made available specifically for this purpose, library resources which, for the purposes of this title, means books, periodicals, documents, magnetic tapes, films, phonograph records, and other related library materials and printed and published instructional materials for the use and benefit of all children in the district and the use of teachers to benefit all children in the district, both in the public and nonpublic schools, without charge and without discrimination on the ground of race, color, religion, sex, or national origin;

(ee) To employ on a voluntary or paid basis teachers' aides and other auxiliary, nonlicensed personnel to assist licensed personnel in the provision of services related to instruction or supervision of children and to provide compensation for such services rendered from any funds available for such purpose, notwithstanding the provisions of sections 22-63-201 and 22-63-402;

(ff) and (gg) Repealed.

(hh) To enter into installment purchase contracts or shared-savings contracts or otherwise

incur indebtedness under section 29-12.5-103, C.R.S., to finance energy conservation and energy saving measures and enter into contracts for an analysis and recommendations pertaining to such measures under section 29-12.5-102, C.R.S.;

(ii) To enter into contracts and to receive federal matching funds for moneys spent in providing student health services pursuant to section 25.5-5-301 (6) or 25.5-5-318, C.R.S.;

(jj) To require the payment of any fine or fee assessed pursuant to law, the return or replacement of textbooks or library resources, or the return or replacement of other school property. A school district shall not withhold, and shall ensure that a school of the school district does not withhold, records required for enrollment in another school or institution of higher education or the diploma, transcript, or grades of any student who fails to pay any assessed fine or fee, to return or replace textbooks or library resources, or to return or replace any school property at the completion of any semester or school year. The school district shall make a reasonable effort to obtain payment of any assessed fine or fee, payment for lost or damaged textbooks or library resources, and payment for lost or damaged school property. If the school district determines that a student is unable to pay, the school district may obtain payment through other methods, including but not limited to payment plans or service within the school in which the student is enrolled. Nothing in this subsection (1)(jj) limits the authority of a school district to collect debt.

(kk) To authorize the use of electronic records or signatures and adopt rules, standards, policies, and procedures for use of electronic records or signatures pursuant to article 71.3 of title 24, C.R.S.;

(ll) (I) Repealed.

(II) (Deleted by amendment, L. 2005, p. 433, § 5, effective April 29, 2005.)

(mm) To adopt a resolution, as provided in section 13-1-127 (7), C.R.S., authorizing one or more employees of the school district to represent the school district in judicial proceedings brought to enforce the "School Attendance Law of 1963", article 33 of this title.

(2) to (4) Repealed.

(5) No board of education shall enter into an agreement with any group, association, or organization representing employees of the district which commits revenues raised or received pursuant to article 54 of this title for a period of time in excess of one year unless such agreement includes a provision which allows for the reopening of the portion of the agreement relating to salaries and benefits.

Source: L. 64: p. 579, § 10. C.R.S. 1963: § 123-30-10. L. 65: p. 1023, § 1. L. 69: p. 1032, § 1. L. 71: p. 1163, § 1. L. 73: pp. 1274, 1275, 1279, §§ 2, 1, 1. L. 77: (1)(b) amended, p. 1050, § 1, effective June 10;(1)(cc) and (1)(dd) amended, p. 1053, effective July 1. L. 79: (1)(a) and (1)(b) amended, p. 782, § 2, effective June 7. L. 83: (1)(b), (1)(e), and (1)(f) amended, p. 749, §§ 1,

2, effective July 1; (1)(f) amended, p. 754, § 1, effective July 1. **L. 84:** (1)(bb) amended, p. 582, § 2, effective March 19; (2) to (4) added, p. 597, § 1, effective April 5. **L. 89:** (5) added, p. 965, § 12, effective June 7. **L. 90:** (1)(ff) and (1)(gg) added, p. 1456, § 3, effective April 24; (1)(ee) amended, p. 1130, § 5, effective July 1; (2) and (4) amended, p. 1031, § 20, effective July 1. **L. 91:** (4)(a) amended and (4)(c) added, p. 529, § 1, effective April 20; (1)(hh) added, p. 732, § 2, effective May 1. **L. 93:** (2) and (3) amended and (3.5) added, p. 449, § 1, effective July 1. **L. 94:** (1)(ff), (1)(gg), and (5) amended, pp. 808, 813, §§ 14, 26, effective April 27; (1)(ee) amended, p. 1633, § 39, effective May 31; (1)(ff) and (1)(gg) amended, p. 2831, § 1, effective January 1, 1995. **L. 95:** (1)(o) amended, p. 346, § 2, effective January 1, 1996. **L. 97:** (1)(ii) added, p. 1139, § 7, effective May 28; (3.5)(b) repealed, p. 461, § 8, effective August 6. **L. 98:** (2)(b)(V) amended, p. 572, § 6, effective April 30; (2)(b)(IV) amended, p. 823, § 32, effective August 5. **L. 99:** (1)(jj) added, p. 291, § 1, effective April 14; (1)(kk) added, p. 1347, § 5, effective July 1. **L. 2000:** (3.5)(a) amended, p. 369, § 21, effective April 10; (2), (3), (3.5), and (4) repealed, p. 1963, § 4, effective June 2; (1)(ee) and IP(4)(b) amended, p. 1857, § 59, effective August 2. **L. 2001:** (1)(ll) added, p. 560, § 2, effective May 29. **L. 2002:** (1)(kk) amended, p. 858, § 6, effective May 30; (1)(ff) and (1)(gg) amended, p. 1118, § 1, effective June 3; (1)(f) amended, p. 1767, § 35, effective June 7. **L. 2003:** (1)(jj) amended, p. 1634, § 1, effective May 2; (1)(ff)(III) and (1)(gg)(III) added, p. 2137, §§ 35, 36, effective May 22. **L. 2005:** (1)(ll) amended, p. 433, § 5, effective April 29. **L. 2006:** (1)(ll)(I) repealed, p. 696, § 40, effective April 28; (1)(ii) amended, p. 2006, § 64, effective July 1. **L. 2007:** (1)(mm) added, p. 165, § 3, effective March 22; (1)(ff)(I) and (1)(gg)(I) amended, p. 348, § 3, effective August 3. **L. 2008:** (1)(h) amended, p. 1431, § 3, effective May 28; (1)(k) amended, p. 1601, § 24, effective May 29. **L. 2010:** (1)(v) amended, (HB10-1232), ch. 163, p. 570, § 5, effective April 28; (1)(ff) and (1)(gg) repealed, (HB10-1013), ch. 399, p. 1896, § 3, effective June 10; (1)(bb) repealed, (HB10-1171), ch. 401, p. 1935, § 5, effective August 11. **L. 2016:** (1)(f.5) added, (SB16-209), ch. 235, p. 949, § 1, effective August 10. **L. 2017:** (1)(jj) amended, (HB17-1301), ch. 201, p. 745, § 1, effective August 9. **L. 2019:** (1)(e) and (1)(f) amended, (HB19-1100), ch. 36, p. 118, § 2, effective August 2. **L. 2020:** IP(1) and (1)(k) amended, (HB20-1048), ch. 8, p. 18, § 7, effective September 14. **L. 2021:** (1)(k)(I) amended, (HB21-1108), ch. 156, p. 893, § 25, effective September 7. **L. 2024:** (1)(k)(II)(B) amended, (HB 24-1451), ch. 354, p. 2412, § 5, effective June 3.

22-32-110.3. Board of education - specific powers - teacher in residence program. (Repealed)

Source: **L. 99:** Entire section added, p. 1192, § 9, effective June 1. **L. 2000:** (4)(d) amended, p. 1114, § 2, effective May 26. **L. 2002:** (4)(b) and (6)(a) amended and (4)(f) and (7) added, pp. 1622, 1623, §§ 1, 2, effective June 7. **L. 2003:** (4)(a) amended, p. 2516, § 6, effective June 5. **L. 2004:** (4)(a), (4)(b)(I), (4)(d), and (4)(f) amended, p. 1282, § 8, effective May 28. **L. 2005:** (4)(c) amended, p. 189, § 30, effective April 7. **L. 2009:** Entire section repealed, (SB 09-160), ch. 292, p. 1447, § 1, effective May 21.

22-32-110.4. Board of education - specific powers - alternative principal preparation

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program. (Repealed)

Source: L. 2004: Entire section added, p. 1287, § 23, effective May 28. **L. 2005:** (3)(a) and (5) amended, p. 189, § 31, effective April 7. **L. 2009:** Entire section repealed, (SB 09-160), ch. 292, p. 1447, § 1, effective May 21.

22-32-110.5. Charter schools - effectiveness of charter. (Repealed)

Source: L. 96: Entire section added, p. 755, § 10, effective May 22. **L. 98:** Entire section repealed, p. 164, § 2, effective April 6.

22-32-110.6. Board of education - specific powers - "No Child Left Behind Act of 2001".

(1) Effective July 1, 2005, a school district board of education may adopt a resolution stating its intent to decline one or more of the federal funding sources of the "Elementary and Secondary Education Act of 1965", as reauthorized and amended in the "No Child Left Behind Act of 2001", 20 U.S.C. sec. 6301 et seq., and thereby be exempt from the requirements of said federal act that accompany the declined funding sources and are identified by said federal act as available for exemption. The resolution shall remain in place until rescinded by the school district board of education.

(2) If a school district chooses to adopt a resolution to decline federal funding sources as provided in this section, the school district's action in declining federal funds and thereby being exempt from specified federal requirements shall not affect the school district's accreditation category, and the department of education and the state board of education shall not impose any form of sanction on the school district for its action in declining federal funds and in not complying with the federal requirements from which it is exempt.

Source: L. 2005: Entire section added, p. 487, § 1, effective May 7. **L. 2009:** (2) amended, (SB 09-163), ch. 293, p. 1542, § 42, effective May 21.

22-32-110.7. Board of education - specific powers - drug testing.

(1) The general assembly recognizes that the safety issues which face schools have changed in the recent past. The general assembly finds the safety of school children should be a priority of the state. The general assembly further finds the use of illegal drugs by employees of school districts who hold safety-sensitive positions could endanger the lives and safety of school children. The general assembly therefore authorizes school districts to create school safety programs, which may include drug testing of all personnel who apply for, transfer to, or are promoted to safety-sensitive positions. The program may also include drug testing of personnel in safety-sensitive positions if there is probable cause to believe the person is using illegal drugs.

(2) For each collective bargaining agreement entered into on or after April 16, 2001, with a union representing personnel in safety-sensitive positions, the collective bargaining agreement shall include drug testing policies for personnel who occupy safety-sensitive positions.

(3) Implementation of this section shall be within existing appropriations.

(4) For the purposes of this section, "safety-sensitive positions" means positions in which a single mistake can create imminent threat of serious harm to students or teachers.

Source: L. 2001: Entire section added, p. 363, § 33, effective April 16.

22-32-111. Power of eminent domain.

A school district has the power to take by eminent domain so much real property as the board of education of the district may deem necessary for any school purpose authorized by law, but the power of eminent domain shall not be exercised to acquire any real property located outside the territorial limits of the school district. The procedure for the exercise of eminent domain as authorized by this section shall be as prescribed by article 1 of title 38, C.R.S., but without regard to the municipal corporation and purposes specified in said article.

Source: L. 64: p. 583, § 12. **C.R.S. 1963:** § 123-30-12.

22-32-112. Oil and gas leases.

(1) A board of education of a school district has the power to lease any real property or any interest therein owned by the district for oil and gas exploration, development, and production purposes, upon such terms and conditions as may be prescribed and contracted by the board in the exercise of its best judgment as the board deems to be for the best interests of the district. Any lease of oil and gas rights shall be for a term not to exceed ten years and as long thereafter as oil or gas is produced, and shall provide for a royalty of not less than twelve and one-half percent of all oil and gas produced, saved, and sold, or the gross production value thereof, which royalty may be reduced proportionately under appropriate provision in the lease if the interest in the school district is less than a full interest in the land or oil and gas rights in the land described in the lease. Whenever in the opinion of the board of education, and because of the size, shape, or current use of any tract of land owned by the district, the best interests of the district so require, any lease of such tract may provide that no drilling shall be conducted on the land covered thereby, in which case such lease shall be for a term not to exceed ten years and so long thereafter as the district may share in royalties payable on account of production of oil or gas from lands adjacent to such tract so leased.

(2) Whenever deemed by the board of education of a school district to be in the best interests of the district, it may enter into a unit agreement providing for the pooling, unitization, or

consolidation of acreage covered by any oil and gas lease executed by the district with other acreage for oil and gas exploration, development, and production purposes, and providing for the apportionment or allocation of royalties among the separate tracts of land included in the unit or pooling agreement on an acreage or other equitable basis, and may change, by such agreement, with the consent of the lessee under the lease, any or all of the provisions of any lease issued by the district, including the term of years for which the lease was originally granted, in order to conform such lease to the terms and provisions of the unit or pooling agreement and to facilitate the efficient and economic production of oil and gas from the lands subject to such agreement.

(3) The leasing of school district real property or any interest therein under the provisions of this section shall not be deemed to be a sale of such school property.

(4) All leases of oil and gas or rights therein and all unit agreements relating to or dealing with oil and gas and containing provisions similar to those set forth in this section affecting school district lands heretofore made or entered into by any school district are hereby confirmed, validated, and declared to be legal and valid in all respects.

Source: L. 64: p. 583, § 13. C.R.S. 1963: § 123-30-13.

22-32-113. Transportation of pupils - when.

(1) The board of education of a school district may furnish transportation:

(a) To and from public schools of the district for any reasonable classification of resident pupils enrolled in the schools of the district;

(b) To and from public schools located in an adjacent state for any reasonable classification of resident pupils who have not completed the twelfth grade, but only if the district of attendance is one to which the district of residence of such pupils is authorized to pay tuition for the attendance of such pupils;

(c) To and from public schools for any reasonable classification of pupils enrolled in the schools of the district who are residents of any other school district, if the district of residence is adjacent to the district of attendance, and if the board or other governing body of the district of residence consents to such transportation;

(d) To and from any school-sponsored activity, or for any emergency, for any reasonable classification of resident pupils enrolled in the schools of the district, whether said activity or emergency be within or without the territorial limits of the district, and whether or not occurring during school hours.

(1.5) The general assembly recognizes that section 2 of article IX of the state constitution requires the establishment and maintenance of a thorough and uniform system of free public schools and requires school districts to maintain such public schools. The general assembly finds

and declares, however, that the provision by school districts of transportation for pupils is not required by the constitution as a part of a thorough and uniform system of free public schools and that any school district which provides transportation may pay the costs incurred in doing so through any means authorized by the general assembly pursuant to this title.

(2) A board may determine the points at which pupils shall be received and delivered and the routes of transportation pursuant to subsection (1) of this section.

(3) If it is impractical, as determined by the board, to furnish transportation to and from school for any resident pupil enrolled or eligible to be enrolled in the schools of the district pursuant to subsection (1)(a), (1)(b), or (1)(c) of this section, the board may pay the cost, or any portion thereof, of room and board for the pupil to reside at a point near a school of the district of residence, or a school of a district to which the district of residence is authorized to pay tuition.

(4) A board may reimburse a parent or guardian for the expenses incurred by such parent or guardian in furnishing transportation to and from a public school or designated school vehicle stop for his or her child or children and for other pupils enrolled in the schools of the district, but the board shall not reimburse any person for transportation furnished to a pupil resident in another school district without the consent of the board or other governing body of the district of residence. The amount and payment of transportation expenses are determined by the board paying the expenses.

(5) (a) The board of education of a school district that furnishes transportation to pupils pursuant to the provisions of this section may impose and collect a fee for the payment of excess transportation costs pursuant to a fee schedule adopted by a resolution of the board of education of the district.

(a.5) Prior to adopting a resolution to collect a transportation fee pursuant to the provisions of this subsection (5), a school district board of education shall hold a public meeting to solicit and consider recommendations from, at a minimum, the school district accountability committee, or its equivalent within the school district, and from teachers, parents, and students, including but not limited to any statewide or local organization that represents parents, teachers, and students within the school district. The recommendations shall pertain both to the question of whether to impose the transportation fee and to the proposed fee schedule. The school district board of education shall provide public notice of the meeting at least thirty days prior to the meeting. At a meeting held subsequent to the meeting at which the school district board of education receives comments and recommendations, the district board may adopt a resolution to impose a transportation fee pursuant to this subsection (5). The school district board of education shall specifically take into account the recommendations received from the school district accountability committee, or its equivalent, and teachers, parents, and students when making the final determination of whether to impose a transportation fee pursuant to this subsection (5).

(a.6) In imposing a transportation fee on pupils pursuant to this subsection (5), the school district shall ensure that only those pupils who use the transportation services are required to pay

the fee.

(a.7) A school district shall deposit any revenues received from the imposition of a fee pursuant to the provisions of this subsection (5) in the transportation fund of the district created in section 22-45-103 (1)(f).

(a.9) If a school district that imposes a transportation fee pursuant to this subsection (5) chooses to impose the transportation fee on students enrolled in charter schools of the school district, the school district, prior to imposing the transportation fee, shall consult with the parents of the students enrolled in the charter schools of the school district. If the school district chooses to include charter school students in the transportation fee, the school district shall ensure that the full amount of the transportation fee collected from students enrolled in charter schools is used to offset the costs of providing transportation services for charter school students.

(b) For the purposes of this subsection (5), "excess transportation costs" means the current operating expenditures for pupil transportation, as defined in section 22-51-102 (1), minus any reimbursement entitlement, as defined in section 22-51-102 (4). The calculation of excess transportation costs shall be based upon amounts expended and amounts received for the twelve-month period ending on June 30 prior to the adoption of the fee schedule.

(c) If a school district imposes a fee for the transportation of pupils, the district shall waive the fee for any pupil who is eligible for a reduced-cost meal or free meal pursuant to the "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

Source: L. 64: p. 584, § 14. C.R.S. 1963: § 123-30-14. L. 69: p. 1033, § 1. L. 91: (1.5) and (5) added, pp. 538, 537, §§ 3, 2, effective May 1. L. 93: (5)(a) amended, p. 1782, § 50, effective June 6. L. 2005: (5) amended, p. 1506, § 1, effective June 9. L. 2010: (4) amended, (HB 10-1232), ch. 163, p. 570, § 6, effective April 28. L. 2018: (1)(c) and (4) amended, (HB 18-1306), ch. 364, p. 2185, § 7, effective August 8. L. 2019: (1)(c) and (4) amended, (SB 19-039), ch. 24, p. 82, § 1, effective March 7.

22-32-114. Transportation by parents of own children.

Notwithstanding the provisions of section 42-4-1904, C.R.S., the board of a school district shall not require a parent or guardian to comply with said statutes and school bus regulations when such parent or guardian shall transport only his or her own child or children, even though the board may reimburse such parent or guardian for expenses incurred in furnishing such transportation.

Source: L. 64: p. 585, § 15. C.R.S. 1963: § 123-30-15. L. 94: Entire section amended, p. 2554, § 46, effective January 1, 1995.

22-32-115. Tuition for resident school-age children.

(1) A board of education of a school district may pay tuition for any school-age child resident in the district who has not completed the twelfth grade to attend a school operated by another school district, whether said school is located within or without the county, when the board of the district of residence determines for any reason whatsoever that it would be to the educational advantage or general welfare or convenience of said child to attend such school operated by another school district.

(2) (a) The tuition, to be paid as authorized by subsection (1) of this section, shall not exceed one hundred twenty percent of the current per pupil general fund cost in the school district of attendance during the preceding school year.

(b) (I) A board of education of a district shall permit any child, the parents or guardian of whom are residents of the state but are not residents of the district, to attend school in the district pursuant to the provisions of section 22-36-101, and the parents or guardian of such child shall not be required to pay tuition. If the child permitted to attend school in the district pursuant to the provisions of section 22-36-101 is a child with a disability, the school district of residence shall be responsible for paying any tuition for educating the child in accordance with the provisions of section 22-20-109 (4). Nothing in this paragraph (b) shall be construed as creating an obligation on the part of the school district of residence or the school district of attendance to provide transportation at public expense for any such child to and from the school of attendance. The board of education of any school district may permit any child, the parents or guardian of whom are not residents of the state, to attend school in the school district and may require the parents or guardian of the child to pay tuition on behalf of the child.

(II) A board of education of a school district shall permit an elementary school-age child to attend an elementary school operated by such school district if the provisions of section 22-32-116 (2) are applicable.

(3) The authority of a board of education to pay tuition for a child pursuant to subsection (1) of this section shall include authority to pay tuition for a child to attend a public school of a school district situate in an adjacent state when the district of residence of the child is situate adjacent to the other state and the geographic conditions or distances are such that it would be impracticable for the child to attend the schools of his district. In the case of tuition paid to a school district of an adjacent state, the limitations of subsection (2)(a) of this section shall not be applicable.

(4) (a) A district of residence shall not be liable for the tuition of any school-age child except pursuant to a written agreement with the district of attendance. A copy of any written agreement between the district of residence and the district of attendance shall be furnished to the parent or guardian of a child covered by the agreement, and such parent or guardian shall not be liable for such part of the tuition, if any, not paid to the district of attendance by the district of residence of such child; except that such parent or guardian may be liable for the payment of such part of the tuition if such parent or guardian is not a resident of the state.

(b) The written agreement between the school district of residence and the school district of attendance regarding a nonresident child who is attending an elementary school in a school district other than the school district of residence pursuant to the provisions of section 22-32-116 (2) may not contain any requirement for the payment of tuition. The school district of residence and the parent or guardian of a child attending school pursuant to section 22-32-116 (2) are not liable for any tuition for the attendance of the child in the school district of attendance.

(5) (Deleted by amendment, L. 94, p. 558, § 3, effective April 6, 1994.)

Source: L. 64: p. 585, § 16. C.R.S. 1963: § 123-30-16. L. 75: (2)(a) amended, p. 710, § 1, effective July 1. L. 88: (2)(a) amended, p. 811, § 10, effective May 24. L. 93: (5) amended, p. 1648, § 41, effective July 1. L. 94: (2)(b), (4), and (5) amended, p. 558, § 3, effective April 6; (2)(a) amended, p. 813, § 27, effective April 27; (2)(b) and (4) amended, p. 1061, § 2, effective May 4; (2)(b) amended, p. 1283, § 10, effective May 22. L. 95: (2)(b)(II) amended, p. 1101, § 27, effective May 31. L. 2009: (2)(a) amended, (SB 09-292), ch. 369, p. 1963, § 60, effective August 5.

22-32-116. Exclusion of nonresidents - exception.

(1) Notwithstanding the provisions of section 22-36-101, and except as otherwise provided for homeless children pursuant to section 22-1-102, any pupil who is enrolled as a resident student shall be entitled to complete the semester or other term for credit if such pupil becomes a nonresident, or, if such pupil becomes a nonresident while enrolled in the twelfth grade, such pupil shall be entitled to finish that school year as a resident.

(2) (a) The provisions of this subsection (2) are only applicable to elementary school-age children.

(b) If a pupil is enrolled in an elementary school and becomes a nonresident subsequent to the time of enrollment or becomes a nonresident during the time period between school years, the school district shall allow the pupil to remain enrolled in or to reenroll in said elementary school subject to the following requirements:

(I) The pupil was included in the most recent October pupil enrollment count taken by the school district and has been continuously enrolled in the elementary school since the date the count was taken;

(II) The parent or guardian of the pupil has made a written request to the principal of the elementary school asking for the pupil to remain enrolled in or to reenroll in the school; and

(III) The request has been approved by the principal of the elementary school following a finding that space exists in the school to accommodate the pupil.

(c) If the pupil's request is made and approved pursuant to this subsection (2), the school

district shall permit the pupil to remain enrolled in or to reenroll in the requested elementary school. The school district of residence and the school district of attendance shall enter into a written agreement concerning the pupil as provided in section 22-32-115 (4).

(d) If the pupil that has received permission to reenroll in an elementary school pursuant to the provisions of this subsection (2) does not do so by the pupil enrollment count in October, the school district is no longer required to permit such reenrollment.

(e) Nothing in this subsection (2) may be construed as creating an obligation on the part of the school district of residence or the school district of attendance to provide transportation at public expense for any such pupil to and from the school of attendance.

Source: L. 64: p. 587, § 17. C.R.S. 1963: § 123-30-17. L. 73: p. 1280, § 1. L. 94: Entire section amended, p. 559, § 4, effective April 6; entire section amended, p. 1060, § 1, effective May 4. L. 2002: (1) amended, p. 206, § 5, effective July 1.

22-32-116.5. Extracurricular and interscholastic activities - definitions.

(1) (a) Notwithstanding any other provision of this article, each school district and each public school, subject to the requirements of this section, shall allow any student enrolled in a school or participating in a nonpublic home-based educational program to participate on an equal basis in any activity offered by the school district or the public school that is not offered at the student's school of attendance or through the student's nonpublic home-based educational program. A school district or school shall not adopt or agree to be bound by any rule or policy of any organization or association that would prohibit any participation allowed by this section. Each nonpublic school may allow a student to participate in a particular activity offered by the nonpublic school, at the nonpublic school's discretion.

(b) Any student may participate in an activity through any amateur association or league of which the school or school district is not a member, and such participation shall not prevent the student from participating or affect the student's eligibility to participate in the same activity at any school, subject to the limitations specified in this section. Prior to participating in any activity through such an amateur association or league, the student shall obtain the express written permission of the principal of the school at which the student participates in the activity, which permission shall be granted if:

(I) The student's class attendance is not compromised; and

(II) The student is in good academic standing under the school's activities policy applicable to all students.

(c) No school or school district that receives funds under article 54 of this title shall belong to any organization or association nor enforce any rule of a coach or principal that would prohibit a student's participation in any school or interscholastic school activity based upon the student's

participation in lawful activities during out-of-school hours and off of school property.

(2) (a) A student may participate in activities only at the student's school of attendance or through the student's nonpublic home-based educational program, whichever is applicable, unless the school of attendance or nonpublic home-based educational program does not offer an activity in which the student wishes to participate.

(b) If a student's school of attendance or nonpublic home-based educational program does not offer an activity in which the student wishes to participate, the student may participate in the activity at another public school in the student's school district of attendance or in the student's school district of residence. If the activity is not offered at any public school in the school district of attendance or the school district of residence, the student may participate in the activity at a public school in a school district that is contiguous to the student's school district of residence or at the nearest public school that has the facilities for and offers the activity, even if the public school is not in a contiguous school district.

(c) If an activity is not offered at the student's school of attendance and the student chooses to participate in the activity at a public school as provided in paragraph (b) of this subsection (2), the school district in which the student chooses to participate shall choose the public school at which the student shall participate. In choosing a public school, the school district shall seek to maximize all students' opportunities to participate in extracurricular activities and shall consider certain factors, including but not limited to:

(I) Which public school of the school district offers the most activities in which the student wishes to participate;

(II) Which public school or schools of the school district are nearest to the student's residence;

(III) The preferences of the student's parents or legal guardians; and

(IV) Such issues as may be presented for the school district's consideration by a statewide high school activities association.

(d) A student may participate in activities at more than one school of participation during the same school year only if the original school of participation does not offer an activity in which the student wishes to participate. This limitation applies regardless of whether the student participates in activities at a public or nonpublic school.

(3) (a) If a student's school of attendance does not offer a particular activity, the student may choose to participate in the activity at a nonpublic school. The nonpublic school has discretion whether to allow the student to participate in an activity at the nonpublic school.

(b) A student may participate at a nonpublic school located in the student's school district of attendance or school district of residence. If the activity is not offered at a school in the student's

school district of attendance or school district of residence, the student may apply to participate in the activity at a nonpublic school in a school district contiguous to the student's school district of residence.

(c) Repealed.

(4) (a) To participate in an activity at the school of attendance, a student shall meet all of the requirements imposed by the school of attendance.

(b) To participate in an activity at a school of participation, a student shall:

(I) If the student is participating in a nonpublic home-based educational program, comply with all laws governing said programs;

(II) Comply with all eligibility requirements imposed by the school of participation;

(III) Comply with the same responsibilities and standards of behavior, including related classroom and practice requirements, as are imposed on other students participating in the activity at the school of participation.

(c) Notwithstanding any provision of this subsection (4) to the contrary, a school district or a public school shall not require a student who is participating in a nonpublic home-based educational program and who chooses to participate in an extracurricular activity at a public school selected by the district to enroll in a course or to complete any course credits as an eligibility requirement or other condition for participating in the activity at the district-selected school of participation; except that the school district or public school may require the student to enroll in a course if the extracurricular activity is an extension of the course, such as a performing arts group.

(5) A student who has not met all eligibility requirements for or who would have become ineligible to participate in activities at a school cannot gain or regain eligibility by applying to participate in activities at another school pursuant to this section. A student shall pay any penalty assessed against the student at the student's school of attendance or school of participation before the student may regain eligibility at the school of attendance or school of participation or become eligible to participate in any activity at another school.

(5.5) For each athletic activity offered, a school district may:

(a) For a team athletic activity, reserve for students enrolled in the district of the school of participation up to twice the number of starting positions on a team at each level of competition;

(b) For an individual athletic activity, reserve for students enrolled in the district of the school of participation up to one-half the total number of team members at each level of competition.

(6) (a) A school may charge any student participating in an activity a participation fee as a

prerequisite to participation. The fee amount that a school of participation charges a nonenrolled student shall not exceed one hundred fifty percent of the fee amount the school of participation would charge an enrolled student to participate in the activity.

(b) If any fee is collected pursuant to this section for participation in an activity, the fee shall be used to fund the particular activity for which it is charged and shall not be expended for any other purpose.

(c) In addition to the fees allowed under paragraph (a) of this subsection (6), a school may charge a nonenrolled student participating in postseason competition in an individual athletic activity the actual cost of that postseason participation if the school is sponsoring only nonenrolled students in the postseason competition.

(7) For purposes of article 54 of this title, no student who participates in an activity in a school district other than the student's school district of attendance shall be included in the pupil enrollment of the school district where the student participates.

(8) The provisions of this section are intended to allow students to participate on an equal basis in extracurricular and interscholastic activities who would otherwise be denied the opportunity to do so and are not intended to sanction or encourage the recruitment of students for participation in such activities by schools or school districts.

(9) If a student transfers enrollment to another school without an accompanying change of domicile by the student's parent or legal guardian, the student's eligibility to participate in activities at the new school of attendance shall be determined under the rules of participation adopted by the school district in which the new school of attendance is located.

(9.5) (a) Notwithstanding any rule adopted or agreed to by any public school or school district, any student who is sanctioned or is found by the school, school district, or any organization or association to which the school or school district belongs to be ineligible to participate in any activity for any reason, except unsportsmanlike conduct or ejection from an activity, may appeal the sanction or finding. The appeal may be made through the applicable process at the school, any league to which the school or school district belongs, or any other organization to which the school or school district belongs.

(b) A student who has completed the appeal process described in paragraph (a) of this subsection (9.5) may seek a preliminary injunction or restraining order from a court of competent jurisdiction.

(c) This subsection (9.5) shall not apply to any coach's team rules that are uniformly applicable to all team members; except that no coach may adopt a rule that is contrary to any provision of this section.

(10) As used in this section, unless the context otherwise requires:

(a) "Activity" means any extracurricular or interscholastic activity, including but not limited to any academic, artistic, athletic, recreational, or other activity offered by a school.

(b) "Nonpublic home-based educational program" has the same meaning as in section 22-33-104.5 (2).

(c) "Nonpublic school" means any independent or parochial school that provides a basic academic education, as defined in section 22-33-104 (2)(b).

(d) "Public school" means any school that is under the direction and control of a school district, including but not limited to a charter school.

(e) "School" includes any public school and nonpublic school.

(f) "School of attendance" means the school in which a student is enrolled and attends classes.

(g) "School district of attendance" means the school district in which a student is enrolled and attends classes or, if the student is participating in a nonpublic home-based educational program, except as provided for in section 22-33-104.5 (6)(b)(II)(B), the school district in which the student participates in said program.

(h) "School district of residence" means the school district in which a student resides.

(i) "School of participation" means a school, other than the student's school of attendance, in which the student participates in an activity.

Source: **L. 93:** Entire section added, p. 337, § 1, effective April 12. **L. 94:** (3) added, p. 1282, § 7, effective May 22; entire section amended, p. 2836, § 1, effective June 7. **L. 96:** Entire section amended, p. 1018, § 1, effective May 23. **L. 97:** (1) and (6)(a) amended and (9.5) added, p. 166, § 1, effective March 28; (1)(c) added, p. 587, § 19, effective April 30. **L. 2000:** (10)(g) amended, p. 372, § 23, effective April 10. **L. 2001:** (5.5) added and (6) amended, p. 11, § 1, effective February 22. **L. 2003:** (9) amended, p. 1220, § 1, effective April 22. **L. 2004:** (2)(b) and (2)(c) amended, p. 17, § 1, effective March 1. **L. 2010:** (9.5)(b) amended, (HB 10-1064), ch. 54, p. 200, § 1, effective August 11. **L. 2013:** (4)(c) added, (HB 13-1095), ch. 144, p. 466, § 2, effective April 26; (2)(c) and (2)(d) amended and (3)(c) repealed, (HB 13-1047), ch.143, p. 464, § 2, effective August 7. **L. 2015:** (9.5)(b) amended, (SB 15-051), ch. 73, p. 194, § 1, effective August 5.

22-32-117. Miscellaneous fees.

(1) When the use of textbooks is provided pursuant to section 22-32-110 (1)(o), whether free or by rental, a board of education of a school district may require each nonindigent pupil to make a reasonable loss or damage deposit to cover such textbooks. A board may also require each

nonindigent pupil to make a reasonable loss or damage deposit to cover nonacademic equipment. All such deposits shall be refunded to the pupil when he or she has returned the textbooks or equipment in good condition except for ordinary wear.

(2) (a) A board may require a pupil to pay:

(I) Tuition as authorized by law;

(II) Any fees reasonably necessary for and reasonably related to the actual cost of textbooks or expendable supplies not provided free of charge;

(III) Charges and fees authorized by this section and section 22-32-118;

(IV) Miscellaneous fees collected on a voluntary basis as a condition of participation or attendance at a school-sponsored activity or program not within the academic portion of the educational program.

(b) Except as provided in paragraph (a) of this subsection (2), a board may not require a pupil who has not completed the twelfth grade to pay:

(I) Any fees as a condition of enrollment in school or as a condition of attendance in any course of study, instruction, or class;

(II) Any fees for any course of study, instruction, or class that satisfies the requirements of or transfers the skill, knowledge, or information necessary to meet the requirements of any such course taken for credit, promotion, or graduation.

(c) Any fee collected pursuant to the provisions of this subsection (2) shall be used for the purpose set forth in the resolution of the board authorizing the collection of such fee and shall not be expended for any other purpose. A complete list of fees, how the amount of each fee was derived, and the purpose of each fee shall be made available by the board upon request.

(3) Whenever a board or public school publicizes any information concerning any fee authorized to be collected pursuant to this section, the board or school shall clearly state whether the fee is voluntary or mandatory and shall specify any activity from which the student shall be excluded if the fee is not paid.

Source: L. 64: p. 587, § 18. C.R.S. 1963: § 123-30-18. L. 94: (2) amended, p. 804, § 5, effective April 27. L. 95: (1) amended and (2) R&RE, p. 347, §§ 3, 4, effective January 1, 1996. L. 97: (2)(c) amended and (3) added, p. 164, § 1, effective March 28.

22-32-118. Summer schools - continuation, evening, and community education programs.

(1) During that period of the calendar year not embraced within the regular school term, a

board of education may provide and conduct courses in subject matters normally included in the regular school program or in demand by the pupils of the district, may fix and collect a charge for attendance at such courses in an amount not to exceed the per capita cost of the operation thereof, and may give regular school credit for satisfactory completion by students of such courses, in the discretion of the board. Such courses or programs not conducted during the regular school term shall not for any purpose, other than school credit, be considered part of the regular school program.

(2) (a) A board of education may establish and maintain continuation programs, part-time programs, evening programs, vocational programs, programs for aliens, and other opportunity programs and may pay for such programs out of the moneys of the school district or charge a fee or tuition. A board may also establish and maintain open-air schools, playgrounds, and museums and may pay for the same out of moneys of the school district.

(b) In addition to the authority granted to a board of education in subsection (2)(a) of this section, a board may establish and maintain community education programs in cooperation with any unit of local government, quasi-governmental agency, institution of higher education, or civic organization and may pay for such programs by a fee or tuition charged or out of moneys of the school district. Attendance in community education programs shall not be considered in computing pupil enrollment under article 54 of this title 22 and part 1 of article 8 and article 60 of title 23.

(c) For the purposes of this subsection (2), a "community education program" may be defined as a program which, while not interfering with the regular school program, may offer a composite of services to the citizens of its service area, including, but not limited to, year-round use of the facilities and personnel of the school for off-hours educational, cultural, recreational, and social enrichment activities for children, youth, and adults; family education and counseling, civic affairs meetings, and discussions; counseling for teenagers; community organization activities; senior citizen activities; cooperation with other social agencies and groups in improving community life; and other similar activities which provide educational, social, cultural, and recreational programs for children, youth, and adults. As used in this paragraph (c):

(I) "Senior citizen" means a person sixty years of age or older and includes the spouse of a senior citizen.

(II) "Senior citizen activity" includes, but is not limited to:

(A) Provision for the serving to senior citizens of the meals regularly served to students at regular mealtimes and at a price not to exceed the adult cost of the meal as determined by the board of education of the school district;

(B) Senior citizen volunteer programs in which senior citizens may assist in any or all aspects of school operation;

(C) Utilization of school facilities for senior citizens' social, educational, cultural, and

recreational purposes.

(d) Repealed.

(3) Any charge, fee, or tuition collected pursuant to the provisions of this section shall be used to fund the program for which the charge, fee, or tuition was collected and shall not be expended for any other purpose.

Source: L. 64: p. 587, § 19. C.R.S. 1963: § 123-30-19. L. 74: (2) amended, p. 367, § 1, effective April 30. L. 75: (2)(d) added, p. 700, § 1, effective July 14. L. 76: (2)(c) amended, p. 566, § 1, effective April 6. L. 88: (2)(b) amended and (2)(d) repealed, pp. 812, 832, §§ 11, 42, effective May 24. L. 94: (2)(b) amended and (3) added, pp. 805, 813, §§ 8, 28, effective April 27. L. 2021: (2)(b) amended, (HB 21-1264), ch. 308, p. 1874, § 7, effective June 23.

22-32-118.5. Intervention strategies - students at risk of dropping out - legislative declaration.

(1) The general assembly finds that research shows there are certain behaviors such as truancy, low academic achievement, and misbehavior that results in suspension or expulsion that, when exhibited by a student, are clear indications that the student is at increased risk of dropping out of school before graduation. These behaviors are often noticeable as early as grades six through nine and, even at this relatively early stage of a student's academic career, are accurate predictors of whether the student will graduate or drop out of high school. The general assembly further finds that interventions with students who demonstrate these behaviors in these middle grades can be very successful in enabling the student to refocus his or her efforts, improve in academic achievement, and successfully graduate from high school. Therefore, it is the intent of the general assembly that school districts and public schools focus attention on the data collected for students in these middle grades, identify students who require interventions, and provide the appropriate interventions to assist students in graduating from high school.

(2) (a) Each school district board of education shall consider adopting procedures by which the schools of the school district, including charter schools, that include any of grades six through nine shall review the relevant data for students in those grades and identify students who are demonstrating behaviors that indicate the student is at greater risk of dropping out of school. The behaviors may include, but need not be limited to, low academic achievement, truancy, insubordinate behavior, and disengagement.

(b) The procedures may specify that, after a school identifies a student as being at increased risk of dropping out of school, the school shall provide appropriate interventions that are designed to assist the student in improving his or her academic performance and behavior and in increasing his or her overall level of engagement in school. Interventions may include, but need not be limited to, counseling, tutoring, parent engagement, and developmental education services.

(c) If a school district board of education adopts procedures pursuant to this subsection (2), the school district shall notify a student's parents as soon as possible after the school district identifies the student as being at greater risk of dropping out of school. The school district shall provide to the student's parents a description of the interventions that the school district intends to implement for the student, if any. The parent may approve or reject the described interventions. If the parent rejects the interventions, the school district shall not implement the interventions. The parent may terminate the interventions at any time after the school district begins providing the interventions.

(d) A parent may contact the school district in which his or her student is enrolled to request interventions pursuant to this subsection (2) if the parent determines that the student is at greater risk of dropping out of school.

Source: L. 2012: Entire section added, (HB 12-1013), ch. 23, p. 59, § 1, effective August 8.

22-32-118.6. Intervention strategies - improving mathematics outcomes - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Train-the-parent" means a training framework to help a parent, guardian, or legal custodian assist the parent's child in understanding mathematics concepts.

(b) "Train-the-trainer" means a training framework that develops educators into subject matter experts who can teach other educators about mathematics.

(2) Each school district board of education or district charter school is strongly encouraged to adopt procedures by which the schools of a school district or district charter schools provide support to students in pre-kindergarten through twelfth grade and students' families to improve mathematics outcomes. Procedures may include:

(a) Identifying students who are below grade level or struggling in mathematics based on academic assessments administered pursuant to section 22-7-1006.3;

(b) Notifying the parents, guardians, or legal custodians if a student is below grade level or struggling in mathematics;

(c) Providing parents, guardians, or legal custodians with a list of interventions and acceleration strategies to assist with mathematics at home, including a state-advisory list of curricula options described in section 22-2-146.5, referrals for mathematics tutoring, or other intervention opportunities, when applicable;

(d) Publishing mathematics curricula annually, including supplemental curricula or interventions; and

(e) Implementing train-the-trainer or train-the-parent framework plans to improve mathematics achievements for students who are below grade level or struggling in mathematics; children with disabilities, as defined in section 22-20-103; or students who are English language learners.

(3) If a school district board of education adopts procedures pursuant to this section, a parent, guardian, or legal custodian may contact the school district in which the parent's, guardian's, or legal custodian's student is enrolled to request additional mathematics interventions created by the department pursuant to section 22-2-146.5 if the parent, guardian, or legal custodian determines the student needs additional intervention support.

Source: L. 2023: Entire section added, (HB 23-1231), ch. 190, p. 940, § 2, effective May 15.

22-32-119. Kindergartens - definition.

(1) (a) A board of education shall establish and maintain full-day or half-day kindergarten educational programs in connection with the schools of its district for the instruction of children one year prior to the year in which the children would be eligible for admission to the first grade. A board may prescribe courses of training, study, and discipline and rules governing the kindergarten educational programs. The kindergarten educational programs must be a part of the public school system, and the school district must pay the cost of establishing and maintaining the kindergarten educational programs from the general school fund. A school district shall not charge the parent of a child enrolled in a kindergarten educational program tuition to attend any portion of the program, except as provided pursuant to section 22-32-115 (2)(b)(I), and shall not charge the parent fees for the child to attend the program other than fees that are routinely charged to the parents of students enrolled in other grades and are applicable to the kindergarten educational program.

(b) Notwithstanding the provisions of subsection (1)(a) of this section to the contrary, if the general assembly amends the "Public School Finance Act of 2025", article 54 of this title 22, to count a student enrolled in kindergarten only as a half-day pupil, with or without the addition of supplemental kindergarten enrollment as defined in section 22-54-103 (15) for purposes of calculating the funded pupil count as determined pursuant to article 54 of this title 22, a school district may charge the student's parents tuition or a fee for the portion of the school day for which it does not receive funding for the student pursuant to the "Public School Finance Act of 2025"; except that the amount of tuition or fee charged must not exceed the amount of tuition or fee that the school district charged to attend a full-day kindergarten educational program for the 2018-19 budget year, adjusted for inflation and prorated by the percentage of the school day for which the student is no longer funded by the "Public School Finance Act of 2025". As used in this subsection (1)(b), "inflation" means the annual percentage change in the United States department of labor bureau of labor statistics consumer price index for Denver-Aurora-Lakewood for all items paid by all urban consumers, or its applicable successor

index.

(1.5) (Deleted by amendment, L. 2005, p. 433, § 6, effective April 29, 2005.)

(2) and (3) Repealed.

Source: L. 64: p. 588, § 20. C.R.S. 1963: § 123-30-20. L. 2001: Entire section amended, p. 561, § 4, effective May 29. L. 2002: (2)(a) amended, p. 1020, § 31, effective June 1. L. 2003: (1.5) added and (2)(e) amended, pp. 2139, 2128, §§ 43, 20, effective May 22. L. 2004: (1) amended, p. 1394, § 14, effective May 28. L. 2005: (1) amended, p. 69, § 1, effective March 25; (1.5) amended and (3) added, p. 433, § 6, effective April 29. L. 2006: (3) repealed, p. 695, § 38, effective April 28. L. 2019: (1) amended, (HB 19-1262), ch. 245, p. 2394, § 3, effective May 21. L. 2024: (1)(b) amended, (HB 24-1448), ch. 236, p. 1532, § 42, effective May 23.

22-32-119.5. Full-day kindergarten - phase-in plan - report - legislative declaration.

(1) (a) The general assembly finds and declares that:

(I) Rigorous research proves that full-day kindergarten is an effective way of improving a child's academic performance;

(II) Research shows that children who have academic success are less likely to drop out of school and more likely to graduate from high school and enter an institution of higher education, leading them to higher-paying jobs that provide for a strong economy in the state;

(III) Studies show that full-day kindergarten educational programs address achievement gap issues and promote student achievement;

(IV) All children in Colorado deserve the chance to attend a full day of kindergarten, as the benefits of full-day kindergarten continue throughout a child's educational experience and set the tone for future academic success.

(b) The general assembly further finds and declares that while the benefits of full-day kindergarten educational programs are evident, determining an approach to phase in full-day kindergarten educational programs is the first step toward potentially offering full-day kindergarten educational programs statewide. The development of a plan by each local board of education that is not offering a full-day kindergarten educational program as of the 2019-20 school year to phase in a full-day kindergarten educational program at the district level is essential to ensure that the appropriate mechanisms are in place to support and maintain high-quality, full-day kindergarten educational programs in Colorado.

(2) Each local board of education that is not offering a full-day kindergarten educational program as of the 2019-20 school year shall develop a plan to potentially phase in a full-day kindergarten educational program in the school district. In developing the plan, each local board

shall consider the following:

(a) Available space in existing school district facilities for a full-day kindergarten educational program;

(b) The need and cost of new school district facilities necessary to offer a full-day kindergarten educational program, including but not limited to the cost associated with construction, acquisition, reconfiguration, or renovation of new or existing facilities;

(c) (Deleted by amendment, L. 2019.)

(d) Professional development and staffing needs;

(e) (Deleted by amendment, L. 2019.)

(f) A plan for parent and community outreach and enrollment processes; and

(g) The anticipated enrollment in a full-day kindergarten educational program, including the percentage of eligible children in the school district that will choose to enroll in the program.

(3) Each local board of education that is not offering a full-day kindergarten educational program as of the 2019-20 school year shall submit its plan to phase in a full-day kindergarten educational program to the department of education on or before July 1, 2020. A school district that has developed a full-day kindergarten plan within the five years before July 1, 2020, may submit the previously developed plan to the department in lieu of developing a plan pursuant to this section.

(4) Nothing in this section:

(a) Requires a child to attend a full day of kindergarten; or

(b) Prohibits a school district from offering a half-day kindergarten educational program.

(c) (Deleted by amendment, L. 2019.)

Source: L. 2007: Entire section added, p. 741, § 18, effective May 9. L. 2009: (2)(c)(IV) amended, (SB 09-163), ch. 293, p. 1542, § 43, effective May 21; (2)(c)(II) amended, (SB 09-292), ch. 369, p. 1963, § 61, effective August 5. L. 2019: Entire section amended, (HB 19-1262), ch. 245, p. 2395, § 4, effective May 21.

22-32-120. Food services - facilities - school food authorities - rules.

(1) (a) A board of education may establish, maintain, equip, and operate a food-service facility, and expend the moneys of the district therefor, for pupils enrolled in the public schools of the district, for persons participating in or attending a school-sponsored activity, and for the employees of the district. Any such food-service facility shall be deemed to be an integral part of

the program of the district and shall be maintained, operated, and governed in the same manner as the schools of the district.

(b) A school food authority may establish, maintain, equip, and operate a food-service facility for pupils enrolled in a district charter school or institute charter school that contracts with the school food authority, for persons participating in or attending a district charter school-sponsored or institute charter school-sponsored activity, and for the employees of a district charter school or institute charter school that contracts with the school food authority.

(2) All food shall be sold by a food-service facility as nearly as practicable on a nonprofit basis, but a school food authority may sell food at lower than cost and may provide food free of charge to those pupils entitled thereto pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq. Capital outlay and rental costs shall not be included in computing the cost of the meals served.

(3) Upon the written request from a parent or guardian of a school-age pupil enrolled in a school, such pupil shall not be required to participate in a food-service program or remain on the school premises during the lunch period.

(4) If a district charter school requests in writing that the school district of the district charter school provide food services pursuant to a contract with the district charter school that includes terms specified by the district charter school, the school district board of education may attempt to negotiate the terms of the contract with the district charter school. If the school district board of education and the district charter school attempt to negotiate contract terms that are mutually satisfactory, and the negotiations fail to produce such mutually satisfactory terms, the school district board of education shall:

(a) Agree to provide food services to the district charter school according to the terms requested by the district charter school; or

(b) Allow the district charter school to transfer the maintenance, supervision, and operation of the district charter school's food-service facility from the district to a school food authority.

(5) (a) Using the timeline and procedures established by rules promulgated by the state board of education pursuant to paragraph (a) of subsection (7) of this section, a district charter school or an institute charter school may apply to the department of education for authorization as a school food authority.

(b) Using the timeline, standards, and procedures established by rules promulgated by the state board of education pursuant to paragraph (b) of subsection (7) of this section, the department of education shall grant or deny authorization as a school food authority to a district charter school or an institute charter school that applies for the authorization pursuant to paragraph (a) of this subsection (5).

(6) (a) On and after May 4, 2009, a district charter school or an institute charter school may

submit a written request to the department of education for provisional authorization as a school food authority.

(b) On and after May 4, 2009, the commissioner of education or his or her designee may grant or deny provisional authorization as a school food authority to a district charter school or institute charter school that submits a written request for such authorization to the department of education.

(c) (I) Subject to the provisions of subparagraph (II) of this paragraph (c), if the commissioner of education or his or her designee grants provisional authorization to a district charter school or an institute charter school as a school food authority pursuant to this subsection (6), the department of education shall review the provisional authorization and, using the standards established by rules promulgated by the state board of education pursuant to paragraph (b) of subsection (7) of this section, grant or deny authorization as a school food authority to the district charter school or institute charter school.

(II) Before granting authorization as a school food authority to a district charter school or an institute charter school that was granted provisional authorization as a school food authority pursuant to this subsection (6), the department of education shall ensure that the district charter school or institute charter school has completed one full fiscal year of operation as a school food authority under the provisional authorization granted pursuant to this subsection (6), that the district charter school or institute charter school has submitted its governmental audit required pursuant to section 22-30.5-112 (7) to the department, and that the district charter school or institute charter school has successfully complied with the requirements of the "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., as determined by the department's compliance review evaluation process and has taken any necessary corrective actions identified by the department. The department shall grant or deny authorization as a school food authority to a district charter school or institute charter school within forty-five days after the school has satisfied the requirements of this subparagraph (II).

(d) Notwithstanding any provision of this subsection (6) to the contrary, the commissioner of education or his or her designee shall not grant provisional authorization as a school food authority to more than six applicant district charter schools or institute charter schools.

(e) (Deleted by amendment, L. 2010, (HB 10-1013), ch. 399, p. 1900, § 9, effective June 10, 2010.)

(7) On or before October 1, 2009, the state board of education shall promulgate rules establishing:

(a) A timeline and procedures by which a district charter school or an institute charter school may apply to the department of education for authorization as a school food authority; and

(b) A timeline, standards, and procedures for the department of education to use in granting or denying authorization as a school food authority to a district charter school or an institute

charter school. The standards shall include, at a minimum, the following requirements:

(I) The district charter school or institute charter school shall serve at least a minimum number of children, specified by rule, who are enrolled in the district charter school or institute charter school;

(II) The district charter school or institute charter school shall demonstrate its sound financial status to the satisfaction of the department of education;

(III) The district charter school or institute charter school shall demonstrate, to the satisfaction of the department of education, its capacity to operate a food service program;

(IV) The district charter school or institute charter school shall include in its application a statement of its willingness to contract, to the extent practicable, with other district charter schools and institute charter schools to provide a food service program; and

(V) The department of education shall not grant authorization as a school food authority to more than ten applicant district charter schools or institute charter schools until July 1, 2016, including any district charter schools or institute charter schools that have been granted provisional authorization pursuant to subsection (6) of this section.

(8) As used in this section, "school food authority" means:

(a) A school district or the state charter school institute;

(a.2) The Colorado school for the deaf and the blind authorized pursuant to section 22-80-102;

(a.3) A charter school collaborative formed pursuant to section 22-30.5-603;

(a.4) An approved facility school or facility, as defined in section 22-2-402;

(a.5) A board of cooperative services created pursuant to article 5 of this title that elects to operate as a school food authority pursuant to section 22-5-120; or

(b) A district charter school or an institute charter school that:

(I) The commissioner of education or his or her designee provisionally authorizes as a school food authority pursuant to subsection (6) of this section; or

(II) The department of education authorizes as a school food authority pursuant to subsection (5) of this section.

Source: L. 64: p. 588, § 21. C.R.S. 1963: § 123-30-21. L. 2009: (1) and (2) amended and (4), (5), (6), (7), and (8) added, (SB 09-230), ch. 227, p. 1030, § 1, effective May 4. L. 2010: (6) and (7)(b)(V) amended, (HB 10-1013), ch. 399, p. 1900, § 9, effective June 10; (8)(a) amended and (8)(a.5) added, (HB 10-1335), ch. 326, p. 1513, § 5, effective August 11; (8)(b)(I) amended, (HB

10-1422), ch. 419, p. 2077, § 42, effective August 11. **L. 2011:** (7)(b)(V) amended, (HB 11-1303), ch. 264, p. 1161, § 47, effective August 10; (8)(a.3) added, (HB 11-1277), ch. 306, p. 1505, § 36, effective August 10. **L. 2012:** (7)(b)(V) amended, (HB 12-1240), ch. 258, p. 1312, § 16, effective June 4. **L. 2024:** (8)(a.2) and (8)(a.4) added, (HB 24-1206), ch. 18, p. 46, § 2, effective March 12.

22-32-121. Facsimile signature.

(1) A board of education may authorize an employee to affix the signature of the treasurer, or assistant treasurer if any, to any warrant, order, or check by any device capable of affixing a facsimile signature; but each such officer shall give written consent to the board for the use of such facsimile signature and written approval of the employee designated to affix his facsimile signature.

(2) The authorization by a board of an employee to affix signatures pursuant to subsection (1) of this section shall be evidenced by a resolution adopted by the board, which, together with the written consent of the officer consenting thereto and approving the designated employee, shall be recorded in the proceedings of the board.

(3) Any employee authorized and approved pursuant to the provisions of this section to affix the facsimile signature of the treasurer, or assistant treasurer if any, of a board shall be bonded in such amount and manner as may be required for the said respective officers.

(4) If a board of education does not elect to have its moneys withdrawn from the county treasurer in the manner authorized by law and an employee is authorized and designated to affix a facsimile signature of the treasurer, or assistant treasurer if any, pursuant to subsection (1) of this section, the board shall cause a copy of the resolution and written consent of such officer to be forwarded to the county treasurer who has temporary custody of the moneys of the district.

Source: L. 64: p. 588, § 22. C.R.S. 1963: § 123-30-22.

22-32-122. Contract services, equipment, and supplies.

(1) A school district may contract with another district, with the governing body of a state college or university, with the tribal corporation of an Indian tribe or nation, with a federal agency or officer, with a county, city, or city and county, or with a natural person, body corporate, or association for the performance of a service, including an educational service, an activity, or an undertaking that a school may be authorized by law to perform or undertake.

(2) Each school district board of education may review and revise the policies and procedures adopted by the board pursuant to section 22-32-109 (1)(b) and may choose to require competitive bidding on contracts for professional services, other than contracts for instructional services. A policy adopted pursuant to this subsection (2) may:

(a) Require that the school district personnel, prior to recommending that the board of education enter into a contract pursuant to this section, examine the costs and benefits of contracting for the service, activity, or undertaking rather than performing the service, activity, or undertaking using school district personnel and that the recommendation specify the conclusions of the cost-benefit analysis and their rationale;

(b) Require the school district personnel to implement a bidding process for contracts entered into pursuant to this section; and

(c) Establish criteria for recommending a contractor to the board of education.

(3) (a) A contract entered into pursuant to this section shall set forth fully the purposes, powers, rights, obligations, and responsibilities, financial or otherwise, of the parties so contracting and shall require the service, including educational service, activity, or undertaking to be of comparable quality and meet the same requirements and standards that would apply if performed by the school district.

(b) A contract executed pursuant to this section may include, among other things, the purchase, outright or by installment sale, or rental or lease, with or without an option to purchase, of necessary building facilities, equipment, supplies, and employee services.

(c) Any state or federal financial assistance that would accrue to a contracting school district, if the district were to perform the contracted service, including educational service, activity, or undertaking individually, shall, if the state board of education finds the contracted service, including educational service, activity, or undertaking is of comparable quality and meets the same requirements and standards that would apply if performed by a school district, be apportioned by the state board of education on the basis of the contractual obligations and paid separately to each contracting school district in the manner prescribed by law.

(4) (a) A contract executed pursuant to this section that includes services performed for a public school shall include a provision requiring a criminal background check for any person providing services under the contract, including any subcontractor or other agent of the contracting entity, if the person provides direct services to students, including but not limited to transportation, instruction, or food services. The criminal background check shall, at a minimum, meet the requirements of section 22-32-109.7 and any other requirements of the school district that executes the contract. The contracting entity is responsible for any costs associated with the background check. A contractor need not provide the results of the background check with the submission of the bid but shall make the background check results available upon request of the school board in compliance with the provisions of section 24-72-305.3, C.R.S.

(b) The background check described in paragraph (a) of this subsection (4) is required only for those persons who have regular, but not incidental, contact with students at least once a month.

(c) The provisions of paragraph (a) of this subsection (4) do not apply to a faculty member from an institution of higher education who contracts to teach for a school district and who has undergone a background check that meets the requirements of section 22-32-109.7 and any other requirements of the school district with which the faculty member contracts.

(5) Nothing in this section authorizes a school district to expend proceeds from the sale of general obligation or revenue bonds issued by the school district to procure or erect a school or other building beyond the territorial limits of the district except in accordance with the provisions of section 22-32-109 (1)(v).

Source: L. 64: p. 589, § 23. C.R.S. 1963: § 123-30-23. L. 67: p. 1078, § 1. L. 75: (2) amended, p. 786, § 5, effective July 1. L. 77: (1) amended, p. 1050, § 2, effective June 10. L. 79: (2) amended, p. 783, § 3, effective June 7. L. 93: Entire section amended, p. 669, § 1, effective April 30; (1) amended, p. 1648, § 42, effective July 1. L. 2011: (1.5) added, (SB 11-266), ch. 241, p. 1052, § 1, effective May 27. L. 2012: Entire section amended, (SB 12-051), ch.200, p. 800, § 1, effective August 8.

22-32-123. Penalty.

Any officer or employee who refuses to perform a duty required by law when specifically directed to perform such duty by the board of education commits a petty offense.

Source: L. 64: p. 590, § 24. C.R.S. 1963: § 123-30-24. L. 2021: Entire section amended, (SB 21-271), ch. 462, p. 3221, § 394, effective March 1, 2022.

22-32-124. Building codes - zoning - planning - fees - rules - definitions.

(1) (a) Prior to the acquisition of land or any contracting for the purchase thereof, the board of education of the school district in which the land is located shall consult with and advise in writing the planning commission, or governing body if no planning commission exists, that has jurisdiction over the territory in which the site is proposed to be located in order that the proposed site shall conform to the adopted plan of the community insofar as is feasible. In addition, the board of education shall submit a site development plan for review and comment to the planning commission or governing body prior to construction of any structure or building. The planning commission or governing body may request a public hearing before the board of education relating to the proposed site location or site development plan. The board of education shall thereafter promptly schedule the hearing, publish at least one notice in advance of the hearing, and provide written notice of the hearing to the requesting planning commission or governing body.

(b) Prior to the acquisition of land for school building sites or construction of any buildings

thereon, the board of education of the school district in which the land is located also shall consult with the Colorado geological survey regarding potential swelling soil, mine subsidence, and other geologic hazards and to determine the geologic suitability of the site for its proposed use.

(c) All buildings and structures shall be constructed in conformity with the building and fire codes adopted by the director of the division of fire prevention and control in the department of public safety, referred to in this section as the "division".

(c.5) In constructing buildings and structures, a school district, district charter school, or institute charter school may consult the guidelines adopted by the public school capital construction assistance board pursuant to section 22-43.7-106 (2)(a).

(d) Nothing in this subsection (1) shall be construed to limit the authority of a board of education to finally determine the location of the public schools of the school district and construct necessary buildings and structures.

(1.5) (a) Prior to contracting for a facility, a charter school shall advise in writing the planning commission, or governing body if no planning commission exists, which has jurisdiction over the territory in which the site is proposed to be located. The relevant planning commission or governing body may request the charter school to submit a site development plan for the proposed facility, but must issue such request, if any, within ten days after receiving the written advisement. If requested by the relevant planning commission or governing body, the charter school, acting on behalf of its sponsoring school board, shall submit such a site development plan. The relevant planning commission or governing body may review and comment on such plan to the governing body of the charter school, but must do so, if at all, within thirty days after receiving such plan. The relevant planning commission or governing body, if not satisfied with the response to such comments, may request a hearing before the board of education regarding such plan. Such hearing shall be held, if at all, within thirty days after the request of the relevant planning commission or governing body. The charter school then may proceed with its site development plan unless prohibited from doing so by school board resolution.

(b) An institute charter school authorized pursuant to part 5 of article 30.5 of this title shall proceed pursuant to the provisions of this subsection (1.5). Notwithstanding the provisions of paragraph (a) of this subsection (1.5) to the contrary, the relevant planning commission or governing body may request a hearing before the state board of education. The institute charter school then may proceed with its site development plan unless prohibited from doing so by the state board of education.

(2) (a) (I) (A) This subsection (2) shall apply to building or structure construction. Except as specified in subparagraph (II) of this paragraph (a), the division shall conduct the necessary plan reviews, issue building permits, cause the necessary inspections to be performed, perform final inspections, and issue certificates of occupancy to assure that a building or structure constructed

pursuant to subsection (1) or (1.5) of this section has been constructed in conformity with the building and fire codes adopted by the director of the division and that the school district or charter school, whichever is appropriate, has complied with the provisions of paragraph (b) of subsection (1) of this section. Pursuant to this sub-subparagraph (A), the division may contract with third-party inspectors that are certified in accordance with section 24-33.5-1213.5, C.R.S., to perform inspections. The affected board of education, state charter school institute, or charter school may hire and compensate third-party inspectors under contract with the division or hire and compensate other third-party inspectors that are certified in accordance with section 24-33.5-1213.5, C.R.S., to perform inspections. If the board of education, state charter school institute, or charter school is unable to obtain a third-party inspector and no building department has been prequalified, the division shall perform the required inspections. If a third-party inspector is used, the division shall require a sufficient number of third-party inspection reports to be submitted by the inspector to the division based upon the scope of the project to ensure quality inspections are performed. Except as specified in sub-subparagraph (B) of this subparagraph (I), the third-party inspector shall attest that inspections are complete and all violations are corrected before the board of education, state charter school institute, or charter school is issued a certificate of occupancy. Inspection records shall be retained by the third-party inspector for two years after the certificate of occupancy is issued. If the division finds that inspections are not completed satisfactorily, as determined by rule of the division, or that all violations are not corrected, the division shall take enforcement action against the appropriate board of education, state charter school institute, or charter school pursuant to section 24-33.5-1213, C.R.S.

(B) If inspections are not completed and a building requires immediate occupancy, and if the board of education, state charter school institute, or charter school has passed the appropriate inspections that indicate there are no life safety issues, the division may issue a temporary certificate of occupancy. The temporary certificate of occupancy shall expire ninety days after the date of occupancy. If no renewal of the temporary certificate of occupancy is issued or a permanent certificate of occupancy is not issued, the building shall be vacated upon expiration of the temporary certificate. The division shall enforce this sub-subparagraph (B) pursuant to section 24-33.5-1213, C.R.S.

(II) Pursuant to a memorandum of understanding between the appropriate building department and the division, the division may prequalify an appropriate building department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, and issue temporary certificates of occupancy pursuant to sub-subparagraph (B) of subparagraph (I) of this paragraph (a), to ensure that a building or structure constructed pursuant to subsection (1) or (1.5) of this section has been constructed in conformity with the building and fire codes adopted by the director of the division, and take enforcement action. Nothing in the memorandum of understanding shall be construed to allow the building department to take enforcement action other than in relation to the building and fire codes adopted by the division. An appropriate building department shall meet certification

requirements established by the division pursuant to section 24-33.5-1213.5, C.R.S., prior to prequalification. An affected board of education, state charter school institute, or charter school may, at its own discretion, opt to use a prequalified building department that has entered into a memorandum of understanding with the division as the delegated authority. If a building department conducts an inspection, the building department shall retain the inspection records for two years after the final certificate of occupancy is issued. The fees charged by the building department shall cover actual, reasonable, and necessary costs. For purposes of this section, "appropriate building department" means the building department of a county, town, city, or city and county and includes a building department within a fire department.

(III) The division shall cause copies of the building plans to be sent to the appropriate fire department for review of fire safety issues. The fire department shall review the building plans, determine whether the building or structure is in compliance with the fire code adopted by the director of the division, and respond to the division within twenty business days; except that the fire department may request an extension of this time from the director of the division on the basis of the complexity of the building plans.

(IV) If the fire department declines to perform the plan review or any subsequent inspection, or if no certified fire inspector is available, the division shall perform the plan review or inspection. As used in this section, unless the context otherwise requires, "certified fire inspector" has the same meaning as set forth in section 24-33.5-1202 (2.5), C.R.S.

(V) If the building or structure is in conformity with the building and fire codes adopted by the director of the division, and if the appropriate fire department or the division certifies that the building or structure is in compliance with the fire code adopted by the director of the division, the division or the appropriate building department shall issue the necessary certificate of occupancy prior to use of the building or structure by the school district or by the institute charter school. The division is authorized to charge a fee to cover the actual, reasonable, and necessary costs of the inspections of buildings and structures. The amount of the fee shall be determined by the director of the division by rule, on the basis of the direct cost of providing the service.

(VI) If the division authorizes building code inspections by a third-party inspector pursuant to subparagraph (I) of this paragraph (a) or authorizes building code plan reviews and inspections by an appropriate building department pursuant to subparagraph (II) of this paragraph (a), the plan reviews and inspections shall be in lieu of any plan reviews and inspections made by the division; except that this subsection (2) shall not be construed to relieve the division of the responsibility to ensure that the plan reviews and inspections are conducted if the third-party inspector or appropriate building department does not conduct the plan reviews and inspections. Nothing in this subsection (2) shall be construed to require a county, town, city, city and county, or fire department to conduct building code plan reviews and inspections.

(b) (I) If the division conducts the necessary plan reviews and causes the necessary inspections to be performed to determine that a building or structure constructed pursuant to

subsection (1) or (1.5) of this section has been constructed in conformity with the building and fire codes adopted by the director of the division, the division shall charge fees as established by rule of the director of the division. The fees shall cover the actual, reasonable, and necessary expenses of the division. The director of the division by rule or as otherwise provided by law may increase or reduce the amount of the fees as necessary to cover actual, reasonable, and necessary costs of the division. Any fees collected by the division pursuant to this paragraph (b) shall be transmitted to the state treasurer, who shall credit the same to the public school construction and inspection cash fund created in section 24-33.5-1207.7, C.R.S.

(II) Any moneys remaining as of December 31, 2009, in the public safety inspection fund created pursuant to section 8-1-151, C.R.S., from fees collected by the division of oil and public safety in the department of labor and employment pursuant to this paragraph (b) as it existed prior to January 1, 2010, shall be transferred to the public school construction and inspection cash fund created in section 24-33.5-1207.7, C.R.S.

(c) (Deleted by amendment, L. 2009, (HB 09-1151), ch. 230, p. 1045, § 1, effective January 1, 2010.)

(d) The inspecting entity shall cooperate with the affected board of education or the state charter school institute in carrying out the duties of this section.

(e) If the inspecting entity and the board of education or the state charter school institute disagree on the interpretation of the codes or standards adopted by the division, the division shall set a date for a hearing as soon as practicable before the board of appeals in accordance with section 24-33.5-1213.7, C.R.S., and the rules adopted by the director of the division pursuant to article 4 of title 24, C.R.S.

(f) The rules authorized by this subsection (2) shall be adopted in accordance with article 4 of title 24, C.R.S.

(g) School buildings shall be maintained in accordance with the fire code adopted by the director of the division pursuant to section 24-33.5-1203.5, C.R.S.

(3) (Deleted by amendment, L. 2009, (HB 09-1151), ch. 230, p. 1045, § 1, effective January 1, 2010.)

Source: L. 64: p. 590, § 25. C.R.S. 1963: § 123-30-25. L. 81: Entire section amended, p. 1064, § 1, effective June 12. L. 84: (1) R&RE and (2) amended, pp. 599, 600, §§ 1, 2, effective April 5. L. 85: (2) amended, p. 338, § 6, effective July 1. L. 86: Entire section amended, p. 499, § 118, effective March 26. L. 98: (2)(b) amended, p. 1331, § 41, effective June 1. L. 2000: (1.5) added, p. 519, § 2, effective August 2. L. 2001: (1), (2), and (3) amended, p. 1138, § 66, effective June 5. L. 2004: (2) amended, p. 1592, § 28, effective June 3; (1.5) amended, p. 1635, § 39, effective July 1. L. 2006: (1), (2), and (3) amended, p. 1355, § 2, effective July 1. L. 2007: (2)(a)(IV) amended, p. 2031, § 44, effective June 1. L. 2008: (2)(a), (2)(b), (2)(c), and (3) amended, p.

1084, § 1, effective August 5. **L. 2009:** (1), (2)(a)(I), (2)(a)(II), (2)(a)(III), (2)(a)(IV), (2)(a)(V), (2)(b), (2)(c), (2)(e), and (3) amended and (2)(g) added, (HB 09-1151), ch. 230, p. 1045, § 1, effective January 1, 2010. **L. 2011:** (2)(a)(I)(A) amended, (SB 11-251), ch. 240, p. 1043, § 4, effective June 30. **L. 2012:** (1)(c) amended, (HB 12-1283), ch. 240, p. 1132, § 41, effective July 1. **L. 2013:** (1)(c.5) added, (SB 13-279), ch. 413, p. 2451, § 3, effective August 7.

22-32-124.3. Energy-efficient design of school buildings and structures required - definitions.

(1) On and after January 1, 2014, each school district, institute charter school, and each district charter school that receives operating moneys from the state shall ensure that each project for a new or substantially renovated building or structure is submitted to or verified by the highest energy efficiency standards practicable, including but not limited to the federal energy star label or the highest performance certification attainable.

(2) The school district, institute charter school, or district charter school may consult with the Colorado energy office concerning the best building practices for the construction, redesign, or renovation project. If a school district, institute charter school, or district charter school consults with the Colorado energy office pursuant to this subsection (2), the Colorado energy office shall advise the school district, institute charter school, or district charter school concerning the best building practices for the construction, redesign, or renovation project. It is the intent of the general assembly that the Colorado energy office use existing resources to satisfy the requirements of this subsection (2).

(3) A school district, institute charter school, or district charter school that has met the requirements of this section for designing or constructing a new or substantially renovated building or structure is encouraged to incorporate the high performance measures adopted or high performance standards met into its curriculum.

(4) As used in this section, unless the context otherwise requires:

(a) "High performance standard" means a building or structure renovation, design, and construction standard that:

(I) Results in the recovery of the initial capital costs attributable to compliance with this section over a time period to be determined by the school district, institute charter school, or district charter school, not to exceed fifteen years, by reducing long-term energy, maintenance, and operating costs;

(II) Reduces the operating costs of a school district, institute charter school, or district charter school by reducing the consumption of energy, water, or other resources;

(III) Improves the indoor environmental quality of a school building for a healthier learning environment;

(IV) Protects Colorado's environment; and

(V) Complies with the federal secretary of the interior's standards for the treatment of historic properties when such work will affect properties fifty years of age or older, unless the state historical society, designated in section 24-80-201, C.R.S., determines that the property is not of historical significance, as that term is defined in section 24-80.1-102 (6), C.R.S.

(b) "Submitted" means the submission to a federal agency of an energy efficiency plan for design and construction pursuant to the requirements of this section.

(c) "Substantially renovate a building or structure" means any renovation that causes the building occupancy to change or where alterations of the work area exceed fifty percent of the aggregate area of the building. If the alterations within the identified scope of the project of the work area exceed fifty percent of the aggregate area of the building, the alterations to existing buildings or structures are permitted without requiring modifications outside the identified scope of the project to the entire building or structure to comply with the requirements of this section. The alterations must conform to the requirements of this section as they relate to new construction only.

(d) "Verified" means certification of the highest energy efficiency standards as practicable by an independent third party.

Source: L. 2013: Entire section added, (SB 13-279), ch. 413, p. 2450, § 2, effective August 7.

22-32-124.5. Board of appeals - definitions. (Repealed)

Source: L. 2006: Entire section added, p. 1358, § 3, effective July 1. **L. 2009:** Entire section repealed, (HB 09-1151), ch. 230, p. 1060, § 16, effective January 1, 2010.

22-32-125. Applicability of article. (Repealed)

Source: L. 64: p. 590, § 26. **C.R.S. 1963:** § 123-30-26. **L. 75:** Entire section repealed, p. 788, § 13, effective July 1.

22-32-126. Principals - employment and authority.

(1) The board of education may employ through written contract public school principals who shall hold valid principal licenses or authorizations and who shall supervise the operation and management of the school and such property as the board shall determine necessary.

(2) The principal shall assume the administrative responsibility and instructional leadership, under the supervision of the superintendent and in accordance with the rules and regulations of

the board of education, for the planning, management, operation, and evaluation of the educational program of the schools to which he is assigned.

(3) The principal shall submit recommendations to the superintendent regarding the appointment, assignment, promotion, transfer, and dismissal of all personnel assigned to the school under his supervision.

(4) The principal shall perform such other duties as may be assigned by the superintendent pursuant to the rules and regulations of the board of education.

(5) (a) The principal or the principal's designee shall communicate discipline information concerning any student enrolled in the school to any teacher who has direct contact with the student in the classroom and to any counselor who has direct contact with the student. Any teacher or counselor who receives information under this subsection (5) shall maintain the confidentiality of the information and does not have authority to communicate the information to any other person.

(b) Each school district shall include in its discipline code adopted in accordance with section 22-32-110 (2) procedures to inform the student and the student's parent or guardian when disciplinary information is communicated and to provide a copy of the disciplinary information to the student and the student's parent or guardian. The discipline code shall also establish procedures to allow the student and the student's parent or guardian to challenge the accuracy of the disciplinary information.

Source: L. 73: p. 1284, § 1. C.R.S. 1963: § 123-30-27. L. 96: (5) added, p. 431, § 2, effective April 22. L. 2004: (1) amended, p. 1286, § 20, effective May 28.

22-32-127. Leases or installment purchases for periods exceeding one year.

(1) (a) Whenever the term of an installment purchase agreement or a lease agreement with an option to purchase, including but not limited to any sublease-purchase agreement entered into by a school district pursuant to section 22-43.7-110 (2)(c), under which a school district becomes entitled to the use of undeveloped or improved real property or equipment for a school site, building, or structure is greater than one year, the obligation to make payments under the agreement shall constitute an indebtedness of the district.

(b) Under any installment purchase agreement or under any lease or rental agreement, with or without the option to purchase, or similar agreement pursuant to which the subject real or personal property is used by the school district for school district purposes, title shall be considered to have passed to the school district at the time of execution of the agreement for purposes of determining liability for or exemption from property taxation.

(2) No board of education shall enter into an installment purchase agreement of the type which constitutes an indebtedness unless such agreement shall be first approved as provided in

this section by a majority of the registered electors of the district voting at an election held pursuant to this section. The board of education may submit to the registered electors of the district the question of entering into such an agreement at any general election, regular biennial school election, or special election called for the purpose. The secretary of the board of education shall give notice of an election to be held pursuant to this section in essentially the same manner and for the same length of time as is required by law for a notice of election of school directors. Such notice shall contain, to the extent applicable, the information required for a notice of election of school directors and in addition shall contain a statement of the maximum term of the proposed agreement, the maximum and periodic amounts of payments for which the district would be obligated, and the purpose of the agreement.

(3) The manner and place of conducting elections held pursuant to this section, and all other election procedures relating thereto, shall be as provided by law for the approval of contracting a bonded indebtedness of the district.

(4) The principal amount of any indebtedness incurred by a school district by means of installment purchase, financed purchase of an asset, or certificate of participation, or sub-financed purchase of an asset or certificate of participation agreements having terms of more than one year shall be subject to the limitation imposed by law on the amount of bonded indebtedness that may be incurred by a school district.

(5) The question of entering into an agreement of the type which constitutes an indebtedness of the district beyond a term of one year may be submitted or resubmitted after the same or any other such question has previously been rejected at an election held pursuant to this section; but no such question shall be submitted or resubmitted at any election held less than one hundred twenty days after a previous submission of such question, and the board of education of any school district shall not submit any question of entering into such an agreement at more than two elections within any twelve-month period.

(6) The provisions of this section shall have no application to any installment purchase agreement or lease agreement with option to purchase, even though the term thereof may be greater than one year, where the school district's obligation to make payments under such installment purchase agreement or lease agreement with option to purchase is limited to its capital reserve fund, its general fund, or both and is expressly subject to the making of annual appropriations therefor in accordance with law.

(7) The provisions of this section shall have no application to any installment purchase agreement or lease agreement with an option to purchase in which such payments are made from the capital reserve fund following approval in an election as provided for in section 22-45-103 (1)(c).

Source: L. 73: p. 1275, § 2. C.R.S. 1963: § 123-30-28. L. 77: (1) amended, p. 1051, § 3, effective June 10. L. 83: (1) amended, p. 743, § 2, effective June 1; (1)(a) and (6) amended, p. 750, § 3, effective July 1. L. 85: (6) amended, p. 733, § 3, effective May 31. L. 87: (2) amended,

p. 315, § 50, effective July 1. **L. 2008:** (1)(a) and (4) amended, p. 1062, § 2, effective May 22. **L. 2021:** (4) amended, (HB 21-1316), ch. 325, p. 2001, § 13, effective July 1.

22-32-128. Use of school vehicles by residents of district.

At times to be specified by the board of education of each school district, school vehicles used for the transportation of pupils pursuant to the provisions of section 22-32-113 shall be available to groups of five or more residents of the district who are sixty-five years of age or older for use within or without the district. The board of education of each school district of the state shall adopt policies regarding the reasonable use of such vehicles by groups of persons with special consideration being given those residents who are sixty-five years of age or older. Such school vehicles shall be covered by an insurance policy similar to, with limits not less than, the insurance coverage that is in effect while said school vehicles are used for the transportation of pupils. To the extent that such policies provide for the reimbursement to the school district of all the expenses of the operation of such school vehicles as determined by the school district auditor, no such reimbursement shall constitute compensation, and it shall not subject the school district to the provisions of article 10.1 of title 40, C.R.S. The miles traveled and the costs expended under this article shall not be allowable for the computation of benefits accruing to a school district under the provisions of article 51 of this title.

Source: **L. 73:** p. 1282, § 1. **C.R.S. 1963:** § 123-30-29. **L. 78:** Entire section amended, p. 521, § 7, effective July 1. **L. 2010:** Entire section amended, (HB 10-1232), ch. 163, p. 570, § 7, effective April 28. **L. 2011:** Entire section amended, (HB 11-1303), ch. 264, p. 1161, § 48, effective August 10. **L. 2013:** Entire section amended, (HB 13-1300), ch. 316, p. 1679, § 43, effective August 7.

22-32-129. Validation - effect - limitations. (Repealed)

Source: **L. 73:** p. 1277, § 6. **C.R.S. 1963:** § 123-30-30. **L. 2006:** Entire section repealed, p. 607, § 25, effective August 7.

22-32-130. Children's activity buses. (Repealed)

Source: **L. 93:** Entire section added, p. 1456, § 1, effective June 6; entire section repealed, p. 1456, § 1, effective September 1.

22-32-131. Voter approval of repayment of loans for capital improvements made to a growth district.

(1) The board of education of a growth district, as defined in section 22-2-125 (1)(b), at any regular biennial school election or special election, may submit to the eligible electors of the

growth district:

(a) The question of whether the growth district may repay any loan made pursuant to section 22-2-125 over a period exceeding one budget year; or

(b) The question of whether the growth district may repay any loan made pursuant to article 15 of title 23, C.R.S., over a period exceeding one budget year.

(2) Any question submitted pursuant to subsection (1) of this section may be combined with a question submitted by the growth district pursuant to section 22-40-110 at the same election.

(3) Any special election called pursuant to this section shall be held on the general election day in each even-numbered year or on the first Tuesday in November of each odd-numbered year and shall be conducted pursuant to the provisions of articles 1 to 13 of title 1, C.R.S.

Source: L. 2002: Entire section added, p. 1744, § 17, effective June 7.

22-32-132. Diplomas - veterans.

(1) Upon the request of an honorably discharged veteran or a discharged LGBT veteran, as defined in section 28-5-100.3, a board of education of a school district may award a diploma to the veteran if the veteran:

(a) Served in the armed forces of the United States at any time during the period from:

(I) December 7, 1941, through December 31, 1946, a period that includes world war II;

(II) June 25, 1950, through January 31, 1955, a period that includes the Korean war; or

(III) August 5, 1964, through May 7, 1975, a period that includes the Vietnam war, and the period from February 28, 1961, through August 5, 1964, for persons serving in Vietnam;

(b) Left high school before graduating in order to serve in the armed forces of the United States;

(c) Has not received a high school diploma;

(d) Has attained the age of sixty years; and

(e) (I) At the time of making the request, resides within the school district; or

(II) At the time of leaving high school to serve in the armed forces of the United States, resided within the school district.

(2) Notwithstanding any provision of subsection (1) of this section to the contrary, a board of education of a school district may award a diploma:

(a) Posthumously to an honorably discharged veteran or discharged LGBT veteran, upon the request of an immediate family member or legal guardian of the veteran; or

(b) Even though an honorably discharged veteran or discharged LGBT veteran has already successfully completed a high school equivalency examination, as defined in section 22-33-102 (8.5).

(3) A school district, in implementing the provisions of this section, may utilize a form for acquiring the information from a veteran described in subsection (1) of this section. The form may be prescribed by rule proposed by the Colorado board of veterans affairs and adopted by the adjutant general in accordance with section 28-5-703, C.R.S.

Source: **L. 2003:** Entire section added, p. 585, § 2, effective March 18. **L. 2014:** (2)(b) amended, (SB 14-058), ch. 102, p. 380, § 9, effective April 7. **L. 2021:** IP(1), (2)(a), and (2)(b) amended, (SB 21-026), ch. 42, p. 175, § 6, effective November 11.

22-32-133. American sign language.

(1) As used in this section, unless the context otherwise requires:

(a) "American sign language" means the natural language recognized globally that is used by members of the deaf community and that is linguistically complete with unique rules for language structure and use, that include phonology, morphology, syntax, semantics, and discourse.

(b) "School district" means any school district organized and existing pursuant to law, but does not include a local college district.

(c) Repealed.

(2) A school district may offer one or more elective courses in American sign language.

(3) A school district may elect to treat American sign language as a foreign language and may:

(a) Grant academic credit for completion of an American sign language course or demonstrated proficiency in American sign language on the same basis as the successful completion of a foreign language; and

(b) Count completion of an American sign language course or demonstrated proficiency in American sign language toward the fulfillment of any foreign language requirement for graduation.

Source: **L. 2004:** Entire section added, p. 255, § 2, effective August 4. **L. 2005:** (1)(c) repealed,

p. 767, § 32, effective June 1. **L. 2006:** (2) amended, p. 607, § 26, effective August 7.

22-32-133.5. Computer science courses - legislative declaration.

(1) The general assembly finds that:

(a) Computer science and computer coding skills are widely recognized as valuable assets in the current and future job market;

(b) Students in Colorado would benefit from taking computer science and coding courses in high school;

(c) High school students who are exposed to computer science and coding courses in high school are more likely to take such courses in college;

(d) Many high school students are not taking computer science and coding courses because they are elective courses and do not count toward graduation requirements;

(e) According to the Code.org Advocacy Coalition, in states that count a computer science course as either a math or science credit toward graduation, the average class size is fifty-three percent bigger than in states where computer science is only an elective; and

(f) More high school students would take computer science and coding courses if they fulfilled a graduation requirement in mathematics or science.

(2) All school districts are encouraged to offer in every high school one or more courses in computer science and coding.

(3) All school districts are encouraged to and may elect to treat computer science and coding courses as a mathematics or science course and count completion of a computer science or coding course toward the fulfillment of any mathematics or science graduation requirement.

Source: L. 2016: Entire section added, (HB 16-1198), ch. 122, p. 345, § 1, effective August 10.

22-32-134. Healthful alternatives - school vending machines - requirements. (Repealed)

Source: L. 2004: Entire section added, p. 503, § 1, effective April 20. **L. 2008:** Entire section repealed, p. 641, § 2, effective August 5.

22-32-134.5. Healthy beverages policy required.

(1) On or before July 1, 2009, each school district board of education shall adopt and implement a policy that prohibits, except as described in subsection (2) of this section, the sale of beverages to students from any source, including but not limited to:

- (a) School cafeterias;
- (b) Vending machines;
- (c) School stores; and
- (d) Fund-raising activities conducted on school campuses.

(2) (a) On or before November 15, 2008, the state board of education shall promulgate rules describing beverages that school districts and schools may permit to be sold to students. Each beverage described by the rules shall satisfy minimum nutritional standards for beverages, which standards are science-based and established by a national organization that:

(I) Establishes and promotes minimum nutritional standards for beverages served to students in schools; and

(II) Has set forth a memorandum of understanding between various interested entities, including representatives of the beverage industry, which memorandum of understanding sets forth guidelines for policies concerning beverages that school districts and schools may permit to be sold to students.

(b) On or before November 15, 2008, the state board of education shall promulgate rules describing specific events occurring outside of the regular and extended school day, including but not limited to extracurricular competitions and performances, at which a school district or school may permit to be sold to students beverages other than the beverages described by the rules promulgated by the state board pursuant to paragraph (a) of this subsection (2).

(3) (a) The policy adopted by a school district pursuant to subsection (1) of this section shall apply to all beverages sold on school campuses during regular and extended school days.

(b) For the purposes of this subsection (3), "extended school day" means the regular hours of operation for a school plus any time spent by students after the regular hours of operation for any purpose, including but not limited to participation in extracurricular activities or childcare programs.

(4) The provisions of this section shall apply to contracts entered into or renewed by a school district on or after July 1, 2009.

Source: L. 2008: Entire section added, p. 641, § 3, effective August 5.

22-32-135. Financial literacy curriculum - definition.

(1) The general assembly finds that:

(a) Life skills such as the ability to formulate a household budget, balance a checking

account, read and understand the terms and conditions of a credit card, and otherwise manage personal finances are critical to a person's success in today's economy;

(b) In February and March of 2000, in a survey of high school seniors designed to test their knowledge of personal finance basics, the students answered only fifty-one and nine tenths percent of the questions correctly, receiving a failing grade;

(c) Many students graduate from high school without having learned crucial personal financial management skills, although many have already obtained their first credit cards;

(d) Studies of consumer finances by the federal reserve board show that, at the end of 2020, household debt in the United States totaled over fourteen and one-half trillion dollars. Over one and one-half trillion dollars of this debt is student debt, over eight hundred billion dollars is credit card debt, and over ten trillion dollars is mortgage debt.

(e) With the growth in consumer debt and the apparently low level of education and understanding with regard to personal finances, it is imperative that the public schools of the state provide students with a thorough, high-quality curriculum of financial literacy to enable students to understand and master personal finance skills, including, at a minimum, managing bank accounts; household budgeting; understanding and managing personal debt, including credit card debt and student loan debt; and managing personal savings, retirement savings, homeownership, and investments.

(2) As used in this section, "financial literacy" means knowledge of personal finances that is sufficient to enable a person to manage savings, investment, and checking accounts; to design and maintain a household budget; to assess the affordability of and how to budget for postsecondary education; to understand the purpose of and how to access and complete the free application for federal student aid and the Colorado application for state financial aid, or successor forms for accessing federal and state financial aid; to manage personal debt, including student loan debt; to understand consumer credit and finance; to manage personal credit options, including credit cards; to understand and select from among short-term and long-term investment options; to understand the home buying process, including home loans and managing mortgage debt; and to understand retirement plans, tax-deferred accounts, pensions, and government retirement benefits.

(3) (a) Each school district board of education is strongly encouraged to adopt curriculum pertaining to financial literacy to be taught in grade-appropriate courses at the elementary, middle, junior high, and high school grade levels. When selecting mathematics and economics textbooks, each school district is strongly encouraged to select those texts that include substantive provisions on personal finance, including personal budgeting; credit; debt management; student loan borrowing and financial aid; homeownership; retirement, including long-term investments, tax-deferred accounts, pensions, and government retirement benefits; and similar personal finance topics.

(b) The curriculum described in subsection (3)(a) of this section must also include content relating to how to assess the affordability of and budget for different options for obtaining a postsecondary degree or credential and how to pay for higher education. The curriculum should familiarize students with the process and necessary forms for applying for federal and state financial aid, student loans, scholarships, and grant programs, including accessing and completing either the free application for federal student aid or the Colorado application for state financial aid, or successor forms to access federal and state financial aid, and should ensure that students have an awareness of federal and state programs that may be available to manage student loan debt.

(4) Each school district board of education is further encouraged to adopt successful completion of a course in financial literacy as a graduation requirement.

Source: L. 2004: Entire section added, p. 1774, § 2, effective June 4. **L. 2021:** IP(1), (1)(d), (1)(e), (2), and (3) amended, (HB 21-1200), ch. 284, p. 1687, § 4, effective September 7.

22-32-136. Children's nutrition - healthful alternatives - information - facilities - local wellness policy - competitive foods.

(1) The general assembly hereby recognizes that:

(a) Overweight children and youth and obesity among children and youth are major public health threats, and being overweight is now the most common medical condition of childhood. An estimated nine million young people in the United States are considered overweight. In Colorado, obesity in the adult population has more than doubled since 1991. Childhood obesity is related to the development of a number of preventable chronic childhood diseases such as type 2 diabetes and hypertension, and overweight children are likely to become overweight adults with increased risk of developing high cholesterol, heart disease, stroke, osteoporosis, gallbladder disease, arthritis, and endometrial, breast, prostate, and colon cancers.

(b) Schools can play a major role in reducing the number of overweight and obese children and youth. Schools are places where students can gain the knowledge, motivation, and skills needed for lifelong physical activity and lifelong healthy eating habits and are also places for students to practice healthy eating habits.

(c) Meeting a student's basic nutritional and fitness needs will increase a student's cognitive energy to learn and achieve, and, as a result, the overall educational process will be more effective.

(2) As used in this section, unless the context otherwise requires:

(a) "Competitive food" means any food or beverage available to students that is separate from the school district's nonprofit, federally reimbursed food service program and is provided

by a school-approved organization or a school-approved outside vendor.

(b) "School day" means one hour prior to the start of the first class period to one half hour after the end of the last class period; except that, for schools not offering school breakfast, "school day" means one half hour before the first class period to one half hour after the end of the last class period.

(3) On or before July 1, 2006, each school district board of education is encouraged to adopt policies ensuring that:

(a) Every student has access to healthful food choices in appropriate portion sizes throughout the school day. At a minimum, this includes the provision of:

(I) Healthful meals in the school cafeteria made available to students with an adequate time to eat;

(II) Healthful beverages sold to students on school campuses, pursuant to section 22-32-134.5; and

(III) Healthful items for fundraisers, classroom parties, and rewards in the schools.

(b) (I) Every student and his or her parent or legal guardian has access to information concerning the nutritional content of:

(A) Food and beverages sold by or available from the school's food service department at breakfast and lunch and throughout the school day; and

(B) Competitive food sold or available anywhere on school district property on a recurring basis during the school day.

(II) The information described in subparagraph (I) of this paragraph (b) may be made available by placing the information on the school district website or printing the information on the menus sent home with students or by posting the information in a visible place in each school building.

(c) Every student has access to fresh fruits and vegetables at appropriate times during the school day. Whenever practical, school districts shall work to acquire fresh produce from Colorado sources.

(d) Every student has access to age-appropriate and culturally sensitive instruction designed to teach lifelong healthy eating habits and a healthy level of physical activity.

(e) Every student has access to a school facility with a sufficient number of functioning water fountains in accordance with local building codes, or other means which provide him or her with sufficient water.

(f) Every student has access to age-appropriate daily physical activity.

(4) Each school district board of education is encouraged to establish rules specifying the time and place at which competitive foods may be sold on school property in order to encourage the selection of healthful food choices by students.

(5) On or before July 1, 2006, each school district board of education is encouraged to adopt a local wellness policy as provided for in the federal "Child Nutrition and WIC Reauthorization Act of 2004", Public Law 108-265, which provides, in part, that, not later than the first day of the school year beginning after June 30, 2006, each school district participating in a program authorized by the "Richard B. Russell National School Lunch Act", 42 U.S.C. 1751 et seq., or the Child Nutrition Act of 1966, 42 U.S.C. 1771 et seq., shall establish a local school wellness policy for schools under the local educational agency that, at a minimum:

(a) Includes goals for nutrition education, physical activity, and other school-based activities that are designed to promote student wellness in a manner that the school district determines is appropriate;

(b) Includes nutrition guidelines selected by the local school district for all foods available on each school campus during the school day with objectives of promoting student health and reducing childhood obesity and overweight and type 2 diabetes;

(c) Provides an assurance that guidelines for reimbursable school meals shall not be less restrictive than regulations and guidance issued by the secretary of agriculture pursuant to subsections (a) and (b) of section 10 of the Child Nutrition Act, 42 U.S.C. sec. 1779, and sections 9 (f)(1) and 17 (a) of the "Richard B. Russell National School Lunch Act", 42 U.S.C. secs. 1758 (f)(1) and 1766 (a), as those regulations and guidance apply to schools;

(d) Establishes a plan for measuring implementation of the local wellness policy, including designation of one or more persons within the school district or at each school, as appropriate, charged with operational responsibility for ensuring that the school meets the local wellness policy; and

(e) Involves parents, representative of the school food authority, the school board and school administrators, and the public, in the development of the school wellness policy.

(5.5) On or before October 1, 2008, each school district board of education is encouraged to expand its local wellness policy adopted pursuant to subsection (5) of this section to include goals for:

(a) Increasing the availability of courses in physical education, including but not limited to, for a school district that enrolls more than one thousand five hundred students, establishing the goal of ensuring that all physical education classes offered by the school district are taught by persons who are licensed and endorsed pursuant to article 60.5 of this title to teach physical education;

- (b) Increasing classes in health education;
 - (c) Providing health services;
 - (d) Providing nutrition services;
 - (e) Providing increased access to mental health counseling and services;
 - (f) Developing and maintaining a healthy school environment in each of the schools of the school district;
 - (g) Increasing the level of family and community involvement in developing and maintaining an emphasis on healthy lifestyles and choices to enable students to retain healthy behaviors throughout their lives.
- (6) Nothing in this section shall be construed to prohibit the sale or distribution of any food or beverage item through periodic fundraisers by a student, teacher, or school group when the item is for sale after completion of the school day.

Source: L. 2005: Entire section added, p. 225, § 1, effective August 8. L. 2008: (3)(a)(II) amended, p. 642, § 4, effective August 5; (5.5) added, p. 671, § 1, effective August 5.

22-32-136.3. Children's nutrition - no trans fats in school foods - definitions - rules.

- (1) As used in this section, unless the context otherwise requires:
- (a) "Extended school day" means the school day, plus any additional time that a student spends on school grounds before or after the school day for the purpose of participating in a school-sanctioned extracurricular activity or child care program.
 - (b) "Industrially produced trans fat" means vegetable shortening, margarine, or any type of partially hydrogenated vegetable oil that contains more than zero grams of trans fat per serving as labeled.
 - (c) "Public school" means a school of a school district, a district charter school, or a board of cooperative services.
 - (d) "School day" has the same meaning as set forth in section 22-32-136.
- (2) On and after September 1, 2013, a public school shall not:
- (a) Make available to a student any food or beverage that contains any amount of industrially produced trans fat; or
 - (b) Use a food that contains any industrially produced trans fat in the preparation of a food item or beverage that is intended for consumption by a student.

(3) The prohibition described in subsection (2) of this section applies to all food and beverages made available to a student on school grounds during each school day and extended school day, including but not limited to a food or beverage item made available to a student in a school cafeteria, school store, vending machine, or other food service entity existing upon school grounds.

(4) The prohibition described in subsection (2) of this section does not apply to:

(a) Any food or beverage that is made available to a student as part of a meal program of the United States department of agriculture;

(b) Any food or beverage that is made available to a student as part of a fundraising effort conducted by one or more students, teachers, or parents; or

(c) Any food or beverage that is donated to the school to be given to a student for consumption off of school premises and not during the school day.

(5) The state board of education may promulgate such rules as are necessary for the administration of this section.

Source: L. 2012: Entire section added, (SB 12-068), ch. 256, p. 1302, § 2, effective August 8.

22-32-136.5. Children's wellness - physical activity requirement - legislative declaration.

(1) (a) The general assembly hereby finds that:

(I) Healthy children are more likely to be engaged learners, they do better in school, they have improved attendance, and they are less likely to have behavioral problems inside and outside of the classroom;

(II) Many studies have documented the link between the mind and body and the effect of movement on cognition and stimulated blood flow and oxygen to a child's brain;

(III) Studies also show that physical activity improves students' ability to focus and decreases the symptoms of attention deficit disorder and related conditions;

(IV) Children who engage in physical activity as part of the learning environment are healthier and process information better;

(V) The growing trend of childhood obesity is also beginning to affect the country's military preparedness. Recent reports show that, nationally, approximately one-third of all potential military recruits are ineligible to join because they are overweight and out of shape;

(VI) School is the only place that many children are exposed to physical activity;

(VII) According to the 2009 child health survey conducted by the department of public health and environment, one in four Colorado children are overweight or obese, and only fifty-three and five tenths percent of children meet daily physical activity recommendations; and

(VIII) Between 2003 and 2007, Colorado's child obesity national ranking dropped from third leanest in the country to twenty-third, and the number of obese children in Colorado ten to seventeen years of age increased from forty-eight thousand to seventy-two thousand.

(b) Therefore, the general assembly declares that, by supporting physical activity in public schools, Colorado will ensure that all children have access to activities that build their bodies and their brains and support their abilities to think, react, create, and learn.

(2) For purposes of this section, unless the context otherwise requires, "physical activity" may include, but need not be limited to:

- (a) Exercise programs;
- (b) Fitness breaks;
- (c) Recess;
- (d) Field trips that include physical activity;
- (e) Classroom activities that include physical activity; and
- (f) Physical education classes.

(3) (a) Each school district board of education shall adopt a physical activity policy that incorporates into the schedule of each student attending an elementary school the opportunity for the student to engage in:

(I) A minimum of six hundred minutes of physical activity per month if the classes at the school meet five days per week and the student attends school for a full day;

(II) A minimum of three hundred minutes of physical activity per month if the classes at the school meet five days per week and the student attends school for a half day;

(III) A minimum of thirty minutes of physical activity per day if the classes at the school meet fewer than five days per week and the student attends school for a full day; and

(IV) A minimum of fifteen minutes of physical activity per day if the classes at the school meet fewer than five days per week and the student attends school for a half day.

(b) The physical activity policy may include an exception for any month that includes a planned or unplanned full-day or half-day school closure.

(c) Each school district board of education shall implement the physical activity policy

beginning with the 2011-12 school year.

(d) Each school district board of education may require the person or committee in each school designated to ensure that the school complies with the local wellness policy, as described in section 22-32-136, or the school district accountability committee and school accountability committees created pursuant to article 11 of this title to review and advise the school district or an individual school regarding the school district's or the individual school's physical activity policy and compliance with this section.

(e) The expectation that a school district adopt a policy concerning physical activity pursuant to this section is not intended to dictate instruction in the classroom.

(f) A school that, prior to January 1, 2011, provides more than the minimum minutes specified in paragraph (a) of this subsection (3) shall not decrease the amount of physical activity as a result of the policy specified in paragraph (a) of this subsection (3); except that the school may decrease its required minutes of physical activity in response to budgetary constraints, so long as the school complies with the requirements specified in paragraph (a) of this subsection (3).

(g) A school shall not substitute noninstructional physical activity for standards-based physical education instruction.

Source: L. 2011: Entire section added, (HB 11-1069), ch. 117, p. 364, § 1, effective April 20.

22-32-137. Community service and service-learning.

Each school district shall consider and, if the school district board of education deems it appropriate, adopt a policy to encourage students to engage in community service or service-learning and to recognize students' contributions to their communities through community service or service-learning. Pursuant to the policy, a student who successfully meets the community service or service-learning program goals, as specified in the policy, may earn recognition in the manner described in the policy. The policy should specify the manner in which recognition of service may be reflected on a student's diploma or transcript as an indication of the student's commitment to service within the community.

Source: L. 2006: Entire section added, p. 998, § 2, effective August 7.

22-32-138. Out-of-home placement students - school stability, transfer, and enrollment procedures - absences - exemptions - provision of academic supports - report - definitions.

(1) As used in this section and in section 22-32-138.5, unless the context otherwise requires:

(a) "Child placement agency" has the same meaning as provided in section 19-1-103.

(b) "County department" has the same meaning as provided in section 19-1-103.

(c) "Department of education" means the department of education created in section 24-1-115.

(d) "Department of human services" or "state department of human services" means the state department of human services created and existing pursuant to section 24-1-120.

(d.5) "Division of youth services placement" means a secure facility or contract community residential program of the division of youth services in the state department of human services.

(e) "Education provider" means a school, school district, the state charter school institute, or a board of cooperative services that operates a school.

(f) "School" means a public school of a school district, a school operated by a board of cooperative services pursuant to article 5 of this title 22, an institute charter school authorized pursuant to part 5 of article 30.5 of this title 22, a state-licensed day treatment facility, or an approved facility school as defined in section 22-2-402 (1).

(g) "School of origin" means the school in which a student was enrolled at the time of each placement into foster care. If the student's foster care placement changes, the school of origin is the school in which the student is enrolled at the time of the change in placement. If the student is enrolled in a facility school, including residential child care facilities and secure detention facilities, and the student will no longer be enrolled in the facility school, the school of origin is the last school the student attended within the previous two years for at least one complete semester or term prior to entering the facility school or another school where the student had a meaningful connection within the previous two years. "School of origin" includes the designated receiving school at the next grade level for feeder school or zone patterns when the student completes the final grade level served by the school of origin. When there is more than one potential school of origin, the student's input must be given strong consideration in determining which school to designate as the school of origin.

(h) "Student in out-of-home placement" means a child or youth who at any time during an academic semester or term is in foster care, as that term is defined in section 19-1-103, including but not limited to any child or youth who is in placement outside of the home at any time during an academic semester or term as a result of an adjudication pursuant to article 2.5 of title 19. "Student in out-of-home placement" includes a child or youth who transfers enrollment as a result of being returned to the child's or youth's home at the conclusion of out-of-home placement.

(1.5) Department of education foster care education coordinator - creation and duties. Subject to available appropriations, the department of education shall hire a full-time foster care education coordinator who has the following duties beginning in the 2019-20 fiscal year:

(a) (I) Providing training and professional development to address needs associated with implementation of state and federal mandates relating to foster care education.

(II) At a minimum, on an annual basis, the department of education shall provide professional development opportunities for:

(A) Local education agency personnel, including local child welfare education liaisons, to assist in identifying and ensuring the educational rights and legal requirements of children and youth in foster care, as specified in the federal "Fostering Connections to Success and Increasing Adoptions Act of 2008", Pub.L. 110-351, as amended; the federal "Elementary and Secondary Education Act of 1965" (ESEA), 20 U.S.C. sec. 6301 et seq., as amended; and this section. Participation in this training is mandatory for new child welfare education liaisons and must be taken at least once every two years after the initial training.

(B) Relevant county personnel, including county caseworkers, to assist in identifying and ensuring the educational rights and legal requirements of children and youth in foster care, as specified in the federal "Fostering Connections to Success and Increasing Adoptions Act of 2008", Pub.L. 110-351, as amended; the federal "Elementary and Secondary Education Act of 1965" (ESEA), 20 U.S.C. sec. 6301 et seq., as amended; and this section. Participation in this training is mandatory for new county caseworkers and must be taken at least once every two years.

(b) Collecting and disseminating child welfare education liaison contact information on the department of education's website;

(c) Coordinating with the department of human services and other agencies, as necessary, including to ensure that data is shared in accordance with subsection (9) of this section;

(d) Providing technical assistance to education providers for removing barriers to graduation pursuant to subsection (5) of this section;

(e) Serving as a point of contact to review compliance of education providers; and

(f) Acting as a liaison in coordination with the department of human services to review complaints related to disputes over transportation agreements between school districts and the state charter school institute and county departments.

(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 all district schools or for all 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 website and providing the information to the department of human services.

(b) The child welfare education liaison is responsible for working with child placement agencies, county departments, and the state department of human services to facilitate services to maintain students in out-of-home placement in their schools of origin or, if the county department determines that it is not in the students' best interests to remain in the school of origin, 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 child welfare education liaison's specific duties include but need not be limited to:

(I) Responding to a county department request for input from an education provider concerning the determination of whether it is in the best interest of the student in out-of-home placement to remain in the school of origin;

(II) Collaborating with the county department to ensure that any necessary transportation and services are provided for the student in out-of-home placement to remain in the student's school of origin;

(III) If a county department determines that it is not in the student's best interest to remain in the school of origin, working with county departments, juvenile probation officers, parents, guardian ad litem or counsel for youth, and foster care parents to ensure that the student is enrolled in a new school immediately with transition planning, and that the student's complete education information and records are requested immediately by the student's new school upon enrollment;

(IV) 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 from a state-licensed day treatment facility, facility school, or hospital, or having his or her designee participate in the meeting;

(V) Participating, or having the liaison's designee participate, in any interagency collaboration teams or threat-assessment teams centered on students in out-of-home placement, which teams the education provider may develop or on which teams the education provider may be invited to participate;

(VI) 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; and

(VII) Providing students in out-of-home placement with information about the financial assistance described in section 23-3.3-1401.

(c) Notwithstanding the provisions of subsection (2)(a) of this section, a board of cooperative services created pursuant to article 5 of this title 22 may designate an employee of the board to act as the child welfare education liaison for the school districts that are members of the board of cooperative services. A child welfare education liaison employed by a board of cooperative services has the duties specified in this subsection (2) and shall perform them on behalf of the school districts that are members of the board of cooperative services.

(3) (a) If a student in out-of-home placement is enrolled in one school and transfers enrollment to another school either in the same education provider or in another education provider, the sending education provider shall transfer the student's education information and records to the receiving school as soon as possible but not to exceed five school days after receiving a transfer request.

(b) Notwithstanding any provision of law to the contrary, without having to obtain a court order, the county department that has legal custody of a student in out-of-home placement may request that the education provider in which the student was enrolled release the student's education information and records to an employee of the county department. The education provider may comply with the requirements of subsection (3)(a) of this section by complying with the county department's request as soon as possible but not to exceed five school days after receiving the request.

(c) A school district or school shall not delay the transfer of the education information and records of a student in out-of-home placement for any reason, including but not limited to the existence of any unpaid fines or fees that the student may have outstanding at the school from which the student is transferring.

(d) If an education provider receives a transfer request pursuant to subsection (3)(a) of this section or a request for release of records pursuant to subsection (3)(b) of this section and the request involves a student who is receiving special education services pursuant to an individualized education program, the education provider shall notify the special education director for the education provider of the request as soon as possible following receipt of the request.

(4) (a) Notwithstanding any provision of law, other than subsection (4)(b) of this section, to the contrary, if a student who is in out-of-home placement is required to change schools, the education provider shall enroll the student in school immediately, regardless of whether:

(I) The education provider has received the student's educational information and records, including the certificate of immunization;

(II) The student can comply with any requirements pertaining to the use of school uniforms or other clothing restrictions; or

(III) The student can comply with any other preenrollment restrictions or requirements

imposed by the school district or school.

(b) The provisions of paragraph (a) of this subsection (4) shall not be construed to prohibit a school district or school from denying enrollment to a student in out-of-home placement based on the circumstances specified in section 22-33-106 (2) and (3); except that the school district or school:

(I) May deny enrollment based on the student having been expelled from a school district in the preceding twelve months as provided in section 22-33-106 (3)(c) only if the student was expelled for having drugs or weapons at school or for being a danger to self or others; and

(II) May not deny enrollment based on failure to comply with the provisions of part 9 of article 4 of title 25, C.R.S., as provided in section 22-33-106 (3)(e).

(c) If an education provider enrolls a student in out-of-home placement without receiving the student's certificate of immunization, the education provider shall notify the county department that, unless the education provider receives the student's certificate of immunization or a written authorization for administration of immunizations within fourteen days after the student enrolls, the education provider shall suspend the student until such time as the education provider receives the certificate of immunization or the authorization.

(5) (a) When a student in out-of-home placement transfers from one school to another school or from a division of youth services placement to a school, the sending education provider or division of youth services placement shall certify to the receiving education provider the course work that the student has fully or partially completed while enrolled in the education provider. The receiving education provider shall accept the student's certified course work and the course work certified by previous education providers and division of youth services placements in which the student was enrolled, as reflected in the student's records, for comparable course credit, as if it had been completed at the receiving education provider. The receiving education provider shall apply all of the student's certified course work toward completion of the student's requirements for grade level promotion at the receiving education provider or for graduation from the receiving education provider if the student is enrolled in twelfth grade.

(b) When a student experiences out-of-home placement at any point during high school, an education provider may waive course or program prerequisites or other preconditions for placement in courses or programs under the jurisdiction of the education provider.

(c) An education provider may waive specific courses required for graduation if similar course work has been satisfactorily completed in another jurisdiction or the student has demonstrated competency in the content area. If the receiving school does not grant a waiver to a child who would qualify to graduate from the sending school, the education provider is encouraged to provide an alternative means of acquiring the required course work or competency requirements so that timely graduation may occur. The receiving education provider awarding the diploma may award elective credit for any portion of the student's certified course work that

is not aligned with core academic course descriptions of the receiving education provider or for demonstrated competencies that are not aligned with the receiving education provider.

(d) If a student in out-of-home placement who is transferring at the beginning of or during twelfth grade is ineligible to graduate from the receiving education provider, the education provider may request a diploma from a previously attended education provider, and the previously attended education provider may issue a diploma if the student meets the education provider's graduation requirements.

(6) A student in out-of-home placement shall receive an excused absence from the school district or school in which the student is enrolled for any time the student is out of school due to a required court appearance or participation in court-ordered activities, including but not limited to family visitation or therapy. The social worker who is assigned to the student shall verify to the school district or school each instance in which the student is out of school for a court appearance or for participation in a court-ordered activity.

(7) An education provider in which a student in out-of-home placement is enrolled shall waive all fees that would otherwise be assessed against the student, including but not limited to any general fees, fees for books, fees for lab work, fees for participation in in-school or extracurricular activities, and fees for before-school or after-school programs. The education provider shall not limit the opportunity of a student in out-of-home placement to participate in in-school and extracurricular activities and before-school and after-school programs due to waiver of the participation fees.

(8) A school district or school in which a student in out-of-home placement is enrolled shall provide a foster parent with access to education records and reports for a student who resides in the foster parent's home, including information and records available online. The foster parent shall maintain the confidentiality of any information obtained pursuant to this subsection (8).

(9) (a) The department of education and the department of human services shall enter into a data-sharing agreement that ensures that individual data relevant to students in out-of-home placement is shared at the state level for identification of students in out-of-home placement enrolled in Colorado schools, tracking outcomes related to student success and educational attainment, and strengthening local service delivery to support educational attainment.

(b) The department of education shall identify specific, measurable goals for its foster care education initiative, including annual improvement in:

(I) The number and percentage of core content area classes that students in grades six through twelve in out-of-home placement complete during each school year;

(II) The percentage of students in out-of-home placement who advance to the next grade level after each school year;

(III) The percentage of students in out-of-home placement who graduate or complete high

school; and

(IV) The percentage of students in out-of-home placement who engage in postsecondary and workforce readiness pathways, as described in section 22-11-204 (4).

(c) (I) On or before February 1, 2023, and on or before each February 1 thereafter, the department of education shall publish a report on its website and submit the report to the legislative audit committee of the general assembly, the health and human services and education committees of the senate, the public and behavioral health and human services and education committees of the house of representatives, or any successor committees. At a minimum, the report must contain the following data for each of the preceding three school years for students in out-of-home placement and enrolled in a public school:

(A) The number of students in out-of-home placement and number of students in the general student population;

(B) Quantified results related to each foster care education initiative goal identified in subsection (9)(b) of this section;

(C) The total number and proportion of students in out-of-home placement compared to the general student population who were enrolled in one school, two schools, three schools, or more than three schools during each school year;

(D) The rates of attendance and being habitually truant, as defined in section 22-33-102 (3.5), for students in out-of-home placement compared to the general student population;

(E) The dropout rates of students in out-of-home placement compared to the general student population by individual grade level for grades seven through twelve;

(F) The number and percentage of students in out-of-home placement who re-enrolled in school after dropping out compared to the general student population;

(G) The number and percentage of students in out-of-home placement who graduated or completed high school in four years compared to the general student population; and

(H) The number and percentage of students in out-of-home placement who took more than four years to graduate or complete high school compared to the general student population.

(II) Notwithstanding section 24-1-136 (11)(a)(I), the requirement to submit the report described in this subsection (9)(c) continues indefinitely.

(10) (a) School districts and the state charter school institute shall coordinate with county departments to establish systems-level plans for how necessary transportation to the school of origin is provided, arranged, and funded for the duration of a child's or youth's time as a student in out-of-home placement, including the equitable allocation of costs. Transportation plans described in this subsection (10) may be established between individual entities or by region, and

a board of cooperative services may establish a transportation plan with one or more county departments on behalf of its school district members.

(b) State and local agencies shall use standardized forms and invoices approved by both the department of education and the state department of human services to bill for transportation provided pursuant to this section.

Source: L. 2008: Entire section added, p. 468, § 2, effective April 17. **L. 2009:** (1)(c) amended, (SB 09-292), ch. 369, p. 1963, § 62, effective August 5. **L. 2010:** (2)(a) amended, (HB 10-1274), ch. 271, p. 1248, § 3, effective May 25. **L. 2018:** (8) added, (HB 18-1348), ch. 325, p. 1961, § 2, effective May 30; (1) R&RE, (1.5), (9), and (10) added, and (2), (3)(a), (3)(b), (3)(d), IP(4)(a), (4)(a)(I), (4)(c), (5), and (7) amended, (HB 18-1306), ch. 364, p. 2173, § 2, effective August 8; (1)(d.5) added and (5) amended, (SB 18-213), ch. 301, p. 1827, § 1, effective August 8. **L. 2021:** (1)(h) and (10) amended, (SB 21-117), ch. 56, p. 230, § 1, effective April 26; (1)(a), (1)(b), and (1)(h) amended, (SB 21-059), ch. 136, p. 738, § 95, effective October 1. **L. 2022:** (2)(b)(V) and (2)(b)(VI) amended and (2)(b)(VII) added, (SB 22-008), ch. 226, p. 1678, § 2, effective May 26; (1.5)(a), (1.5)(c), and (9) amended, (HB 22-1374), ch. 273, p. 1968, § 2, effective May 31; IP(2)(b) and (2)(b)(III) amended, (HB 22-1038), ch. 92, p. 444, § 33, effective January 9, 2023.

22-32-138.5. Educational stability grant program - application - grants - fund created - rules - report - definition.

(1) There is created within the department of education the educational stability grant program, referred to in this section as the "grant program", to provide grant money to education providers to use in providing academic and social-emotional services and supports to highly mobile students. Subject to available appropriations, commencing with the 2019-20 fiscal year, the state board of education shall award educational stability grants to preschool, elementary, and secondary education providers from money appropriated from the educational stability grant program fund created in subsection (4) of this section.

(2) The state board of education shall adopt rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, for implementation of the grant program. At a minimum, the rules must include:

- (a) Timelines and procedures by which an education provider may apply for a grant;
- (b) The information to be included on grant applications, including at a minimum:

(I) The number of highly mobile students the education provider served in the previous school year, which shall include children or youth who at any time during the academic year were homeless, as defined in section 22-1-102.5; were in noncertified kinship care, as defined in section 19-1-103; were students in out-of-home placement, as defined in section 22-32-138; or were migrant children, as defined in section 22-23-103;

(II) A description of services to be provided through the grant, including a description of innovative practices to address barriers for students;

(III) A description of the need for the services to be provided through the grant;

(IV) An estimated cost to provide services through the grant;

(V) Criteria for measurement of the effectiveness of services provided through the grant;

(VI) A description of the education provider's existing policies and practices relating to the transfer of student records between education providers;

(VII) The education provider's collaboration with county departments to make best-interest determinations and to provide transportation, when needed;

(VIII) The provision of services for students who receive special education services;

(IX) Access to extracurricular activities for students who receive special education services;

(X) Transition practices relating to school moves for students; and

(XI) (A) Engagement in academic supports, such as work-based learning.

(B) As used in this subsection (2)(b)(XI), "work-based learning" has the same meaning as set forth in section 8-83-601 (15).

(3) Each education provider that seeks a grant pursuant to this section must submit an application to the department of education in accordance with the rules adopted by the state board of education. The department of education shall review the grant applications received and recommend grant recipients and grant amounts to the state board. The state board shall annually award grants through the grant program after considering the department's recommendations.

(4) (a) The educational stability grant program fund, referred to in this section as the "fund", is created in the state treasury. The fund consists of any money credited to the fund pursuant to subsection (4)(b) of this section and any money that the general assembly may appropriate or transfer to the fund, including money from the marijuana tax cash fund created in section 39-28.8-501. Subject to annual appropriation by the general assembly, the department of education may expend money from the fund for the purposes of this section.

(b) The department of education may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this section. The department of education shall transmit all money received through gifts, grants, or donations to the state treasurer, who shall credit the money to the fund.

(c) The department of education may expend money annually appropriated from the fund for reasonable and necessary administrative expenses incurred in implementing this section and in

evaluating and providing technical assistance to education providers that receive grants pursuant to this section.

(d) Any money in the fund not expended for the purposes of this section may be invested by the state treasurer as provided by law. The state treasurer shall credit all interest and income derived from the deposit and investment of money in the fund to the fund.

(e) The department of education is encouraged to direct to the fund any federal money received by the department that may be used for the purposes specified in this section.

(5) (a) On or before March 31, 2019, and on or before March 31 each year thereafter, the department of education shall evaluate the educational stability services provided by each education provider that received a grant pursuant to this section in the preceding fiscal year; except that the department of education need not provide an evaluation for any fiscal year in which grants were not awarded. At a minimum, the department of education shall review:

(I) The outcomes and effectiveness of the services provided as measured by the demonstrated degree of educational stability;

(II) The improvement in school attendance;

(III) The reduction in behavioral and discipline incidents;

(IV) The increase in grade-level promotion;

(V) The reduction in the dropout rate; and

(VI) The increase in the graduation and completion rates for the grant recipients' schools.

(b) (I) The department of education shall report the evaluation results to the education committees of the senate and of the house of representatives, or any successor committees, in conjunction with the report submitted pursuant to section 22-14-111.

(II) Notwithstanding the provisions of section 24-1-136 (11)(a)(I), the report required pursuant to subsection (5)(b)(I) of this section continues indefinitely.

Source: L. 2018: Entire section added, (HB 18-1306), ch. 364, p. 2178, § 3, effective August 8. **L. 2022:** IP(2), (2)(b)(II), (2)(b)(VIII), (2)(b)(IX), and (2)(b)(X) amended and (2)(b)(XI) added, (SB 22-140), ch. 357, p. 2563, § 11, effective July 1.

22-32-139. Food allergies and anaphylaxis policy required.

On or before July 1, 2010, each school district board of education shall adopt and implement a policy for the management of food allergies and anaphylaxis among students enrolled in the public schools of the school district. The policy shall include, at a minimum, measures that satisfy the rules promulgated by the state board of education pursuant to section 22-2-135.

Source: L. 2009: Entire section added, (SB 09-226), ch. 245, p. 1106, § 5, effective August 5.

22-32-140. Standardized immunization policy required.

On or before July 1, 2011, each school district board of education shall annually provide to the parent or legal guardian of each student enrolled in a school of the school district the standardized immunization document developed and updated by the department of public health and environment pursuant to section 25-4-902 (4), C.R.S. For purposes of this section, solely posting a copy of the standardized immunization document on a website or in a central area of the school is not sufficient to satisfy the notice requirements of this section; however, each school district is encouraged to post a copy of the standardized immunization document on its website.

Source: L. 2010: Entire section added, (SB 10-056), ch. 50, p. 192, § 3, effective August 11; entire section amended, (HB 10-1422), ch. 419, p. 2126, § 190, effective August 11.

22-32-141. Student awaiting trial as adult - educational services - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Federal IDEA act" means the federal "Individuals with Disabilities Education Act", 20 U.S.C. 1400 et seq., and the federal regulations for implementing said act regarding the provision of special education and related services to students with disabilities.

(b) "Juvenile" means a person:

(I) Against whom criminal charges are directly filed in district court pursuant to section 19-2.5-801 or for whom criminal charges are transferred to district court pursuant to section 19-2.5-802;

(II) Who is under eighteen years of age at the time the offense is committed; and

(III) Who is less than twenty-one years of age.

(c) "Pupil enrollment count day" has the same meaning as set forth in section 22-54-103 (10.5).

(2) (a) Except as set forth in subsections (2)(c) to (2)(g) of this section, if a juvenile is held in a jail or other facility for the detention of adult offenders pending criminal proceedings as an adult, the school district in which the jail or facility is located shall provide educational services for the juvenile upon request of the official in charge of the jail or facility, or the official's designee, pursuant to section 19-2.5-305 (4)(c)(I). A school district may provide educational services directly using one or more of its employees or may ensure that educational services are

provided through a board of cooperative services, an administrative unit, or otherwise through contract with a person or entity.

(b) In addition to meeting the requirements specified in this section, for each juvenile in a jail or facility who is a student with disabilities, the school district shall comply with any applicable provisions of the federal IDEA act.

(c) A school district is not required to provide educational services pursuant to this section to a juvenile if the juvenile has already graduated from high school or if the juvenile received a general education development certificate, unless otherwise required by the federal IDEA act.

(d) A school district is not required to provide educational services pursuant to this section to a juvenile for more than four hours per week or during periods of the school year when students enrolled in the school district are not required to attend school, except as may otherwise be required by the federal IDEA act.

(e) If a school district or the official in charge of the jail or facility determines pursuant to section 19-2.5-305 (4)(c)(II) that an appropriate and safe environment for school district employees or contractors is not available in which to provide educational services to a specific juvenile, the school district is exempt from the requirement of providing educational services to the juvenile until such time as both the school district and the official in charge of the jail or facility determine that an appropriate and safe environment for school district employees or contractors is available. If the school district will not be providing educational services to a juvenile because of the lack of an appropriate and safe environment for school district employees or contractors, the official in charge of the jail or facility shall notify the juvenile, the juvenile's parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.

(f) If a juvenile is violent toward or physically injures the school district employee or contractor who is providing educational services to the juvenile pursuant to this section, the school district shall not require the employee or contractor to continue providing educational services to the juvenile, and the school district may choose to cease providing educational services to the juvenile, unless otherwise required by the federal IDEA act. If a school district ceases to provide educational services to a juvenile pursuant to this paragraph (f), the school district shall notify the official in charge of the jail or facility, and the official shall notify the juvenile, the juvenile's parent or legal guardian, the juvenile's defense attorney, and the court having jurisdiction over the juvenile's case.

(g) If a juvenile refuses to accept or participate in educational services, including special education services, a school district shall not be required to provide educational services pursuant to this section. The official in charge of the jail or facility in which the juvenile is held shall offer, at least weekly, to arrange educational services for a juvenile who previously refused educational services. The school district shall be required to provide educational services pursuant to this section upon acceptance by the juvenile.

(3) (a) Each school district in which a jail or other facility for the detention of adult offenders is located shall designate a school district employee to act as the contact person for the jail or facility, which employee may be the child welfare education liaison designated pursuant to section 22-32-138 (2). The school district shall provide to the jail or facility the employee's name and contact information.

(b) Following a request for educational services pursuant to subsection (2) of this section, the designated employee shall determine whether the juvenile was held in a juvenile detention facility prior to transfer to the jail or facility and, if so, shall contact the juvenile detention facility to request the transfer of any educational or other information the juvenile facility may have concerning the juvenile. The designated employee shall ensure that the juvenile receives educational services pursuant to this section so long as the juvenile is held in the jail or facility, unless the designated employee determines that the juvenile meets the conditions specified in paragraph (c) of subsection (2) of this section, or the school district is exempt as provided in paragraph (e) or (f) of subsection (2) of this section, or the juvenile refuses services as provided in paragraph (g) of subsection (2) of this section.

(4) (a) In any budget year in which a school district is providing educational services to a juvenile pursuant to this section on the pupil enrollment count day of the budget year, the school district may include the juvenile in its pupil enrollment, as defined in section 22-54-103 (10), for purposes of determining the school district's total program funding under the "Public School Finance Act of 2025", article 54 of this title 22.

(b) If the school district begins providing educational services pursuant to this section after the pupil enrollment count day, the school district may seek reimbursement for the costs incurred pursuant to this section from the school district or charter school that included said juvenile in its pupil enrollment for the applicable budget year. Any amount received as reimbursement may not exceed the reimbursing school district's or charter school's per pupil revenue for the applicable budget year, prorated for the period of time that the receiving school district provides educational services pursuant to this section.

(c) If a juvenile who receives educational services pursuant to this section was not included in the pupil enrollment for the state for a budget year in which a school district provides educational services for the juvenile, the school district may seek reimbursement from the department of education for the costs incurred pursuant to this section. Any amount received as reimbursement may not exceed the state average per pupil revenue for the applicable budget year, prorated for the period that the receiving school district provides educational services pursuant to this section. The department of education shall pay reimbursement pursuant to this paragraph (c) from moneys appropriated to the department for said purpose.

(d) (I) In addition to any money received pursuant to subsection (4)(a), (4)(b), or (4)(c) of this section, a school district that provides educational services pursuant to this section shall receive from the department of education an amount equal to the daily rate established pursuant

to section 22-54-129 for educational services provided by state programs, as defined in section 22-54-129, multiplied by the number of days, excluding Saturdays and Sundays, that the juvenile is held in a jail or facility, if the juvenile is receiving at least four hours of educational services per week.

(II) On or before the fifteenth day of each month in which a juvenile is held in a jail or facility, the official in charge of the jail or facility in which a juvenile is held, or his or her designee, shall report to the department of education in a manner to be determined by the department, the actual number of juveniles who received educational services at the jail or facility during the prior calendar month to whom the school district provided educational services at the jail or facility. The department of education may accept amended monthly reports from the jail or facility prior to making the distribution of funding for the applicable month pursuant to subparagraph (III) of this paragraph (d).

(III) On or before the fifteenth day of the month following the month in which a jail or facility reported the number of juveniles who received educational services at the jail or facility, the department of education shall pay the school district that provided the educational services the appropriate amount based on the daily rate established for state programs pursuant to section 22-54-129 and the number of juveniles who received educational services.

(IV) In each applicable budget year, the general assembly shall appropriate to the department of education the amount required to reimburse school districts pursuant to this paragraph (d) for educational services provided pursuant to this section. In any year in which the amount appropriated is insufficient to fully reimburse school districts pursuant to this section, the department of education may prorate the payments made pursuant to this paragraph (d).

(V) Notwithstanding any provision of this paragraph (d) to the contrary, a school district shall not receive reimbursement pursuant to this paragraph (d) for any period during which the school district was not providing educational services due to the circumstances described in any of paragraphs (c) to (g) of subsection (2) of this section. The official in charge of the jail or facility, or his or her designee, shall note any such period in the report submitted to the department of education pursuant to subparagraph (II) of this paragraph (d), and the department shall reduce the amount of reimbursement to the school district accordingly.

(e) In addition to any moneys received pursuant to paragraph (a), (b), (c), or (d) of this subsection (4), a school district or administrative unit that provides special education services pursuant to this section to a juvenile who has an individualized education program pursuant to section 22-20-108 may seek excess costs tuition from the juvenile's administrative unit of residence as provided in section 22-20-109.

Source: L. 2010: Entire section added, (SB 10-054), ch. 265, p. 1208, § 1, effective May 25. L. 2012: (4)(a) and (4)(b) amended and (1)(c) added, (HB 12-1090), ch. 44, p. 152, § 12, effective March 22. L. 2019: (2)(a) and (2)(e) amended, (SB 19-108), ch. 294, p. 2729, § 28, effective July 1. L. 2021: (1)(b)(I), (2)(a), and (2)(e) amended, (SB 21-059), ch. 136, p. 739, § 96,

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effective October 1. **L. 2024:** (4)(a) amended, (HB 24-1448), ch. 236, p. 1532, § 43, effective May 23; (4)(d)(I) and (4)(d)(III) amended, (SB 24-188), ch. 235, p. 1476, § 15, effective May 23.

22-32-142. Parent engagement - policy - communications - incentives.

(1) (a) Each school district board of education shall adopt a district policy for increasing and supporting parent engagement in the public schools, including charter schools, of the school district. In adopting the policy, the board of education may take into account, but need not be limited to, the best practices and strategies identified pursuant to section 22-7-304 by the Colorado state advisory council for parent involvement in education and the national standards for family-school partnerships, as defined in section 22-7-302 (5). The board of education shall work with the parent members of the district accountability committee in creating, adopting, and implementing the policy.

(b) As part of the district parent engagement policy, a district is encouraged to provide training concerning best practices and skills for district and school personnel in working with parents.

(c) Each school district shall identify an employee of the district to act as the point of contact for parent engagement training and resources. The identified person shall also serve as the liaison between the district, the district accountability committee, the Colorado state advisory council for parent involvement in education, and the department of education and shall facilitate the district's efforts to increase parent involvement within the district. The school district shall submit to the department of education the name of the identified employee.

(d) Notwithstanding any provision of this subsection (1) to the contrary, a school district is not required to comply with the requirements specified in this subsection (1) if the department of education determines that the school district is rural, based on the geographic size of the school district and the distance of the school district from the nearest large, urbanized area, and the school district enrolls fewer than one thousand students in kindergarten through twelfth grade.

(2) (a) If the state board of education, pursuant to section 22-11-210, determines that a school of the school district is required to adopt and implement a school priority improvement plan as described in section 22-11-405 or a school turnaround plan as described in section 22-11-406, the school district, within thirty days after receiving the initial notice of the determination or, if the determination is appealed, the final notice of the determination, shall notify the parents of the students enrolled in the school of the required plan and the issues identified by the department of education as giving rise to the need for the required plan. The notice shall also include the timeline for developing and adopting the required plan and the dates, times, and locations of the public meeting described in paragraph (b) of this subsection (2) and the public hearing described in paragraph (c) of this subsection (2).

(b) The school accountability committee shall hold a public meeting to solicit input from parents concerning the contents of the required plan before the plan is written. At the school accountability committee's public meeting, the school principal shall review the school's progress in implementing its plan for the preceding year and in improving its performance.

(c) The school district board of education shall hold a public hearing after the plan is written to review the required plan prior to final adoption. The date of the public hearing shall be at least thirty days after the date on which the school district provides the written notice. A member of the school accountability committee is encouraged to attend the public hearing.

(3) Each school district board of education may solicit and accept public or private gifts, grants, or donations to implement all or a portion of the parent involvement programs implemented under a policy adopted pursuant to this section.

Source: L. 2011: Entire section added, (HB 11-1126), ch. 118, p. 368, § 1, effective August 10. **L. 2013:** (1) and (2) amended, (SB 13-193), ch. 355, p. 2075, § 8, effective May 28. **L. 2015:** (1)(d) added, (HB 15-1321), ch. 217, p. 797, § 1, effective May 22.

22-32-143. Local fiscal impact summaries.

(1) If a bill is introduced before the general assembly that imposes upon a school district, school district board of education, or board of cooperative services any new mandate or increase in the level of service for an existing mandate beyond the existing level of service required by law, other than for the repurposing of existing time or resources, each school district, school district board of education, or board of cooperative services that is affected by the new mandate or increase shall have seven days after the date of the bill's introduction to prepare and submit to the director of research of the legislative council of the general assembly, or his or her designee, a brief summary of the fiscal impact of the new mandate or increase upon the budget of the school district or school district board of education.

(2) If the director of research of the legislative council of the general assembly, or his or her designee, prepares an analysis of the fiscal impact of an introduced bill that imposes upon a school district, school district board of education, or board of cooperative services a new mandate or increase in the level of service for an existing state mandate beyond the existing level of service required by law, other than for the repurposing of existing time or resources, and a school district, school district board of education, or board of cooperative services that will be affected by the bill submits to the director of research of the legislative council of the general assembly, or his or her designee, a brief summary of the fiscal impact of the new mandate or increase upon the budget of the school district, school district board of education, or board of cooperative services, then the director of research of the legislative council, or his or her designee, shall include the brief summary with his or her analysis.

Source: L. 2011: Entire section added, (HB 11-1277), ch. 306, p. 1472, § 1, effective August 10.

22-32-144. Restorative justice practices - legislative declaration.

(1) The general assembly hereby finds that:

(a) Conflicts and offenses arising during the school day interrupt learning, threaten school safety, and often lead to suspensions, expulsions, and an increase in the likelihood of a student dropping out of school;

(b) Students who drop out of high school face diminished job opportunities, lower lifetime earnings, and increased unemployment and more often require public assistance. They are more likely to participate in criminal activity, resulting in higher incarceration rates, and they face much greater challenges to becoming productive, contributing members of their communities.

(c) School conflicts can result in offenses that violate school rules and local laws and damage relationships among members of the school and surrounding community;

(d) Restorative justice, which requires the offender to accept responsibility and accountability for his or her actions, teaches conflict resolution, repairs the harm from the offense, reduces classroom disruptions, suspensions, expulsions, and consequent dropouts, promotes school safety, and enables victims, offenders, and community members to rebuild the community and restore relationships; and

(e) The general assembly has a vital interest in reducing classroom disruptions, suspensions, expulsions, and dropout rates and in assisting victims, reducing referrals to the justice system, and building safer, more cohesive school communities to promote learning.

(2) (a) Therefore, the general assembly supports and encourages the use of restorative justice as a school's first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, harassment and internet harassment, and attendance issues.

(b) The general assembly encourages each school district to implement training and education in the principles and practices of restorative justice to ensure that capable personnel and resources are available to successfully facilitate all steps of the restorative justice process.

(3) For purposes of this section, "restorative justice" means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. Restorative justice practices may include victim-initiated victim-offender conferences attended voluntarily by the victim, a victim advocate, the offender, school members, and supporters of the victim and the offender, which program provides an opportunity for the offender to accept responsibility for the harm caused to those affected by the act and to participate in setting

consequences to repair the harm. Consequences recommended by the participants may include, but need not be limited to, apologies, community service, restitution, restoration, and counseling. The selected consequences shall be incorporated into an agreement that sets time limits for completion of the consequences and is signed by all participants.

(4) Each school district is encouraged to develop and utilize restorative justice practices that are part of the disciplinary program of each school in the district.

Source: L. 2011: Entire section added, (HB 11-1032), ch. 296, p. 1407, § 17, effective August 10.

22-32-145. Native American language and culture instruction - general credit.

A school district board of education may adopt a policy to grant general education or world language credit for the successful completion of Native American language course work for languages of federally recognized tribes. A person instructing a Native American language course shall meet the requirements set forth in section 22-60.5-111 (15).

Source: L. 2012: Entire section added, (SB 12-057), ch. 120, p. 409, § 2, effective August 8.

22-32-146. School use of on-site peace officers as school resource officers.

(1) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event arrests a student of the school, the officer shall notify the principal of the school or his or her designee of the arrest within twenty-four hours after the arrest.

(2) If a school resource officer or other law enforcement officer acting in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event issues a summons, ticket, or other notice requiring the appearance of a student of the school in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event, the officer shall notify the principal of the school or his or her designee of the issuance of the summons, ticket, or other notice within ten days after the issuance of the summons, ticket, or other notice.

(3) A school resource officer shall be familiar with the provisions of the conduct and discipline code of the school to which he or she is assigned.

(4) Commencing August 1, 2013, and continuing through August 1, 2014, each law enforcement agency employing or contracting with any law enforcement officer who is acting or has acted in his or her official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice created in section 24-33.5-502, C.R.S., in aggregate form without personal identifying information, data about the

cases handled by the agency on school grounds, in a school vehicle, or at a school activity or sanctioned event. Failure to submit a timely report to the division of criminal justice pursuant to this subsection (4) does not relieve a law enforcement agency of its responsibility to file the report required by this subsection (4). A law enforcement agency that has failed to file a timely report shall file all such reports with the division of criminal justice no later than August 15, 2015. Each such report must include, at a minimum, the following information:

(a) The number of students investigated by the officer for delinquent offenses, including the number of students investigated for each type of delinquent offense for which the officer investigated at least one student;

(b) The number of students arrested by the officer, including the offense for which each such arrest was made;

(c) The number of summonses or tickets issued by the officer to students; and

(d) The age, gender, school, and race or ethnicity of each student whom the officer arrested or to whom the officer issued a summons, ticket, or other notice requiring the appearance of the student in court or at a police station for investigation relating to an offense allegedly committed on school grounds, in a school vehicle, or at a school activity or sanctioned event.

(5) (a) On or before August 1, 2015, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in the formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summonses, or arrests that occurred during the 2014-15 academic year, excluding incidents that occurred during the summer of 2014, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(b) Notwithstanding the provisions of section 19-1-303 (5), C.R.S., on or before August 1, 2016, and every August 1 thereafter, each law enforcement agency that is acting or has acted in its official capacity on school grounds, in a school vehicle, or at a school activity or sanctioned event shall report to the division of criminal justice, in formats developed by the division in conjunction with local law enforcement agencies, the information required pursuant to paragraph (c) of this subsection (5) that is related to all student tickets, summonses, or arrests that occurred for the previous academic year, including incidents that occurred during the previous summer months, at a public elementary school, middle or junior high school, or high school; in a school vehicle; or at a school activity or sanctioned event.

(c) For each report required pursuant to paragraph (a) or (b) of this subsection (5), the law enforcement agency shall report:

(I) The student's full name;

(II) The student's date of birth;

(III) The student's race, ethnicity, and gender;

(IV) The name of the school where the incident occurred or the name of the school that operated the vehicle or held the activity or event;

(V) The date of the arrest or taking of a student into custody;

(VI) The date of the issuance of the summons or ticket;

(VII) The arrest or incident report number as recorded by the law enforcement agency;

(VIII) The single most serious offense for which a student is arrested, issued a summons, or issued a ticket using the national crime information center (NCIC) crime code;

(IX) The type of weapon involved, if any, for offenses classified as group A offenses under the national incident-based reporting system; and

(X) The law enforcement agency's originating reporting identifier.

(d) A law enforcement agency may report the information required pursuant to this subsection (5) on a monthly, quarterly, or annual basis. The law enforcement agency shall inform the division of criminal justice of the reporting schedule it will follow.

Source: L. 2012: Entire section added, (HB 12-1345), ch. 188, p. 738, § 23, effective May 19. **L. 2015:** IP(4) amended and (5) added, (HB 15-1273), ch. 323, p. 1320, § 3, effective June 5. **L. 2016:** (5)(b) amended, (HB 16-1098), ch. 103, p. 298, § 4, effective April 15.

22-32-147. Use of restraints on students - certain restraints prohibited - reports and review process - rules - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Chemical restraint" has the same meaning as set forth in section 26-20-102 (2).

(b) "Mechanical restraint" has the same meaning as set forth in section 26-20-102 (4).

(b.7) "Physical restraint" has the same meaning as set forth in section 26-20-102 (5).

(c) "Prone position" means a face-down position.

(d) "Prone restraint" means a restraint in which the individual being restrained is secured in a prone position.

(e) "Restraint" has the same meaning as set forth in section 26-20-102 (6).

(2) Pursuant to section 26-20-111, the use of a chemical, mechanical, or prone restraint upon a student in a school or charter school of a school district or board of cooperative services is prohibited.

(3) (a) On and after August 9, 2017, each school district shall require any school employee or volunteer who uses any type of restraint on a student of the school district to submit a written report of the incident to the administration of the school not later than one school day after the incident occurred.

(b) On and after August 9, 2017, each school district shall establish a review process, conduct the review process at least annually, and document the results of each review process in writing. Each annual review process must include a review of each incident in which restraint was used on a student during the preceding year. The purpose of each annual review process is to ensure that the school district is properly administering restraint, identifying additional training needs, minimizing and preventing the use of restraint by increasing the use of positive behavior interventions, and reducing the incidence of injury to students and staff. Each annual review process must include but is not limited to:

(I) Analysis of incident reports, including consideration of procedures used during the restraint, preventative or alternative techniques attempted, documentation, and follow-up;

(II) Training needs of staff;

(III) Staff-to-student ratios; and

(IV) Environmental considerations, including physical space, student seating arrangements, and noise levels.

(b.5) If a physical restraint is more than one minute but less than five minutes, the notification requirement is a written notice to the parent on the day of the restraint. The written notice must include the date, the name of the student, and the number of restraints that day that lasted between one and five minutes.

(c) If a physical restraint is five minutes or more, the school administration shall mail, fax, or e-mail a written report of the incident to the parent or legal guardian of the student not more than five calendar days after the use of the restraint on the student. The written report must be placed in the student's confidential file and include:

(I) The antecedent of the student's behavior, if known;

(II) A description of the incident;

(III) Any efforts made to de-escalate the situation;

(IV) Any alternatives to the use of restraints that were attempted;

(V) The type and duration of the restraint used;

(VI) Any injuries that occurred; and

(VII) The staff members who were present and staff members who were involved in administering the restraint.

(d) No later than June 30, 2023, and every June 30 thereafter, each school district shall submit the data from the annual review conducted pursuant to subsection (3)(b) of this section to the department of education pursuant to section 22-1-138.

(4) On or before November 1, 2017, the state board shall promulgate rules establishing a process by which a student or a parent or legal guardian of a student may formally complain about the use of restraint or seclusion by any employee or volunteer of any school or charter school of a school district or board of cooperative services. To the extent practicable, the process must reflect the complaint process for filing a state complaint under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended.

(5) The department of education shall make training available on the "Protection of Individuals from Restraint and Seclusion Act", sections 26-20-101 to 26-20-111, and on the department of education's corresponding rules for administration of such act to individuals certified in the use of restraint.

(6) The department of education has enforcement authority over the restraint investigation decisions. This enforcement authority must follow the same procedures outlined for state complaints under the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, and the department's state-level complaint procedures.

Source: L. 2017: Entire section added, (HB 17-1276), ch. 270, p. 1488, § 4, effective August 9.
L. 2022: (1)(b.7), (3)(b.5), (3)(d), (5), and (6) added and IP(3)(c) amended, (HB 22-1376), ch. 243, p. 1803, § 6, effective May 26.

22-32-148. Food donations to nonprofit organizations encouraged.

Each school district is encouraged to donate apparently wholesome food to one or more local nonprofit organizations for distribution to needy or poor individuals.

Source: L. 2020: Entire section added, (SB 20-090), ch. 127, p. 550, § 4, effective September 14.

22-32-149. District scholarship programs - authorized.

(1) A school district board of education may establish a scholarship program for students

who receive a high school diploma from the school district or successfully complete a high school equivalency examination while enrolled in the school district. The scholarships must be funded from additional mill levy revenue that is approved pursuant to section 22-54-108; from gifts, grants, or donations that the school district receives for purposes of the scholarship program; or from a combination of both. A board of education that establishes a scholarship program is strongly encouraged to:

(a) Prioritize scholarships for students who are eligible for free or reduced-price meals pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., and students whose parents do not have a postsecondary credential, to facilitate awarding scholarships to increase graduates' access to postsecondary education; and

(b) Limit the use of scholarship money to tuition, books and supplies, and transportation.

Source: L. 2021: Entire section added, (HB 21-1112), ch. 154, p. 879, § 1, effective May 18.

22-32-150. Contracting for facial recognition service by schools prohibited - definition - repeal.

(1) Except as described in subsection (2) of this section, a school district or a school or a charter school of a school district shall not execute a contract with any vendor for the purchase of, or for services related to, any facial recognition service.

(2) The prohibition described in subsection (1) of this section does not apply to:

(a) A contract that was executed before August 10, 2022, including such a contract that is renewed after August 10, 2022; or

(b) A contract for the purchase of, or for services related to, a generally available consumer product, including a tablet or smartphone, that allows for the analysis of facial features in order to facilitate the user's ability to manage an address book or still or video images for personal or household use.

(3) As used in this section, "facial recognition service" has the meaning set forth in section 24-18-301 (5).

(4) This section is repealed, effective July 1, 2025.

Source: L. 2022: Entire section added, (SB 22-113), ch. 463, p. 3293, § 5, effective August 10.

22-32-151. Testing for the presence of lead in drinking water in eligible schools - compliance with public health requirements - repeal.

(1) Each eligible school, as defined in section 25-8-901 (4), and each charter school of a

school district that is an eligible school shall comply with the requirements of part 9 of article 8 of title 25 concerning testing of water in child care centers, family child care homes, and eligible schools.

(2) This section is repealed, effective June 30, 2026.

Source: L. 2022: Entire section added, (HB 22-1358), ch. 382, p. 2736, § 2, effective August 10.
